

**SERIES 400
STUDENTS**

411.1

STUDENT HARASSMENT

PHILOSOPHY

The students of the Marshall School District have the right and can expect to attend school in an environment free of harassment. Harassment is defined as behavior towards students or staff members based, in whole or in part, on religion, sex (which includes gender identity, gender expression, transgender status, and gender non-conforming behaviors), race, national origin, age, ancestry, creed, color, political affiliation, membership in the National Guard, state defense force or any reserve component of the United States military or state military forces, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability or handicap or other bases prohibited under state or federal law, or any other characteristic that substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school and/or work environment.

This may include, but is not limited to, any blatant sexual overtures such as: leering, pinching, patting, displays of graphic or written material. This may also include, but is not limited to, subtle repeated verbal or physical action such as: comments, innuendoes, gestures, or actions which involve bullying and/or intimidating others. Besides anxiety caused by harassment demands on the individual, harassment may lead to reprisals. Reprisals may include, but are not limited to, the possibilities of harassment escalation, unsatisfactory academic evaluations, difference in academic treatment, sarcasm, or unwelcome comments to or by peers.

POLICY

The Marshall School Board charges the school administration with the responsibility of providing students with a learning environment free of any form of harassment toward, between and from students. All educators are charged with the responsibility of maintaining this environment, and to help students in understanding what constitutes harassment, how to file a complaint if it should occur, and be confident that students can seek advice in dealing with what they feel is harassment.

A complaint procedure must be developed by the district's administrators, be reviewed yearly, and be followed consistently by those administering the policy and complaint process.

Response to complaints must follow a procedure that is timely, requires written documentation of the disposition of each complaint, deals with the need for confidentiality, provides for an appeal process, appropriately provides for disciplining the offender or false accuser, and provides a program of education and intervention for both parties.

A process of educating all students, district employees, and school board members on what constitutes harassment and the consequences of its occurrence must be designed by the school administration, evaluated yearly, and consistently take place with all students and staff.

Any attempts at reprisal by the alleged harasser toward the complainant will be met with appropriate disciplinary action by the building administrator or district administrator.

In the event of a willful false accusation, the accused may request the school district to publicly exonerate them.

It is further the policy of the district that any sexual relationship between staff and student interferes with the educational process and involves elements of coercion by reason of the relative status of a staff member to a student. Therefore, a sexual relationship between staff and student is not permissible in any form or under any circumstances in or out of the school setting. A suspected relationship between a student and staff member will be reported to the district administrator or to the proper authorities (human services or law enforcement) as suspected sexual abuse.

COMPLAINT PROCEDURE AND INVESTIGATION

Any student who believes she/he has been subjected to harassment by another student or by a district employee, substitute, or volunteer is strongly encouraged to report the incident to the building administrator as soon after the incident as possible. If a student is not comfortable with making a complaint to the building administrator, the complaint can be made to another faculty member. This faculty member and the student would jointly report the complaint to the building administrator. The faculty member must maintain complete confidentiality in dealing with the situation. At this meeting, the administrator will listen to all issues and concerns. A copy of the school board harassment policy will be shared with the individual. The building administrator will assist the complainant in putting the complaint in writing, if appropriate at this time. An investigation of the situation will take place under the leadership of the building administrator. The building administrator will meet with the person accused of harassment to determine the level or degree, if any, of harassment. If determined that harassment has occurred, or there is reason to do further investigation, the accused will be given a copy of the harassment policy and informed of the areas of concern, based upon the policy. Directions will be given to stop the behavior and make it clear that any repeat of behavior or any repercussions to the person being harassed will result in a formal harassment charge.

The District Administrator will be informed of all complaints filed in either a formal or informal manner. One written, separate record of each complaint will be filed by the district administrator and maintained in a secure, confidential manner, including those that are settled informally. Destruction of such records will be in compliance with the state records law regarding employees personnel files and student records.

A third party (someone who observes harassment but who is not the direct recipient) will follow the same procedures when reporting an alleged harassment after they witness an incident taking place.

RESOLUTION OF COMPLAINT

Upon receiving a formal complaint, the building administrator shall make sure she/he understands the specific nature of the alleged harassment and when and where it took place. This will be facilitated by a complaint form to be completed by the building administrator in each case.

The person who has been accused of harassment must be notified by the building administrator of the charge as soon as practicable and preferably within two (2) school days from when the complaint was filed and be given the opportunity to respond to the allegation.

The building administrator's investigation into the matter must be completed as quickly as possible, and take no longer than ten (10) school days. If more time is needed, it can be granted by both parties and if not agreed to by them, permission to go beyond ten (10) school days must be received from the district administrator. The building administrator must report the resolution to the complainant and the accused within fifteen (15) school days unless permission is granted by the district administrator of a necessary longer period.

Throughout the entire investigation process, the complainant and accused can bring another person to any meetings. Parents shall be advised of the situation if the student is a minor, and may or may not be interviewed at the discretion of the investigation team. Parents will not be a part of other interviews in the investigation.

Following the investigation, the findings and resolution recommendations will be put in writing by the building administrator. The building administrator must then determine the resolution of the case and share findings and resolutions with the parties involved through a personal conference held separately with each party involved or together if desirable by the complainant. Others interviewed will not receive feedback from the investigation. The consequences/discipline will be presented privately to both parties. Student discipline may include, but will not be limited to, detention, suspension, or expulsion. Discipline of school employees may include, but will not be limited to, a written reprimand, suspension with pay, suspension without pay, non-renewal of contract, or dismissal. In addition, other interventions will be provided as deemed necessary.

If either party is unsatisfied with the investigation, the decision, and/or the resolution, they can appeal it to the district administrator who will review the findings and decision, conduct further investigation if necessary, and render a decision within five (5) school days of the date of the appeal, or as soon as practicable.

If the decision of the district administrator is not considered equitable by either party, a written request can be made to the school board president to appear before the board in executive session to discuss the case. The board will then make a decision as to whether the decision should stand or whether further investigation needs to take place. This decision will be made no later than the next meeting of the board in a regular monthly meeting or a special meeting of the board if encouraged or requested by the district administrator.

If either party is not satisfied with the response of the board, she/he may file a complaint with the State Superintendent of the Wisconsin Department of Public Instruction and/or file a complaint with the proper legal authorities.

INFORMING STUDENTS, PARENTS, AND STAFF OF POLICY AND PROCEDURES

Information of policies and procedures dealing with harassment should be in student and parent handbooks (as appropriate) and in handbooks that are developed for athletics and other student activities. The policy and procedures may be sent home to parents and students using the district mailing. This mailing may be in place of the above noted publication.

Explanations of harassment shall be provided to all students at the beginning of each school year, and information will be available at the guidance counseling offices in each building.

Special opportunities for students to get a better understanding of harassment and its consequences shall be made available through the curriculum and/or special programs on a yearly basis.

Policy books shall contain the policies and procedures related to harassment and staff are inserviced on the subject in accordance with local and state guidelines.

Legal References: Title VII of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Sections 118.16 Wisconsin Statutes
111.36
118.20
118.125

Cross References: 443.61 Exhibit

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