

## Harassment and Bullying

The Board of the School District of West Salem shall provide a work and learning environment free from all forms of harassment including incidents of sexual harassment and cyber bullying. The Board shall not tolerate any form of harassment.

### **Harassment**

For purpose of this policy, harassment and/or bullying are defined as any conscious, willful or deliberate act or attempted act, through the use of words or actions, which are intended to cause fear, intimidation or harm and therefore creates a hostile or offensive working or learning environment, or interferes with the individual's work or learning performance. It may consist of a single act or a course of conduct and involve an imbalance of power. The behavior may be motivated by an actual or perceived distinguishing characteristic, such as but not limited to: age; natural origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic or family status. Examples of acts of harassment and/or bullying include physical intimidation, force or assault, humiliation, bigoted epithets, vandalism, extortion, oral or written threats, taunting, put-down, name calling, threatening looks or gestures, false accusations, social isolation, retaliating against another student for reporting harassment or bullying, or any other behavior that substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment.

### **Sexual Harassment**

No Board member, student, volunteer or employee shall be subjected to unsolicited and unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational advancement.

Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting the individual; or

1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or learning environment.

2. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonable interfering with an individual's work or academic performance or creating an intimidating, hostile or offensive work or learning environment.

Examples of prohibited conduct include, but are not limited to: lewd or sexually suggestive comments; sexual flirtations, touching, advances or propositions; off-color language or jokes of a sexual nature; slurs and other verbal, graphic or physical conduct relating to an individual's gender; or any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos or cartoons.

### **Cyber bullying**

Any form of harassment in cyberspace commonly referred to as cyber bullying is unacceptable and viewed as a violation of this policy. Cyber bullying includes but is not limited to the following misuses of technology; harassment, teasing, intimidating threatening or terrorizing another person or group of people by sending or posting inappropriate and hurtful e-mail messages, instant or social networking site messages, text messages, digital picture or images, or website postings, including blogs or any other messages via cyberspace. For purposes of this policy, cyberspace is defined as a global domain within the information environment consisting of the interdependent network of information technology infrastructures, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers.

In situations in which cyber bullying originated off school property or from a non-school computer or telecommunication device, but is brought to the attention of school officials any disciplinary action shall be based upon whether the conduct is determined to be severely disruptive to the educational process so that it markedly impedes the day-to-day operations of a school. Such conduct includes but is not limited to harassment, bullying or making a threat off school grounds through cyberspace that is intended to endanger the health, safety or property of others at school, a District employee or a school board member.

### **Reporting Procedures**

1. A board member who believes he/she has been subjected to any type harassment by anyone, including employees of the district, other board members and students, or is aware of harassment shall report the harassment to the Board President or his/her designee. If the board member is uncomfortable discussing the matter with the Board President or his/her designee, the board member is urged to report the harassment to any other board member.
2. A student who believes he/she has been subjected to any type of harassment by anyone or is aware of harassment shall immediately report the harassment to the building principal, a guidance counselor or any other adult employee.
3. A volunteer or employee who believes he/she has been subjected to any type of harassment by anyone, including board members, supervisors, co-workers and students, or is aware of harassment shall immediately report the harassment to the building principal, the school psychologist/ special education coordinator or school nurse. If the complaint involves someone in the volunteer's or employee's direct line of supervision or if he/she is uncomfortable discussing the matter with the designated persons, he/she is urged to report the harassment to any other supervisor.
4. Complaints shall be placed in writing, shall include the specific nature of the harassment, the corresponding dates, the name(s) of the harasser(s) and any witnesses and shall be signed by the complainant.

#### **Investigation Procedures and Guidelines**

1. The district shall provide a prompt, complete, independent and impartial investigation of the complaint. The identities of the parties involved shall be kept confidential to the extent possible.
2. The investigation shall be conducted by the district administrator or his/her designee. If the complainant is a board member, the investigation shall be conducted by the Board President or his/her designee.
3. The investigator shall thoroughly investigate the complaint, notify the person who has been accused of harassment and obtain a response to the allegation. The investigator shall prepare a written report summarizing the findings of the investigation.

4. The objectives of the investigation shall be:
  - a. To establish, if possible, whether the allegations are true.
  - b. To determine whether the alleged conduct constitutes harassment.
  - c. To determine whether remedial action is needed and, if so, to act promptly.
  - d. To maintain confidentiality to the greatest extent possible. However, there shall be no promise or guarantee of strict or absolute confidentiality.
5. The investigator shall prepare a written report which shall include:
  - a. A summary of the allegations and the accused's response;
  - b. A summary of the persons interviewed and an assessment of their credibility;
  - c. A presentation of the findings of fact;
  - d. A discussion of the conclusions; and
  - e. A discussion of the recommended remedial or other corrective action.
6. The complainant and the alleged harasser shall be advised as quickly as possible of the specific findings and conclusions of the investigation.
7. If a conclusion is reached that harassment has occurred, the harasser shall be subject to disciplinary action. If a conclusion is reached that no harassment has occurred, the alleged harasser should be informed that no disciplinary action shall occur and that no documentation of the complaint or investigation shall be placed on or in his/her record or file.
8. If the complainant wishes to appeal the investigator's decision, he/she may submit a signed statement of appeal to the district administrator or his/her designee within five

business days after receipt of the investigator's response. If the complainant is a board member, the appeal shall be submitted to the board.

9. The district administrator, designee or board shall review the investigator's report and all supporting documentation, formulate a conclusion and respond in writing within 10 business days. If the complainant is a board member, the board's decision shall be final.
10. If a complainant remains unsatisfied, he/she may submit a signed statement of appeal to the Board within five business days of his/her receipt of the response in #9 above. The board shall review the investigator's report and any supporting documentation at the next regular board meeting or within 15 business days of receipt of the appeal. A copy of the board's decision shall be sent by the board to each concerned party within 10 business days of this meeting. The board's decision shall be final.

LEGAL REF.: Sections 111.32(13) Wisconsin Statutes  
111.36; 118.13; 118.20; 120.13 (1); 120.44  
895.77(2); 947.0125; 947.013; 948.51(2)

PI 9.03 (1), Wisconsin Administrative Code  
Title VII of the Civil Rights Act of 1964  
Title IX of the Education Amendments of 1972  
Equal Employment Opportunities Commission Guidelines  
(29 C.F.R.-Part 1604.11)

CROSS REF.: 363-Acceptable Use of Computer Policy  
111 Exhibit, Discrimination Complaint Form  
443 Student Conduct Rules and Discipline Guidelines  
443.2 Student Conduct on School Buses  
443.3 Use of two way Communication Devices

APPROVED: March 25, 2003

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Policy 111 Sexual Harassment, 111-Rule Sexual Harassment  
Guidelines and Procedures, 112 Harassment, and 411.1  
Harassment and/or Bullying of Students