

Harassment

Purpose and Philosophy - Harassment is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, and intolerance. Because Bon Homme School District is committed to provide a safe, healthy environment for all students that promotes respect, dignity, and equality, it is the purpose of this policy to create and preserve an educational environment free from unlawful harassment and discrimination.

Monitoring Responsibility - The school district principals, as designated by the Superintendent, will be responsible for ensuring compliance with this policy.

Policy

In order to provide a safe and healthy environment that encourages respect, dignity, and equality, it is Bon Homme School District #04-2 policy to provide an educational environment free from harassment and discrimination. The district strictly prohibits all forms of harassment on school grounds, school buses, and at all school-sponsored activities, programs, and events including those that take place at locations outside the district.

It shall be a violation of this policy for any student, employee, or third party such as: (school visitors and vendors) to harass any student, employee, or any other individual associated with the school such as: (parents, contractors, maintenance workers, and consultants).

The district encourages all victims of harassment and persons with knowledge of harassment to report the harassment immediately. All complainants have the right to be free from retaliation of any kind.

The district will promptly investigate all formal, informal, verbal, and written complaints of harassment and take prompt corrective action to end the harassment.

Definitions - Harassment means unwelcome, persistent, and irritating acts, words, conduct, or communications initiated by students, school employees, or third parties. "Unwelcome" means that a person did not solicit or incite any conduct and regarded the conduct as harassment.

Unacceptable Conduct - Complaints received will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of definitions and should be treated as harassment. School-related conduct that the district considers unacceptable and often a part of harassment includes, but is not limited to, the following:

1. Assault, attempted assault, forcible abuse, hazing, and other activity of a nature as defined under Harassment.
2. Unwelcome conduct such as tripping, hitting, touching, physically threatening, etc.
3. Unwelcome words such as verbal threats, facial reactions, mimicking, belittling, etc.
4. Any unwelcome communication that is suggestive, degrading, or implies motives or intentions such as remarks or innuendoes about an individual's clothing, appearance, or activities; jokes or gestures; public conversations about rumors and "ratings lists"; such actions including howling, catcalls, and whistles.
5. Unwelcome and offensive name calling or profanity that is suggestive, degrading, implies intentions or that is based on stereotypes of others.
6. Unwelcome physical contact or closeness that is suggestive, degrading, or intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs.

7. Unwelcome and offensive physical pranks or touching of an individual's clothing, such as hazing or initiation, "streaking", "mooning", "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks); bra-snapping, skirt flip-ups, "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, skirt, blouse, dress.
8. Unwelcome leers, stares, gestures or slang that are suggestive, degrading, or imply improper motives, or intentions.
9. Clothing with obscene or explicit slogans or messages.
10. Any other unwelcome behavior that is offensive, degrading, intimidating, demeaning, or that is based on stereotypes and attitudes.

Complaint Procedures - It is the policy of Bon Homme School District to investigate promptly and resolve equitably all complaints of harassment. Victims of harassment shall be afforded avenues for filing complaints which are free from bias, collusion, intimidation, or reprisal.

Victims of harassment should document the harassment as soon as it occurs. In order to assist investigators, victims should document the harassment with as much detail as possible including: nature of the harassment; dates, times, and places it has occurred; name(s) of the harasser(s); witnesses to the harassment; victim's response to the harassment.

To the extent they feel safe and comfortable doing so, victims are first encouraged to confront the harasser, verbally or in a letter and/or with an advocate present and tell the harasser to stop the conduct because it is unwelcome. Victims should document the incident(s) of harassment and any conversations they have with the harasser, noting such information as time, date, place, what was said or done, and other relevant circumstances surrounding the incident(s) and the effect/impact of the behavior on the victim.

If the victim's concerns are not resolved satisfactorily by communicating with the harasser, or if the victim feels he/she cannot discuss the concerns with the harasser, the victim should directly inform a teacher, counselor, or principal of the complaint and should clearly indicate what action he/she wants taken to resolve the complaint.

Any student, counselor, or school employee who receives a complaint of harassment shall inform the student of the employee's obligation to report the complaint to the school principal unless the student requests confidentiality. Victims who contact school staff with a complaint are encouraged to submit the complaint in writing. However, complaints may be filed verbally. Alternate methods of filing complaints (such as tape recorders, scribes) shall be made available to individuals with disabilities or small children who need accommodation.

Complaints are encouraged to be reported as soon as possible, within five (5) days after the incident, in order to be effectively investigated and resolved.

Confidentiality - It is district policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's needs for confidentiality must be balanced with the district's obligations to cooperate with policy investigations or legal proceedings, to provide Due Process to the accused, to conduct a thorough investigation or to take necessary action to resolve a complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know.

Initial (Informal) Investigation and Resolution Procedures - The principal has the responsibility to conduct a preliminary review when they receive a verbal or written complaint of harassment or if they observe harassment. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than three (3) working days following receipt of a complaint, the principal should commence an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint.
2. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and small children who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to the mediation, utilize appropriate informal methods to resolve the complaint, including but not limited to:
 - a. Discussion with the accused, informing him/her of the district's policies and indicating that the behavior must stop
 - b. Suggesting counseling and/or sensitivity training
 - c. Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior
 - d. Requesting a letter of apology to the complainant
 - e. Writing letters of caution or reprimand
 - f. Separating the parties, if and when possible
8. Parent/Student/Employee Involvement and Notification
 - a. Parents of both victim and accused shall be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. Employees bringing complaints shall be informed of their right to be represented by union officials or other professional representatives.
 - c. If either the victim or the accused is a disabled student receiving special education services under an IEP or 504/Americans with Disabilities Act accommodations, all members of the student's IEP or 504 team will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, Due Process procedures required for persons with disabilities under state and federal law shall be followed.
9. Keep on file a copy of all investigation and interview documentation.
10. Report back to both the victim and the accused, notifying them in writing and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. Instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.

Whenever a harassment complaint is made, school administrators must take action to investigate the complaint. If the initial investigation results in a determination that harassment did occur, and the harasser repeats the wrongful behavior or retaliates against the victim, the principal will take prompt disciplinary action.

The principal must consider the severity or persuasiveness of the conduct and exercise discretion in determining whether a district level investigation is necessary.

District Level Investigation - The Superintendent shall promptly investigate and resolve all harassment complaints that are referred to the district by school principals. Any party who is not satisfied with the outcome of the initial investigation may request a district level investigation by submitting a written complaint to the appropriate principal, the Superintendent or School Board.

Important male and female contact persons at the district are as follows:

Classroom Teachers

Counselor

Principal

Superintendent

School Board

The district level investigation should commence as soon as possible. If a district investigation results in a determination that harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint. Following receipt of the complaint, the district will notify the victim and alleged harasser, verbally or in writing, of the outcome of the investigation.

Any victim or accused who still is not satisfied with the outcome of district investigations may file a request for a review by a neutral panel by submitting a written appeal to the Superintendent.

Right to Representation and Other Legal Rights - The victim and alleged harasser have the right to be represented by a person of their choice, at their own expense, during harassment investigations and hearings. Nothing in this policy shall be construed to limit the right of the complainant to file a lawsuit in either State or Federal Court.

Retaliation Prohibited - Any act of retaliation against any person who opposes harassing behavior, or who has filed a complaint, is prohibited and illegal and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a harassment complaint is prohibited. For the purpose of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension, exclusion, probation, or termination.

Discipline - Any individual, including an individual with disabilities, who violates this policy, will be subject to appropriate disciplinary action, such as:

- * verbal warnings/reprimands
- * written warning/reprimand in employee or student files
- * detention or in-school suspension
- * behavior contracts
- * requirement of verbal and/or written apology to victim
- * education and training on harassment by reading assignments, videos, classes, or other presentations
- * requiring a written paper on the topic of harassment
- * referral for psychological assessment or treatment
- * requiring parents to attend school with perpetrator
- * involvement of police and other law enforcement authorities
- * community service.

In addition, if the harassment is severe or persistent, an individual who violates this policy may be subject to alternate placement, suspension, exclusion, probation, or termination. Moreover, students who violate this policy may lose the privilege of participating in extracurricular activities such as: athletics, music programs, student government, cheerleading, and graduation ceremonies. These penalties may be imposed even for first offenses which are severe or extreme.

In determining what disciplinary or corrective action is appropriate, school officials shall consider the totality of the circumstances, including but not limited to:

- * the number of victims and harassers involved
- * the ages of the victims and harassers
- * the prior disciplinary record of the harasser
- * the disability status of the victim and/or harasser
- * the threatened or actual harm caused by the harassment
- * the frequency and/or severity of the harassment.

If the alleged harasser is a student with a disability whose education involves services under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, no suspension or expulsion longer than ten (10) school days or change of placement, or other steps shall be imposed until a district multi-disciplinary team meets to determine the extent to which the harassing behavior is or is not a manifestation of the student's disability.

False Complaints - False or malicious complaints of harassment may result in corrective or disciplinary action taken against the complainant.

Legal References: SDCL 20-9-6; 20-9-32; 20-11-1; 22-19B-1

Adopted: January 2000

Revised: January 11, 2010