

FALL RIVER SCHOOL DISTRICT

BULLYING/HARASSMENT OF STUDENTS

The mission of the Fall River School District is to educate and develop all students to their highest potential. The Board of Education is committed to creating an environment that treats all students with dignity and respect, provides students with a safe physical and emotional learning environment, and promotes respect, tolerance and cooperation throughout the District. We expect all members of the educational community - students, staff, and all others involved in accomplishing our educational mission - to help create and maintain this environment.

To accomplish our mission, all students must be allowed to learn in an environment free from harassment. Bullying/Harassment and/or discrimination interferes with the overall learning environment.

Bullying/Harassment and/or discrimination is prohibited. It is the Board's intention that all incidents of bullying/harassment and/or discrimination be dealt with in a timely and appropriate manner. When appropriate, it is recommended that incidents of bullying/harassment and/or discrimination be discussed with the person who has allegedly committed the action to determine if the identified behavior(s) is founded or unfounded; making it clear that any founded behavior is offensive and unwelcome. Individuals who, upon investigation, are determined to have engaged in bullying/harassment and/or discrimination under the provision of this policy will be subject to disciplinary action. In the case of students, this action will be consistent with student discipline. In the case of others engaged in the conduct at District programs and activities, discipline may include removal and prohibition from participation in such activities or programs. The Board recognizes, however, that additional action may be necessary or appropriate. In those instances, action under the appropriate student procedures is authorized. The Board may enact further procedures to enforce this policy.

Definitions

Bullying/harassment and/or discrimination

Defined as any gesture or written, verbal, graphic or physical act (including electronically transmitted acts via the Internet, cell/smart phone, or wireless hand held device) that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as gender, race, national origin, ancestry, religion, color, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap, or by any other distinguishing characteristic.

Harassment or bullying includes aggressive or hostile behavior that is intentional and involves an imbalance of power between the bully and the bullied. The behavior is typically repeated over time.

Bullying/harassment and/or discrimination can include, but is not limited to:

1. Intimidation and/or harassment such as teasing, put-downs, cruel rumors, false accusations, hazing, name-calling, or making threats;
2. Social alienation, exclusion, and isolation such as shunning or spreading rumors;
3. Extortion;
4. Written notes, phone calls, or electronic messages that are offensive, hurtful, slanderous,

- threatening, embarrassing, intimidating, insulting, degrading, stereotyping, or annoying;
5. Verbal aggression or verbal assaults which are offensive, hurtful, slanderous, threatening, embarrassing, intimidating, insulting, degrading, stereotyping, or annoying;
 6. Nonverbal or emotional threats or intimidation;
 7. Any act, attempted act, or threat of physical aggression such as assaults on a student or attacks on a student's property;
 8. Any act which threatens or intimidates any person or group because of gender, race, religion, national origin, color, disability, sexual orientation, age, or other protected status.

“Sex-based harassment” includes both sexual harassment and gender-based harassment. The term “sexual harassment” means unwelcome conduct of a sexual nature. The term “gender-based harassment” means nonsexual harassment of a person because of the person’s sex and/or gender, including, but not limited to, harassment based on the person’s nonconformity with gender stereotypes.

Sexual harassment includes unwelcome sexual advances, unwelcome physical contact of a sexual nature, or unwelcome verbal or physical conduct of a sexual nature. "Unwelcome verbal or physical conduct of a sexual nature" includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments or the deliberate, repeated display of offensive, sexually graphic materials which are not necessary for business purposes.

Sexual harassment may include but is not limited to actions such as:

1. Unwelcome or unwanted sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact which is considered unacceptable by another or other individual(s).
2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment or educational status.
3. Verbal abuse or joking that is sexually oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are clearly unwanted and considered offensive by others; or any other tasteless, sexually oriented comments, innuendoes, gestures, or actions that offend others.
4. Engaging in any type of sexually oriented conduct that would unreasonably interfere with another's work or educational performance. This includes extending unwanted sexual attentions to someone such that personal productivity or time available to work at assigned tasks is reduced.
5. Creating a learning environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversations, suggestions, requests, demands, physical contacts, or attentions. Also, the existence or display of sexually suggestive or graphic materials including, but not limited to, photographs, magazines, and posters.
6. Unwelcome verbal or physical conduct directed at another individual because of that individual's gender, other than the conduct described above, that has the purpose or effect of substantially interfering with that individual's school performance.

Anti-Discrimination Practices

1. The District will take steps to stop any bullying/harassment and/or discrimination, eliminate the hostile environment if one has been created, and prevent recurrence of any harassment of which it becomes aware, regardless of whether a formal complaint is filed.
2. No person may be excluded from or discriminated against in admission or participation in any of the District's programs or in obtaining advantages, privileges, and/or courses of study.
3. No separate school or department will be maintained for any person.
4. The District does not discriminate on the basis of gender in the educational programs or activities which they operate.
5. Procedures apply to complaints of bullying/harassment and/or discrimination including sexual and/or gender-based harassment filed by employees, students, or third parties.
6. Any District employee, who is aware of bullying/harassment and/or discrimination, whether or not that employee is a victim of bullying/harassment and/or discrimination, has an obligation to report such bullying/harassment and/or discrimination to either the Principal or the District Administrator.
7. A student who believes s/he has been subjected to bullying/harassment and/or discrimination by anyone shall immediately report the bullying/harassment and/or discrimination to the Principal, school counselor, or any other adult employee.
8. Any student who is aware of bullying/harassment and/or discrimination whether or not that student is a victim of bullying/harassment and/or discrimination, has an obligation to report such bullying/harassment and/or discrimination to either the Principal, school counselor, or any other adult employee.
9. During the investigation, the District will take interim preventive measures to ensure the safety of the alleged victim and of the larger school community.
10. The District will maintain ongoing contact with the alleged victim throughout the investigation.
11. No District employee, school board member, or student shall attempt to restrain, interfere with, coerce, discriminate, or take reprisal action against the complainant or their witnesses during or after the presentation, processing, and resolution of a complaint. Title IX prohibits retaliation against any individual who files a complaint under Title IX or participates in a complaint investigation. Disciplinary action will be taken against any student or staff member who engages in retaliation.

Any student who believes s/he has been subject to bullying/harassment in violation of this policy may file a complaint in accordance with established District procedures found in 511.1-Rule, Discrimination and Harassment Complaint Procedure.

Notice of this policy and applicable complaint procedures shall be given in accordance with legal requirements.

Legal References: Wisconsin Statutes Sections §§ 118.13, 111.31, 111.32(13), 111.36(1) (b) and (br), 947.013, 947.025; 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 References: Policies 411 Equal Educational Opportunities, 411-Rule Student Discrimination and Harassment Complaint Procedure, 511 – Equal Opportunity Employment, 512 Employee Harassment

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