

Barneveld School District
ANTI-BULLYING AND ANTI-HARASSMENT

School Board Expectations Related to Addressing Bullying and Harassment in the Schools

The Board believes that bullying and harassment are complex school and community issues that have pernicious consequences, first and foremost, for those individuals who are the victims of the behavior; but bullying and harassment also have negative consequences for those who engage in the behavior, for the overall school environment, and for the broader community. Accordingly, the Board directs the administration to ensure that the District's schools are taking active steps surrounding bullying and harassment awareness, prevention, and intervention/response. The administration shall ensure that bullying and harassment are addressed:

1. Within the District's personal development and health education curriculum;
2. As an element of technology/internet safety instruction;
3. As an element of developing and monitoring the overall climate of District schools and programs;
4. By providing staff development resources related to harassment and bullying and communicating to District employees about their responsibilities related to awareness, prevention, and intervention;
5. By enforcing the Board's expectations that employees and other adults who are present in the school environment will model appropriate behaviors, including not only the expectation that such adults will avoid engaging in bullying or harassment of students and others, but also the expectation that such adults will model the responsive behaviors that students are encouraged to use when they observe or intervene in response to negative conduct by others;
6. Through the provision and use of interventions and supports for students;
7. By establishing and communicating expectations for student conduct that address negative behaviors that, even if not rising to the level of bullying or harassment, are inappropriate for the school environment and that may be a precursor to bullying or harassment; and
8. By establishing and implementing procedures under which incidents and concerns involving bullying and harassment can be reported and addressed in an appropriate manner.

While there are often challenges associated with appropriately identifying, assessing, and responding to incidents of bullying and harassment, the District's procedures, services, and communications related to bullying and harassment shall take the following positions of the Board into consideration:

1. The Board expects the District's response to any incident or course of conduct that involves bullying or harassment to exhibit a degree of proportionality to the totality of the known circumstances. That is, a relatively limited response that may have adequately addressed and resolved a relatively minor incident is unlikely to be sufficient as a response in a situation where District employees know that repeated, severe incidents of bullying have occurred against a student at school, and that significant physical, mental, or emotional harm to the victim has occurred, is occurring, or is imminent. Similarly, if District employees conclude that an initial response to an incident or pattern of bullying or harassment has been ineffective, and they know that the behaviors have continued or that the behaviors have escalated, then a proportional response would include changing the District's approach to intervention.
2. Students and their parents/guardians must take an active role in helping the District to be fully aware of and to better understand the totality of the circumstances involved with particular incidents and patterns of bullying or harassment. Because these behaviors and their effects differ substantially from one situation to the next, the District can be more effective in its efforts when the students and parents/guardians affected by a serious situation (1) clearly identify the severity of the situation to a teacher or administrator; and (2) participate in an ongoing partnership with District employees to monitor, communicate about, and make adjustments to the response(s) that have been implemented to date.
3. Bullying and harassment involve many overlapping behaviors, and conduct that may be properly labeled as bullying and/or harassment may also violate a state law, another District policy, school rules, or other established behavioral expectations for students or employees. Assigning a particular label to a negative behavior is generally less important than identifying the behavior as inappropriate and taking action to address the behavior. However, where any written complaint or written report of bullying or harassment specifies that the alleged conduct is based, in whole or in part, on a student's legally-protected classification, the District shall treat its final determination as appealable to the State superintendent.

Defining Bullying As used in this Policy:

1. "**Bullying**" is defined as whoever systematically or repeatedly inflicts (or attempts or threatens to inflict) physical harm or psychological/emotional distress on one or more students, staff, or other persons. It involves purposeful or intentional written, spoken, nonverbal, or physical behavior, including but not limited to any threatening, intimidating, insulting, degrading, or dehumanizing conduct, gesture, or communication that has the effect of doing any of the following:

- a. Substantially interfering with any student's education;
- b. Substantially interfering with a person's ability to participate in or benefit from any school activity or program;

- c. Endangering the health, safety, or property of the target(s) of the behavior;
- d. Creating a threatening or fearful environment in a school setting or school-sponsored activity for any student or group of students;
- e. Creating an intimidating, hostile, or offensive environment within any District school, activity, or program; or
- f. Substantially disrupting the orderly operation of the school.

2. **“Cyber-bullying”** is defined as bullying that involves the use of digital technologies, including but not limited to, e-mail, cell phones, text messages, instant messages, chat rooms, and social media). Cyber-bullying is prohibited and treated the same as all other types of bullying.

Younger students might better understand the meaning of “bullying” when the term is defined to include conduct that one person uses on purpose and usually on more than just one time to hurt, belittle, embarrass, or scare another person, where the person who is being bullied would have difficulty protecting or defending himself/herself.

Bullying is deliberate/purposeful conduct, but intent/purpose may properly be inferred from the totality of the circumstances (e.g., where the behavior is persistent/repeated or where the responsible party reasonably should have been able to foresee the consequences of his/her actions and the manner in which his/her conduct would be likely to be perceived by the target(s) of the conduct).

Bullying can involve direct interaction between the aggressor-bully and the target(s), or it can be indirect (such as orchestrating others to engage in acts of bullying; facilitating bullying conduct by others; etc.).

Not all behaviors that (1) hurt another person’s feelings, (2) are a manifestation of an interpersonal conflict, or (3) are in some way unkind amount to acts of bullying. However, such negative behaviors are still a legitimate subject of concern and regulation within the school environment. Further, it shall be a goal of the District’s educational programs to help students and others recognize and acknowledge that even one-time instances of, for example, name calling, negative teasing, put-downs, or excluding others (when inclusion was readily possible) are inappropriate and problematic for a number of reasons.

Defining Harassment

As used in this Policy, the term “harassment” means:

1. Behavior directed towards another person:

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a. which either:

1. is based, in whole or in part, on any legally-protected characteristic or classification, including (with respect to a student victim/target) a student's race, color, national origin, ancestry, sex, sexual orientation, religion, creed, pregnancy, marital or parental status, or any physical, mental, emotional or learning disability;

2. is based on some other actual or perceived, but irrelevant, distinguishing characteristic, such as (with respect to a student victim/target) a student's physical appearance, economic status, or social status; or

3. does not serve a legitimate purpose; and

b. which either:

1. substantially interferes with a student's school performance, an employee's ability to do his/her work, or any person's ability to perform or participate in a District-related function;

2. substantially interferes with a student's ability to participate in or benefit from any school activity or program;

3. creates an intimidating, hostile or offensive environment within any District school, activity, or program;

4. substantially interferes with or endangers the education, health, safety, or property of the victim/target;

5. causes a substantial disruption to any school-related activity or program; or (6) compromises the District's ability to operate efficiently and effectively.

2. Committing, or attempting or threatening to commit, any act that would constitute abuse, sexual assault, or stalking under state law.

Bullying and Harassment by Students is Prohibited

The District prohibits students from bullying or harassing any person when either the aggressor and/or the target (victim) of the behavior is (1) at school or on school grounds, (2) at any school-sponsored activity, (3) using District-provided transportation, (4) under the supervision of a school district authority, or (5) otherwise within the scope of the District's disciplinary jurisdiction (such as conduct that endangers the health, safety or property of any District employee or school board member). Accordingly, to the extent consistent with state law, a student who engages in bullying or harassment may be subject to school related consequences under this Policy for his/her out-of-school conduct when the behavior has a sufficient connection to the District's disciplinary jurisdiction.

Student violations of this Policy will normally be addressed through remedial interventions and/or consequences. The exact response applied to a particular incident shall take into consideration the totality of the relevant circumstances, including but not limited to the nature and severity of the conduct, the age and developmental level of the student, and the student's behavioral history. Possible consequences for students who engage in bullying or harassment (or prohibited retaliation) include, but are not limited to revocation of school-related privileges, temporary removal from class or school activities, suspension, expulsion, and/or referral to law enforcement officials for possible legal action. Further, even where no violation of this Policy is substantiated, nothing in this Policy limits consequences from being separately imposed under the District's [\[Co-curricular Code of Conduct \(Athletic Code\)\]](#) where the District determines that a student has engaged in conduct that constitutes an independent violation of [the \[Code of Conduct \(Athletic Code\)\]](#).

The District is not able to investigate and impose the same school-related consequences on a student for all out-of-school conduct that, if the conduct had taken place under other circumstances, would have constituted a violation of this Policy and been within the school's jurisdiction for suspension or expulsion. However, the Board recognizes that some out-of-school incidents can lead to future in-school incidents or disruption, cause a student to be fearful at school, or interfere with a student's education and his/her participation in school activities. Accordingly, where a District employee determines, based on communications with students or parents, that an out-of-school incident (or alleged incident) is having, or is likely to have, such negative effect within the school environment, the Board authorizes District staff to respond to non-school incidents that are brought to the District's attention through activities that may include a parent meeting, safety planning, counseling, or other appropriate interventions.

[Application of this Policy to School Officials, District Employees, and Others](#)

The District also prohibits bullying and harassment by District officials, District employees, District volunteers, contracted service providers, and others who are present at a school, on school grounds, or at any school-sponsored activity. While the primary focus of this Policy concerns victims/targets who are students, such conduct is prohibited regardless of whether the target of the behavior is a student, school official, District employee, parent, or other person. The prohibition against bullying and harassment by District employees applies not only when the employee is engaged in work-related duties, but also to an employee's off-duty or away-from-work conduct to the extent that there is a legally-sufficient nexus between the conduct and the individual's employment or employment-related responsibilities. When an employee is alleged to have engaged in bullying, harassment or prohibited retaliation, the incident, report, or complaint will be addressed in a manner consistent with the District's procedures for handling personnel matters. Employees have additional rights, responsibilities, and obligations related to avoiding and addressing employment discrimination, work-place harassment, and work-place bullying under the Board's personnel policies and the District's Employee Handbook.

Possible consequences for school officials or employees who engage in bullying or harassment include, but are not limited to, discipline, termination, or other adverse or remedial action within the District's scope of authority, and/or referral to law enforcement officials for possible legal action.

Possible consequences for others who engage in bullying include, but are not limited to, revocation of any authorization to volunteer in the schools, limiting the individual's access to District property or District sponsored activities, and/or referral to law enforcement officials for possible legal action.

Retaliation is Prohibited

Retaliation is prohibited against any person who has reported in good-faith (or who is believed to have reported) a possible violation of this Policy, or against any person who otherwise participates in any investigation, inquiry, or other proceeding related to an incident, report, or complaint of bullying or harassment. Retaliation includes, but is not limited to, any form of intimidation, harassment, or inappropriate disparate treatment. Such retaliation shall be considered a serious violation of Board policy independent of whether the report, complaint, or allegation in question is substantiated. Knowingly providing false information, fabricating incidents/allegations, and similar bad-faith conduct shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Allegations or concerns regarding retaliation may be reported to the District using the procedures that are established for reporting harassment and/or bullying.

Reports/Complaints

The District shall establish and implement procedures under which incidents and concerns involving bullying, harassment, or any related allegations of retaliation can be reported and addressed in an appropriate manner. In addition to any other reporting procedures that may be established:

1. When the victim/target of the alleged behavior is a student, a person may report the behavior as a Complaint under the Board's Student Discrimination Complaint Procedures (see Policy 411.71); or
2. When the victim/target of the alleged behavior is an employee, a person may report the behavior as a Complaint under the Board's Employee or Employment Discrimination Complaint Procedures (see procedures under Policy 511); or
3. When the victim/target of the alleged behavior is neither an employee nor a student, a person may report the behavior to the appropriate activity supervisor, school principal, or to the District Administrator.

A written complaint is preferred, but in any event the person making the report should clearly and expressly identify that he/she is reporting a concern with bullying, harassment, or retaliation.

Notices and Annual Reporting

Students and parents shall be informed annually of this Anti-bullying and Anti-harassment Policy and the related complaint/reporting procedures through the Student Handbook. Employees shall be informed through the Employee Handbook. This Policy will be distributed to organizations in the community having cooperative agreements with the schools. The school district will also provide a copy of the policy to any person who requests it. The District will keep data on the number and types of reported incidents of bullying and harassment under this Policy that involve a student, and an annual summary report (including a summary of responses to the reported incidents) will be compiled by the administration following the end of each school year. No individuals will be identified in the annual report. The annual report will be presented to the School Board and will be available to the public.

Legal References:

Wisconsin Statutes

Section 118.01(2)(d)	[personal development curriculum]
Section 118.13	[student nondiscrimination requirements]
Section 118.164	[removal of students from class]
Section 118.46(2)	[student bullying policy required]
Section 120.13(1)	[school board power to set conduct rules and discipline students]
Section 947.0125	[unlawful use of electronic communications]
Section 947.013	[unlawful harassment]

Wisconsin Administrative Code

Ch. PI 9	[student nondiscrimination]
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Federal Laws and Regulations

Children's Internet Protection Act
Federal nondiscrimination laws (Title IX, Title VI, etc.)

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