

# Bullying, Harassment, Discrimination, Hazing, Sexual Assault And Sexual Harassment

Bullying, harassment, discrimination, hazing, sexual harassment and sexual assault are prohibited on the School's campus and the property immediately adjacent to School grounds, on School vehicles and at School-sponsored events, activities, athletic contests and off-campus trips. School-owned technology may not be used to intimidate, harass, threaten or bully another student. In addition, interpersonal misconduct is prohibited at a location, activity, function or program that is not School-related or through the use of technology or an electronic device that is not owned, leased or used by the School, if such conduct: (a) creates a hostile environment at school for a student, (b) infringes on the rights of a student at the School, or (c) substantially disrupts the educational process or the School's orderly operations.

## Definitions

***Aggressor:*** A student or faculty/staff member who engages in bullying (including cyber-bullying), harassment, discrimination, hazing, sexual assault, sexual harassment or retaliation towards another person.

***Bullying:*** Bullying (including cyber bullying) is prohibited under the laws of the State of Illinois including Near North Montessori and is defined as the severe or pervasive physical or verbal act or conduct, including use of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, by one or more students or members of the faculty/staff directed at a target that: (a) places the student or students in reasonable fear of harm to the student's or students' person or property; (b) causes a substantially detrimental effect on the student's or students' physical or mental health; (c) substantially interferes with the student's or students' academic performance; or (d) substantially interferes with the student's or students' ability to participate in or benefit from the services, activities or privileges provided by the School.

The School recognizes that certain students may be more vulnerable to becoming targets of bullying or harassment based on actual or perceived differentiating characteristics and identities, including race, color, religion, ancestry, national origin, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these identities.

"Bullying" includes "cyber-bullying" and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

- (1) Placing the student or students in reasonable fear of harm to the student's or students' person or property;
- (2) Causing a substantially detrimental effect on the student's or students' physical or mental health;
- (3) Substantially interfering with the student's or students' academic performance; or
- (4) Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

*Cyber-Bullying*: Cyber-bullying is bullying through the use of technology or electronic communication, including, but not limited to, any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying includes, but is not limited to: (a) the creation of a web page or blog in which the creator assumes the identity of another person, and (b) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation constitutes bullying conduct as defined above. Cyber-bullying includes, but is not limited to, the distribution by electronic means of a communication to more than one person, or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions included in the definition of bullying.

"Cyber-bullying" means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. "Cyber-bullying" includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. "Cyber-bullying" also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying in this Section.

Bullying is contrary to State law and the policy of the non-sectarian nonpublic school and is consistent with subsection (a-5) of this Section [free exercise of religion].

Nothing in this Section is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the United States Constitution or under Section 3 of Article 1 of the Illinois Constitution.

*Harassment Or Discrimination:* Harassment or discrimination is behavior that is pervasive or severe and has the purpose or effect of: (a) creating an intimidating, hostile or offensive environment; (b) interfering unreasonably with a student's academic performance; or (c) creating a situation where academic decisions of a student depend on the student submitting to and/or not objecting to the behavior.

Harassment and discrimination can take many forms. Examples include limiting opportunities to participate in certain clubs, teams or activities based on certain characteristics, as well as slurs, jokes, statements, remarks, questions, gestures, pictures, emails, texts or cartoons regarding a legally protected status that are derogatory or demeaning to an individual's or group's characteristics or that promote stereotypes. Harassment also includes sexual harassment (as defined below).

*Hate speech:* Verbal or non-verbal communication that expresses prejudice against a particular group especially on the basis of race, religion, or sexual orientation, including but not limited to, racial slurs or gendered derogatory terms

*Hazing:* Hazing means knowingly requiring the performance of any act by a student or other person in a school for the purpose of induction or admission into any group, organization or society associated with that school if the act is not sanctioned or authorized by the school and, the act results in bodily harm to any person.

*Hostile Environment:* A hostile environment refers to a situation in which certain misconduct causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive so as to alter the conditions of a student's education.

*Racial Discrimination:* Racial discrimination is a type of discrimination (as defined above). Racial discrimination involves treating a target unfavorably because the target is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Racial discrimination can occur when the target and the person who inflicted the discrimination are a different race or color or the same race or color.

*Retaliation:* Retaliation is any form of intimidation, reprisal or harassment directed against a student who reports misconduct (including, but not limited to, bullying, harassment,

discrimination, hazing, sexual assault or sexual harassment), provides information during an investigation, or witnesses and/or has reliable information about such misconduct.

*Sexual Assault:* Sexual assault occurs when a person is forced or coerced into sexual activity without giving consent. Sexual activity includes, but is not limited to, touching or fondling, either directly or through the clothing, of another's intimate areas or any contact, intrusion or penetration of another's sex organs, anus or mouth.

*Sexual Harassment:* Sexual harassment is a type of harassment (as defined above). Sexual harassment includes unwilling and unwanted sexual attention, regardless of gender, from anyone with whom a person may interact in the course of attending the School or being present at school-sponsored activities.

Examples of behavior that may constitute sexual harassment include (regardless of whether the intent or consequence of such behavior is to make the target feel uncomfortable):

- a) offensive body language (staring and/or leering at a person's body or standing/brushing too close);
- b) offensive or unwanted sexual comments, abuse, jokes, insults, delivered orally or in writing, including but not limited to requests for inappropriate or sexual photos;
- c) derogatory or pornographic posters, cartoons or drawings;
- d) pressure for sexual activity (such as hazing or threats as well as repeated requests after rejections);
- e) offering favors or benefits in exchange for sexual acts, or threatening mistreatment if one does not engage in sexual acts; and
- f) offensive or unwelcome physical advances (including kissing, hugging, pinching, grabbing, groping, "playful" slapping, etc.).

### Legal Definitions And School Policies

In accordance with the School's mission, values and standards of conduct, the School has, at times, supplemented and/or provided broader protections against bullying, discrimination, harassment and other inappropriate conduct than may be required under applicable laws. In essence, the School's standards may be stricter than the law and the School may impose discipline accordingly. The School's efforts to enhance its protection of students in no way expand an individual's rights under the law and other applicable laws may supersede this policy. Further, the School may modify and amplify the standards set forth above and use its discretion in the interpretative enforcement of all ideals and standards of conduct. This bullying policy is inclusive of input from students and parents/guardians as stakeholders. The bullying policy is consistent with the policies of the school board, charter school, or non-public, non-sectarian elementary or secondary school.

### Reporting Complaints

Anyone who is the target of interpersonal misconduct, or who has witnessed such an incident or any incident of retaliation, or who otherwise has relevant information about conduct prohibited by the School, is strongly encouraged to report the matter promptly (either orally or in writing) to the Associate Head of School, Hannah Richardson. It can be sent as an email to [hrichardson@nnms.org](mailto:hrichardson@nnms.org), or called in at 773-269-6224. If a student is uncomfortable contacting the Associate Head of School, the student may ask another adult or a classmate to help.

Families of a student who is the target of interpersonal misconduct, or of a student who has witnessed or otherwise has relevant information about such misconduct, are urged to immediately notify the Associate Head of School, Hannah Richardson, by email [hrichardson@nnms.org](mailto:hrichardson@nnms.org) or by phone at 773-269-6224. Furthermore, any family who has witnessed interpersonal misconduct, or has relevant information concerning such an incident or any incident of retaliation, are strongly encouraged to contact one of the administrators immediately.

The School urges students and families not to make anonymous reports. Although there are circumstances in which an anonymous report can be better than none at all, it is far more difficult to determine the facts of what occurred if complaints are made anonymously and disciplinary action will generally not be taken against an individual solely on the basis of an anonymous report. Anonymous reports may be made using the phone number and email address provided above, or a written letter to the Associate Head of School and/or Director of Student Wellness.

The School cannot promise absolute confidentiality to those reporting interpersonal misconduct, as there may be a need to share information during an investigation or otherwise; however, the School will disclose such information with discretion, on a need-to-know basis.

### False Complaints

All persons involved in a complaint or investigation should understand that false or exaggerated accusations can be extremely damaging to innocent persons; therefore, the School expects and requires the honest and full disclosure of facts, taking into account the ages of the individuals, by all involved. Any person who knowingly makes a false accusation of bullying, harassment, discrimination, hazing, sexual assault, sexual harassment or retaliation may be subject to disciplinary action.

### Responding To Complaints

The goals of an investigation, and any supportive, disciplinary or other remedial process that is imposed following that investigation, are to correct the situation to the extent reasonably possible and to take steps to prevent repetition of the incident and retaliation. The School strives to make all reasonable efforts to complete an investigation within 10 school days after the date the report of the incident was received.

When a complaint is brought to the attention of the Associate Head of School, an assessment is made to determine the initial steps appropriate to protect the well-being of the students involved (including both the alleged targets and aggressors) and to prevent disruption of the learning environment while the investigation is undertaken. The School may use strategies, such as increased supervision, stay-away mandates and personal safety plans, as may be appropriate to prevent further misconduct, witness interference and/or retaliation during the course of and after the investigation.

The Associate Head of School or other Head of School's designee will conduct an impartial, fact-finding investigation of the complaint. This investigation may include (but is not necessarily limited to) interviews with the complainant, alleged target(s), alleged aggressor(s) and any other witnesses or parties who have information relevant to the alleged incident. The School may consult with faculty, the School's healthcare providers, the families of the alleged target(s) and/or the alleged aggressor(s), or any other person deemed to have knowledge about, or circumstances surrounding, the complaint.

The School neither tolerates nor engages in retaliation against an individual for filing a complaint about interpersonal misconduct or cooperating in an investigation of such a complaint. The School will not take adverse action against a student for making a good faith report of interpersonal misconduct. An individual who is found to have engaged in retaliation against a student for filing a complaint, or participating in the investigation of a complaint, may be subject to disciplinary action. The Associate Head of School will determine any appropriate disciplinary action, consistent with the disciplinary provisions of this Handbook, for a student who is found to have committed an incident of interpersonal misconduct or retaliation.

Upon completion of the investigation, the Associate Head of School will generally make the following determinations:

- Whether and to what extent the allegation of interpersonal misconduct has been substantiated.
- Whether any disciplinary action and/or other remedial action is appropriate and, if so, how it will be implemented.
- Whether counseling, or a referral to appropriate services, should be offered to targets, aggressors, or family members of the affected students or targets.
- Consistent with federal and State laws and rules governing student privacy rights, includes procedures for promptly informing parents or guardians of all students involved in the alleged incident of bullying and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.

"Restorative measures" means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that

- (i) are adapted to the particular needs of the school and community,
- (ii) contribute to maintaining school safety,

- (iii) protect the integrity of a positive and productive learning climate,
- (iv) teach students the personal and interpersonal skills they will need to be successful in school and society,
- (v) serve to build and restore relationships among students, families, schools, and communities, and
- (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.
- (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Illinois Human Rights Act.

Information about consequences or other corrective action may be shared with the School community as deemed appropriate by the Associate Head of School or Head of School. Such announcements may be made in person, by electronic communication or otherwise. Resources such as school counseling, restorative measures, social emotional skill building, community based services or referral to appropriate services are available to all students – including the alleged aggressor(s) and the alleged target(s) – during and after an investigation.

#### Policy Evaluation Process

The School will maintain a document that indicates frequency of reports and determination of victimization. This will include details such as areas of the school or outside the school, the types of bullying, and bystander intervention and participation. This information will be reviewed annually by the Associate Head of School, Director of Student Wellness and Director of Equity and Inclusion and a summary of findings posted to the website.

#### Notification To Families/Guardians

The School will generally notify the families/guardians of the alleged target(s) and the alleged aggressor(s):

- promptly after a complaint has been filed,
- with information about the investigation
- offer an opportunity to meet with the school administrator or designee to discuss the investigation
- upon completion of the investigation and
- to report the results of the investigation.

Additionally, families/guardians of the target(s) will generally also be notified of any action to be taken to prevent further acts of interpersonal misconduct or retaliation.

*In all situations, the amount of information shared by the School may be limited by confidentiality laws protecting student and employee records, other confidentiality or privacy considerations and/or concerns regarding the integrity of the investigation processes.*

#### Notification To Government Authorities

In appropriate circumstances, such as when a crime may have been committed or a child may have been subjected to abuse or neglect of the type that is reportable under Illinois law to DCFS, law enforcement or other appropriate government agencies may be notified. At any point after receiving a report of misconduct, including, but not limited to, bullying, harassment, discrimination, hazing, sexual assault or sexual harassment, the School may notify local law enforcement or other government agencies. If NNM receives a complaint involving students from another school, the School may notify the appropriate administrator of the other school so that both may take appropriate action.

#### Sanctuary Policy Applicable To Sexual Assault

Student health and safety are more important than discipline. Therefore, a student should not refrain from seeking help for fear of discipline by the School. If a student is violating a School rule when the student needs to call for help due to a sexual assault, the student will generally be granted sanctuary from discipline for the rule violation (unless, for instance, the student perpetrated the sexual assault). We reiterate that we strongly encourage students to promptly report to a School employee any incident where the health or safety of a student may be at risk.

This policy was approved by the NNM Board of Directors on 9/19/22.