

Policy

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

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BULLYING

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Bullying toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions which cause or threaten to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property, including at any of the school buildings or other property used exclusively or in part, whether leased or owned by the District, for the purpose of school-related functions or events; or while traveling to or from school or to and from school-sponsored functions or events; in transporting vehicles arranged for by School District officials. The policy applies as well during activities that occur off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the supervision of school authorities, or where an employee is engaged in school business, or where there is otherwise a connection to the school such that the conduct at issue affects or is intended to affect the student's educational environment.

Definitions

"Bullying"

Bullying is deliberate or intentional behavior using words or actions, intended to cause fear, intimidation, or harm. Bullying may be a repeated behavior and involves an imbalance of power. Furthermore, it may be serious enough to negatively impact a student's educational, physical, or emotional wellbeing. The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age; national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic, or family status; however, this type of prohibited bullying behavior need not be based on any of those particular or other particular characteristics. It includes but is not necessarily limited to such behaviors as stalking, cyberbullying, intimidating, menacing, coercing, name-calling, taunting, making threats, and hazing.

Some examples of Bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name-calling, making threats.

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- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation.
- D. ""Cyberbullying" – the use of information and communication technologies such as e-mail, cell phone and pager text messages, instant messaging (IM), defamatory personal web sites, and defamatory online personal polling web sites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others."

The Board recognizes that cyberbullying can be particularly devastating to young people because:

1. cyberbullies more easily hide behind the anonymity that the Internet provides;
2. cyberbullies spread their hurtful messages to a very wide audience with remarkable speed;
3. cyberbullies do not have to own their own actions, as it is usually very difficult to identify cyberbullies because of screen names, so they do not fear being punished for their actions; and
4. the reflection time that once existed between the planning of a prank – or a serious stunt – and its commission has all but been erased when it comes to cyberbullying activity;
5. cyberbullies hack into or otherwise gain access to another's electronic accounts (e-mails, social media, etc.) and posing as that individual with the intent to embarrass or harm the individual.

Cyberbullying includes, but is not limited to the following:

1. posting slurs or rumors or other disparaging remarks about a student on a web site or on weblog;
2. sending e-mail or instant messages that are mean or threatening, or so numerous as to drive-up the victim's cell phone bill;
3. using a camera phone to take and send embarrassing photographs of students;
4. posting misleading or fake photographs of students on web sites.

"Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of sex, (including transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws. Harassment is prohibited by Policy 5517 – Student Anti-Harassment.

"Staff" includes all school employees and Board members.

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"**Third parties**" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For a definition of and instances that could possibly be construed as hazing, consult Policy 5516.

Complaint Procedures

Any student who believes they have been or are the victim of bullying should immediately report the situation to the building principal or assistant principal, or the District Administrator. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the District Administrator. Complaints against the District Administrator should be filed with the Board President.

Complaints against a Board member shall be filed with the Board President unless the complaint is against the President in which case the complaint shall be filed with the District Administrator depending on the complainant's preference, who is authorized to contact District legal counsel for assistance in handling the complaint.

Every student is encouraged to report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above.

All school staff members and school officials who observe or become aware of acts of bullying are required to report these acts to the building principal or assistant principal, or the District Administrator.

Reports of bullying may be made verbally or in writing and may be made confidentially. All such reports, whether verbal or in writing, will be taken seriously and a clear account of the incident is to be documented. A written record of the report, including all pertinent details, will be made by the recipient of the report.

All complaints about behavior that may violate this Policy shall be investigated promptly by the Principal. The staff member who is investigating the report of bullying shall interview the victim(s) of the alleged bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report.

If, during an investigation of a reported act of bullying in accordance with this Policy, the principal determines that the reported misconduct may have created a hostile learning environment, discrimination, and/or may have constituted harassment based on sex

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(transgender status, change of sex, or gender identity), race, color, national origin, religion, creed, ancestry, marital or parental status, sexual orientation or physical, mental, emotional or learning disability, or any other characteristic protected by Federal or State civil rights laws, the principal will report the act of bullying to one of the Compliance Officers who shall assume responsibility to investigate the allegation in accordance with Policy 5517 – Student Anti-Harassment or Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. Additionally, complaints alleging sexual harassment on the basis of sex are also covered by and subject to the investigation procedures in Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities. If the investigation under Policy 5517 - Student Anti-harassment, Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity or Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities does not substantiate harassment based on one or more of the Protected Classes, the complaint of bullying shall still be investigated under this Policy.

If the matter or complaint involves the District Administrator or a member of the Board, it is appropriate to engage outside legal counsel to conduct the investigation consistent with this policy. Legal counsel shall conduct a prompt investigation. The Board attorney is authorized to designate an outside third party to conduct the investigation. The Board attorney or designee will arrange such meetings as may be necessary with all concerned parties within five (5) business days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The Board attorney or designee conducting the investigation shall notify the complainant and parents as appropriate, (in writing,) when the investigation is concluded, and the findings made.

Parents of each student involved in the bullying report will be notified prior to the conclusion of the investigation. The District shall maintain the confidentiality of the report and any related student records to the extent required by law.

If the investigation finds that bullying has occurred, it will result in prompt and appropriate remedial and/or disciplinary action. This may include student discipline, including, but not limited to reprimand, suspension, or possible expulsion. Further, the result of an investigation that finds that bullying has occurred may result in discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

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This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

Retaliation/False Reports

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally making a false report may result in disciplinary action as indicated above.

If a student or other individual believes there has been bullying, regardless of whether it fits a particular definition, the student should report it and allow the administration to determine the appropriate course of action.

Privacy/Confidentiality

The School District will respect the privacy of the complainant, the individual(s) against who the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to inform parents, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

To the extent appropriate in conducting a thorough investigation and/or as legally permitted, confidentiality will be maintained during the investigation process.

Notification

Notice of this policy will be **annually** distributed to all students enrolled in the School District, and their parents. The policy will also be provided to organizations in the community having cooperative agreements with the schools. Additionally, the policy or a summary will be incorporated into the teacher, student, and parent handbooks.

The School District will also provide a copy of the policy to any person who requests it.

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Records and Reports

Records of investigations will be maintained in accordance with Policy 8330 – Student Records and State Law.

An annual summary report shall be prepared and presented to the Board, which includes trends in bullying behavior and recommendations on how to further reduce bullying behavior. The annual report will be available to the public.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of bullying behavior. The District Administrator shall provide appropriate training to all members of the School District community related to the implementation of this policy and its accompanying administrative guidelines. All training regarding the Board's policy and administrative guidelines on bullying will be age and content appropriate.

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Legal

Wis. Stat. 118.46