

REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

R-411.1

Bullying is defined as a pattern of or repeated unwanted, aggressive behavior that involves a real or perceived imbalance of power imbalance. An imbalance of power could include physical size, age, social constructs, or access to embarrassing information.

Bullying includes aggressive actions such as deliberate social isolation, threatening comments or actions, spreading rumors to embarrass or harm one's reputation, or attacking someone verbally or physically.

Harassment under this policy generally includes behavior (or any course of conduct) affecting one or more students that is based, in whole or in part, on a legally-protected status or classification and that: 1. Substantially interferes with a student's school performance; 2. Substantially interferes with a student's ability to participate in or benefit from any District activity or program; or 3. Creates an intimidating, hostile, or offensive environment within any District school, activity, or program.

Any student who (1) is the target of any bullying or harassment; (2) who observes/witnesses any incident involving bullying or harassment; or (3) obtains knowledge of possible bullying or harassment that the student finds credible or upsetting, is strongly encouraged to report the incident(s) to District staff using any of the procedures identified in this rule. Parents and guardians and others with relevant knowledge/information/concerns related to incidents involving students are similarly encouraged to report such concerns/incidents to the District.

Students, parents and guardians, and others can report concerns related to bullying and/or harassment by:

1. Making an informal verbal or written report (e.g., via a parent email) to a teacher, activity supervisor (e.g. a head coach, a bus driver, etc.), student services staff member or building principal; or
2. Completing a "Report of Bullying or Harassment" form and delivering the form to a teacher, student services staff member (e.g., a school counselor) or to the building principal.

3. Pursuing a District-level complaint using the District's student discrimination complaint procedures. When using these procedures, the complaint may be initially filed with the District's designated Equal Educational Opportunities Compliance Officer. The District's designated Equal Educational Opportunities Compliance Officer is the Director of Student Services.

A student or parent or guardian can choose the specific reporting method with which they are most comfortable. That is, any report/concern/incident(s) can be brought forward at the building level and/or at the District level. The specificity and clarity of the information (e.g., expressly identifying in connection with a verbal report that the issue concerns "bullying" and/or "harassment") is likely to be more important than the particular method that is used to make the initial point of contact. To help avoid misunderstandings, the District strongly encourages students and parents and guardians to submit a written report using the District's "Report of Bullying or Harassment" form any time they want to be sure that they are triggering the investigation and intervention steps outlined in related District procedures.

Regardless of the reporting method that is used, the District's primary concern in any situation that involves the bullying or harassment of a student is for the safety and well-being of the victim/target, and it is the District's goal to provide an adequate and appropriate response. Employees are directed to use their professional judgment to appropriately scale the nature of the District's response to the nature of the specific incident(s)/concern(s).

Expectations for District Employees to Report Bullying or Harassment Involving Students

Any District employee who, in connection with his/her duties, witnesses or obtains credible knowledge of any incident of bullying or harassment of a student is expected to make a timely (usually same day) written report of the incident to the relevant building principal in any of the following circumstances:

1. The employee knows or suspects that a student has been, or is being, subjected to any severe or repeated act(s) of bullying or harassment and believes that the incident(s) have caused, or are likely to cause, physical, emotional, or mental harm to the target/victim;

2. Any time the incident involves conduct by a District official, District employee, or other adult toward a student victim/target;
3. The conduct in question would clearly constitute prohibited harassment based on a student's legally-protected status;
4. Any time a person who is verbally reporting an incident or concern involving potential bullying or harassment expressly states that he/she wants the incident/concern to be documented;
5. If the employee knows that the incident reflects a continuation or escalation of prior bullying or harassment that has already been reported and that the bully-aggressor has already been expressly directed to cease; and
6. Any time an employee with knowledge of possible bullying or harassment concludes that he/she has (a) reasonable cause to suspect that a student has been (or is currently) subject to abuse or neglect, or (b) reason to believe that a student has been threatened with abuse or neglect and that abuse or neglect will occur **(IMPORTANT: Such an incident also triggers a duty to report the information to appropriate external legal authorities under state law).**

District employees may, in connection with their duties, witness or obtain credible knowledge of other incidents involving inappropriate conduct by or that is directed toward one or more students that may, or may not, also constitute bullying or harassment. For example, not all incidents of interpersonal conflict, teasing, name-calling, etc. amount to bullying or harassment. Provided that the employee is not required to report the matter pursuant to the paragraph immediately above, the District expects the employee to exercise reasonable judgment to determine (1) how to intervene to stop and address the inappropriate behavior; and (2) whether the incident should be further reported/documented.

In making such discretionary reporting decisions, an employee is expected to consider factors such as: (1) the extent to which the inappropriate behavior has stopped; (2) whether the incident appears to have been a relatively minor and isolated incident versus a severe or repeated behavior; and (3) the extent to

which the victim/target, even if initially upset in the moment, does not appear to be substantially affected by the incident going forward.

Employees are expected to:

1. Make efforts to be reasonably consistent in making such reporting decisions;
2. Follow any supervisory guidance that they may receive; and
3. Seek assistance from the appropriate building principal or from student services personnel whenever they encounter a concern with bullying or harassment where (a) the employee is unsure how to fully assess or otherwise handle the situation; or (b) the employee believes that his/her standard behavior management techniques and practices are inadequate to appropriately respond to the situation/concern.

Reporting Procedures:

A District employee that is making a written report of bullying or harassment under this rule is expected to submit the report to the relevant building principal. The employee may use the District's building-level "Report of Bullying or Harassment" form. The employee should make an effort to confirm that the administrator received the report.

RESPONDING TO AND INVESTIGATING REPORTS OF POSSIBLE BULLYING OR HARASSMENT INVOLVING STUDENTS

A. General Expectations and Priority Actions

Whenever the District receives any report or complaint regarding alleged bullying or harassment of a student (whether written or verbal), or where any employee is otherwise addressing an incident, concern, or allegation that the employee understands to be related to possible bullying or harassment of a student, the highest-priority response measures are the following:

1. Intervening to attempt to stop harmful or inappropriate behavior in any incident that is presently taking place;

2. Taking steps to address concerns regarding any imminent threats or imminent harm; and
3. Identifying a teacher, administrator, or other licensed staff member who will make a personal contact with the student who has been clearly identified as a possible victim/target of bullying or harassment.

The District's further expectation is that employees will process written reports and formal complaints according to established procedures, and, more generally, appropriately scale the District's response to any report or complaint in a manner that reflects the known nature and severity of the specific incident(s)/concern(s). The District's response to any situation involving bullying or harassment should be adjusted any time the District determines that an initial response or attempted resolution has been ineffective.

B. Investigating a Written Report of Bullying or Harassment

The following procedures shall be used to process any clearly identified written report of possible bullying or harassment of a student that is received by the District, including most reports submitted using the District's "Report of Bullying or Harassment" form, but not including any report or complaint that is being separately processed under the District's formal student discrimination complaint procedure. Where any written report of bullying or harassment specifies that the alleged conduct is based, in whole or in part, on a student's legally-protected status or classification (race, sex, sexual orientation, disability, etc.), the District reserves the right to divert the report for separate processing as a complaint under the District's student discrimination complaint procedures.

1. **Initial Screening.** Under the direction of a school administrator, each written "Report of Bullying or Harassment" will initially be screened by a licensed staff member to determine whether the report involves conduct that, if substantiated, could be a violation of the District's anti-bullying and anti-harassment policy. This step will normally involve

making an initial contact with the individual who submitted the report, as well as with each student who is an alleged target/victim.

- a. If the District, with the approval of a school administrator, determines that the report involves conduct that would not be a violation of the District's anti-bullying and anti-harassment policy, the issue may be diverted from these procedures for some other appropriate resolution.
- b. If the initial screening suggests that bullying or harassment may have occurred (or may be occurring), an administrator or designee will continue to process the report under these procedures.

(1) From this point forward, and regardless of who initially submitted the report, the District's primary point of contact regarding the report will be with each student who is an alleged target/victim and the student's parent or guardian.

(2) Nothing in the remainder of these procedures prevents an administrator, a target/victim, and the student's parent or guardian from mutually agreeing, at any time, to a resolution of a report of bullying or harassment that is satisfactory to all parties, even though it departs from these procedures. Such an alternative resolution shall be documented in the District's records. However, no administrator shall approve a resolution that he/she determines (a) does not adequately address the matter, or (b) may jeopardize any person's safety.

2. **Post-Screening Investigation.** When any report of bullying or harassment is investigated beyond the initial screening stage, the investigation shall be conducted by an administrator or by a licensed staff member acting under the direction of an administrator, unless the Superintendent engages an independent outside party to conduct the investigation.

- a. The investigation shall be conducted by a person who the District determines is not identified as a person who is allegedly responsible for, or who was directly involved in, the underlying issue or incident.
 - b. The investigator shall ensure that the person who filed the report and any student who has been identified as an alleged victim/target has had an opportunity to present relevant information or other evidence.
 - c. Prior to making and issuing any determination that a report of bullying or harassment has been substantiated, the investigator shall (unless the student is unavailable to the District) provide any accused bully/aggressor who has been identified with an opportunity to respond to the allegations and to present relevant information or other evidence.
 - d. Nothing in these procedures prevents the District from implementing interim responsive measures (e.g., pending completion of an investigation) that are intended to address any person's safety and well-being, prevent continuation or escalation of a conflict, or prevent disruption to a student's education or within any school environment.
3. **Administrative Determination.** Following the completion of the investigation described in Step 2, the person who conducted the investigation (if someone other than the building principal or Superintendent) shall consult with a building principal or the Superintendent, and the administration will determine whether any bullying, harassment, or other violation of District policies or school rules has been substantiated.
- a. The District will notify each student (and his/her parent or guardian) who was identified as an alleged target/victim of the extent to which the District determined that the student has (or has not) been subjected to bullying or harassment in violation of Board policy.

- b. The District will notify each student (and his/her parent or guardian) who was identified as an alleged bully/aggressor of the extent to which the District determined (if at all) that the student engaged in bullying, harassment, or other conduct prohibited by Board policy or school rules. The appropriate entries documenting any violation(s) will be made in the student's behavioral records.
4. **Request for Reconsideration of the Administrative Determination.** Any student, or any parent or guardian of the student, who is an alleged target/victim or an alleged bully/aggressor and who disagrees with the administration's decision in the matter may, within 10 calendar days of being notified of the administration's decision, file a written request for reconsideration with the office of the Superintendent. Unless additional time is needed to conduct further investigation or to evaluate new information, the Superintendent shall provide a written response either upholding or overturning the administrative decision.
5. **Appeal to DPI in Limited Cases.** Where any written "Report of Bullying or Harassment" investigated under these procedures specifies that the alleged conduct is based, in whole or in part, on a student's legally-protected classification (e.g., race, sex, sexual orientation, disability, etc.), the complaining party may appeal any negative final decision of the District to the State Superintendent of Public Instruction. Accordingly, in such cases, notice of a negative determination issued to the complainant by the Superintendent upon reconsideration or (if applicable) by the Board shall include notice to the complainant that the District's determination may be appealed to the State Superintendent in writing within 30 days using the procedures identified in [Chapter PI 1](#) of the Wisconsin Administrative Code.

DISTRICT INTERVENTIONS FOLLOWING REPORTS AND SUBSTANTIATED INCIDENTS OF BULLYING OR HARASSMENT INVOLVING STUDENTS

A. Supporting a Student Who Expresses Concerns or Fears Related to Bullying or Harassment

In some situations, an investigation may be unable to substantiate a particular incident, unable to identify any or all students who may have been involved in a particular incident, or result in a finding that away-from-school conduct cannot be investigated as a District matter. However, a substantiated incident is not a prerequisite to providing supportive interventions on behalf of a student who expresses concerns or fears related to bullying or harassment. Any time the District is working with a student and/or his/her parent or guardian surrounding concerns with bullying or harassment, staff may explore the extent to which on-going monitoring, counseling, or other supportive measures may be useful and appropriate.

B. Supporting a Student Victim Following a Substantiated Incident of Bullying or Harassment

Following any substantiated incident of bullying or harassment involving a student victim, the relevant building principal shall specify in writing for the student and his/her parent or guardian the victim-focused interventions that the District intends to implement. Examples of possible interventions and responses include:

- Establishing clear points of contact if the student, or the student's parent or guardian, has ongoing or new concerns, if any issues concerning retaliation arise, etc.;
- Establishing date(s) by which a designated staff member will initiate follow-up contact with the student and/or the parent or guardian;
- Involving/notifying additional school staff;
- Monitoring particular situations/settings;
- Providing student services (e.g., counseling);
- Establishing and implementing specific safety plans.

C. Accountability for Students Who Have Engaged in Bullying or Harassment

If the District issues a determination under these procedures that a student has engaged in conduct that constitutes bullying or harassment in violation of Board policy, the relevant building principal shall specify in writing for the student and his/her parent or guardian (1) any school-related consequences that the District is imposing on the student;

and/or (2) any other interventions that the District intends to implement to promote positive changes in the student's interpersonal skills, communication skills, socio-emotional development (e.g. his/her capacity to demonstrate empathy for others) and/or general behavior moving forward.

Examples of possible school-related consequences include: loss or suspension of privileges, detention, in-school suspension, out-of-school suspension, and expulsion from school.

Examples of other possible interventions include:

- Holding meetings involving the student and his/her parent or guardian which cover issues such as ensuring that the student understands (a) the consequences and impact of his/her past behavior; (b) how the District defines bullying and harassment; (c) the possible consequences for future violations of the District's behavioral expectations; and (d) that any type of retaliation related to the incident is prohibited and would be a serious offense;
- Establishing date(s) by which a designated staff member will initiate follow-up contact with the student and/or the parent or guardian;
- Providing student services (e.g., counseling);
- Interventions intended to identify/address potential underlying causes of the behavior and teach new skills;
- Referring the student's parent or guardian to available community services, non-District counseling, etc.

Nothing in these procedures prevents District staff from involving or referring a matter to law enforcement where a student's conduct may have violated one or more laws or where safety interests indicate that such involvement is appropriate.

D. Enhancing School Climate and Building All Students' Awareness and Skills

The District's goals include creating a culture in which bullying and harassment are not tolerated, in which students are supported and encouraged to report concerns with possible harassment or bullying, and in which students build skills that enable them to assist peers who are

harassed or bullied. Accordingly, anti-bullying and anti-harassment efforts have an on-going instructional component for all students, which will not necessarily be associated with any particular incident. However, it is also possible that certain incidents or observed patterns of conduct may cause the District to implement a group-based, class-wide, or school-wide intervention measure that is intended to enhance student awareness, communicate particular concerns, identify and promote desired behaviors, and/or to improve the class or school climate. However, the District will give due consideration to the privacy interests of, and potential negative consequences for, any individual students whenever such interventions are considered.

Cross Reference: Report of Bullying or Harassment Form E-411.1

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