

STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

This regulation sets forth detailed guidelines for reporting, investigating and remedying allegations of harassment, hazing and bullying that infringe upon the dignity of students.

Unacceptable Conduct

Examples of School-related conduct that the District considers unacceptable and which may constitute harassment, hazing and bullying includes, but is not limited to, the following:

1. Verbal and/or physical threats or abuse;
2. Unwanted physical contact such as intentional pushing/shoving/bumping;
3. Ridicule, slurs, rumors, jokes, demeaning comments, drawing cartoons, pranks, gestures,
4. Intimidation;
5. Destruction of property;
6. Stalking;
7. Unwanted/unwarranted comments, advances and/or suggestions of a sexual nature; and
8. Use of electronic technologies and/or communications to harass, bully or haze;

that has the effect of substantially interfering with a student's education or reasonably causes, or would be expected to cause, a person to fear for his or her personal safety or reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student, or occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

Reporting Complaints

Any victim or student with knowledge of harassment, hazing and/or bullying by a student, District employee or third party related to the school should report the complaint to a teacher, the school nurse, the Building Principal or the Assistant Superintendent as soon as possible after the incident so that it may be effectively investigated and resolved.

A school employee who witnesses either harassment, bullying or discrimination or receives a report of harassment, bullying or discrimination, will orally notify the building principal, superintendent or his or her designee within one school day of such an incident and file a written report within two school days after making the oral report.

In order to assist investigators, individuals should document the harassment, hazing, bullying as soon as it occurs and with as much detail as possible, including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

Confidentiality

It is District policy to respect the privacy of all parties and witnesses to complaints of harassment, hazing and/or bullying. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information and/or to the extent necessary to complete a thorough investigation. However, because an individual's need for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a thorough investigation and/or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. The request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. The District will attempt to prevent any retaliation; and
4. The District will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request, to the extent possible, as long as doing so does not preclude the District from responding effectively to the harassment and preventing the harassment of other students or employees; however, disclosure may be required to complete a thorough investigation.

Investigation and Resolution Procedure

It is essential that students who believe they have been subjected to bullying or harassment report each incident to a teacher, a nurse, the principal, assistant principal, administrative assistant or other administrator in the school they attend. Should any of these persons be the person alleged of bullying or harassment, the report will be made to the Director or Administrative Assistant for Special Education and PPS. Incidents of bullying or harassment may be reported informally or through the filing of a formal complaint.

A school employee who witnesses either harassment, bullying or discrimination or receives a report of harassment, bullying or discrimination, will orally notify the building principal, superintendent or his or her designee within one school day of such an incident and file a written report within two school days after making the oral report.

A. Initial (Building-level) Procedure

Whenever a written or verbal complaint of harassment, hazing and/or bullying is received it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the Building Principal or his or her Designee should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the harassment, hazing and/or bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than five school days following receipt of a written or verbal complaint, the Building Principal or his or her Designee should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s);
- Conducting separate interviews of the victim(s), alleged perpetrator(s) and witnesses, if any, and documenting the interviews;
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately and that the individual may be subject to discipline.

Parents of student victims and accused students should be notified within one school day of allegations that involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- Discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- Suggesting counseling and/or sensitivity training;
- Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- Mediation;
- Requesting a letter of apology to the victim;
- Writing letters of caution or reprimand; and/or
- Separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with District policy, the applicable collective bargaining agreement and/or federal and state law.

The Building Principal or his or her Designee shall report back to both the victim and the accused within ten school days, notifying them in writing regarding the outcome of the investigation and the action taken to resolve the complaint. The victim shall report immediately to the Building Principal or his or her Designee if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

Where the Building Principal or his or her Designee has a reasonable suspicion that the alleged harassment, hazing or bullying incident involves criminal activity, he/she should immediately notify the Superintendent or his or her Designee.

Any party who is not satisfied with the outcome of the initial investigation by the Building Principal or the Designee may request a District-level investigation by submitting a written complaint to the Superintendent within ten school days.

B. District-level Procedure

The Superintendent or his/her Designee shall promptly investigate and take all appropriate and reasonable steps to resolve all harassment, hazing and bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation by a Building Principal or his or her Designee. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an impartial individual appointed for purposes of conducting such investigation.

The District level investigation should begin as soon as possible but not later than five school days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District level investigation, the District may endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a District investigation results in a determination that harassment, hazing or bullying did occur, prompt corrective action will be taken to end the misbehavior. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than fifteen school days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within fifteen school days following receipt of the complaint.

Board Level Review

Any party not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting an appeal to the Board of Education within a reasonable time period. When a request for review has been made to the Board of Education, persons(s) seeking review must submit a clear statement of the issues to be considered by the Board of Education. The Board of Education shall consider the complaint and any materials associated therewith and shall render a decision regarding the same within thirty days.

Retaliation Prohibited

Any act of retaliation against any person who opposes any harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted or participated in any manner in an investigation, proceeding or hearing of any harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited harassment, hazing or bullying will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand, up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning, up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning, up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning, up to and including loss of District business.

Other individuals: Penalties may range from a warning, up to and including denial of future access to school property.

Training

All students and employees shall be informed of this policy each September and in student and employee handbooks and student registration materials.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees who have specific responsibilities for investigating and resolving complaints of harassment, hazing and bullying shall receive training on this policy, regulation and related legal developments.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of harassment, hazing and bullying on the victim and the bystander.

Reporting

Principals will be required to report to the Superintendent data and trends related to harassment, bullying or discrimination

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