

## HARASSMENT Student Policy

In order to maintain a school culture where all individuals are treated with respect and dignity, and where students are provided a secure environment, the Parkview School District shall strive to maintain and ensure a learning environment free from any form of harassment or intimidation toward or between students, including sexual harassment. This Policy **does not** address sexual harassment under Title IX. All forms of sexual harassment against students under Title IX are addressed in Policy 411.2.

Harassment can be behaviors motivated by an actual or perceived distinguishing characteristics or factor including sex, race, national origin, ancestry, religion, color, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional, or learning disability or handicap. Harassment may also be motivated by any other distinguishing factor including, but not limited to, gender identity, physical appearance, or social, economic or family status. The Parkview School District shall not tolerate any form of harassment and shall take necessary steps to prevent such harassment from occurring. Examples of conduct prohibited include, but are not limited to, the following:

- Physical or mental abuse
- Verbal comments or other expressions which insult, degrade, or stereotype any person or group
- Physical interference with movement, activities or work
- Visual harassment, including derogatory cartoons, drawings or posters and
- Any form of harassment using electronic devices, commonly known as “cyber bullying” by students, staff or third parties is prohibited and will not be tolerated. “Cyber bullying” is the use of any electronic communication device to convey a message in any form that defames, intimidates, harasses or is otherwise intended to harm, insult or humiliate another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form, which disrupts or prevents a safe and positive educational environment, may also be considered “cyber bullying.”
- For the purposes of enforcing this Policy, sexual harassment is defined as any deliberate, repeated or unwanted verbal or physical sexual contact, sexually explicit derogatory statement, or sexually discriminating remark that is offensive or objectionable to the recipient or that causes the recipient discomfort or humiliation or that interferes with the recipient's performance. Sexual harassment can be any unwanted sexual attention, ranging from leering, pinching, patting, verbal comments, display of graphic or written sexual material, and subtle or expressed pressure for sexual activity directed toward another person of the same or opposite sex. Sexual harassment may include the implicit message that noncompliance will lead to reprisals such as harassment escalation, unsatisfactory academic evaluations, difference in academic treatment, or unwarranted comments to or by peers.

Under certain circumstances, sexual harassment and sexual violence may constitute sexual abuse under state law. In all such cases the District will comply with the law and take immediate action to protect the victim(s) of the alleged abuse.

Due to the sensitive nature of harassment and the need to protect the privacy of parties and ward against retaliation, the District will maintain information in as confidential a manner as possible. The confidentiality of the reporting party will be observed to the greatest extent possible but cannot be guaranteed if it interferes with the District's ability to investigate or to take corrective action.

When the District has actual knowledge of sexual harassment as defined under Title IX and in Policy 411.2 in an education program or activity of the District against a student, in the United States, the District shall respond promptly in a manner that is not deliberately indifferent. Any response to a report of sexual harassment under Title IX shall be made in compliance with Policy 411.2.

Any person who believes he/she has been harassed or has knowledge that a policy violation has occurred shall file a complaint with the building principal for an informal complaint or the harassment officer for a formal complaint, in accordance with established complaint procedures. All harassment complaints shall be seriously and properly investigated, and appropriate actions shall be taken to prevent or correct the harassing behaviors. The fact that someone did not intend to harass an individual is generally not considered a defense to a complaint of harassment. In most cases, it is the effect and characteristics of the behavior that determines if the behavior constitutes harassment. In determining whether alleged conduct constitutes harassment, the nature of the conduct and the context in which the alleged conduct occurred will be investigated. Allegations of harassment will be evaluated using a *preponderance of the evidence standard*—that is, before imposing any sanctions, the principal, harassment officer, or designee must conclude that it is more likely than not that the harassment occurred.

If any person files a complaint or informal complaint of harassment under this Policy and it is determined to be a complaint of sexual harassment under Title IX, the complaint shall be handled based upon the procedures set forth in Policy 411.2.

Retaliation is prohibited against anyone reporting or thought to have reported harassment behaviors or any person participating in an investigation of reported harassment. False allegations of harassment are also prohibited. Such retaliation or false reporting is considered a serious violation of the policy independent of whether a charge or informal complaint of harassment is substantiated. Encouraging others to retaliate or falsely accuse someone of harassment also violates the policy.

Examples of retaliation include but are not limited to the following:

- Unfair grading
- Unfair assignments
- Ridicule
- Oral or written threats or bribes
- Name calling

The District's Harassment Policy covers all students in all school related activities and programs. The District will not tolerate harassment of its students by non-school personnel in programs sponsored or supported by the school.

Persons who engage in harassment, retaliation and/or false accusations in violation of this policy shall be subject to disciplinary action in accordance with District policies and procedures. Consequences shall be unique to the nature of the behavior, the developmental level of the student, and the history of problem behaviors. Remedial consequences may be imposed to end

the behavior, prevent reoccurrences and protect the victim. These include, but are not limited to, counseling or attendance at a training program. Referral to law enforcement may be made when criminal laws are violated. Some examples of consequences follow, although they are not limited to this list:

- Written warning
- Counseling
- Detention
- Suspension or expulsion
- Required attendance at a harassment training program
- Police involvement, where assault or abuse is involved

The District Harassment Officers shall oversee the implementation of this policy and shall investigate and respond to harassment complaints. The Harassment Officers shall also be the District Title IX Coordinator, and a designee may be assigned when necessary and appropriate. When possible, the District Administrator shall not serve as a Harassment Officer.

The administrative staff shall be responsible for annually informing students of this policy and the harassment complaint procedures.

LEGAL REF.: 111.32(13) – Wisconsin Statutes  
18.13, 118.20, 118.46(2) – Wisconsin Statutes  
120.13(1), 120.44 – Wisconsin Statutes  
895.77(2) – Wisconsin Statutes  
947.0125, 947.013, 948.51(2) – Wisconsin Statutes  
PI 9, Wisconsin Administrative Code  
Title IX, Education Amendments of 1972  
Title VII, Civil Rights Act of 1964  
Children’s Internet Protection Act (Amended)

CROSS REF.: 411.1-Rule – Student Harassment and Discrimination Complaint Procedures  
411- Equal Educational Opportunities  
411.2 – Title IX: Sexual Harassment-Students and Other Applicable Individuals  
443 - Student Conduct  
443-Rule - Student Code of Classroom Conduct  
443.2 - Student Conduct on School Buses  
443.5 - Student Use of Two-Way Communication Devices  
447 - Student Discipline  
454 - Child Abuse/Neglect  
511 - Equal Opportunity Employment  
511-Rule - Employment Discrimination/Harassment Complaint Procedures  
512 - Sexual Harassment of Employees  
513 – Title IX: Sexual Harassment – Employees

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