

## **STUDENT HARASSMENT BASED ON A LEGALLY-PROTECTED STATUS      Policy 411.1**

The unlawful harassment of any student that is based on a legally-protected status is a form of prohibited and unlawful discrimination. Accordingly, the District prohibits harassment that is based on, or that occurs because of, a student's sex (including any non-conformance with sex or gender-based stereotypes), sexual orientation, race, color, national origin, ancestry, religion, creed, pregnancy, marital or parental status, any physical, mental, emotional or learning disability, or any other legally-protected status or classification.

Although different state and federal laws establish different standards to define conduct that does (or does not) constitute prohibited student harassment, prohibited 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.

In addition, as defined and prohibited under the federal Title IX regulations (see 34 C.F.R. §106.30), sexual harassment of a student also expressly includes conduct on the basis of sex within a District program or activity that either (1) involves a District employee conditioning the provision of an aid, benefit, or service of the District on a student's participation in unwelcome sexual conduct; (2) is unwelcome and sufficiently severe, pervasive, and objectively offensive so as to deny a student equal access to an education program or activity; or (3) constitutes sexual assault, stalking, dating violence, or domestic violence as those terms are further defined under the Title IX regulations.

The person responsible for the prohibited harassment may be another student, a District employee, a non-employee acting as an agent or contractor of the District, or another person who is present in, or who engages in conduct that sufficiently impacts, the educational environment or the applicable District program or activity. Persons who engage in prohibited harassment in violation of this policy are subject to District-imposed discipline or other sanctions, and the District may provide victims of harassment with appropriate accommodations or other remedies.

Any person, including any student, may report a concern or allegation of prohibited harassment to the District, and the District has established procedures that are intended to provide for the prompt and equitable resolution of any such reports or complaints. Accordingly, reports and complaints of possible student harassment under this policy may be submitted and will be processed and resolved as provided in Board Policy 113 and Board Policies 511 and 512, and as further outlined in the complaint procedures and grievance processes that the District has adopted under those District nondiscrimination policies.

Any person who needs additional information about submitting a report or complaint of possible student harassment may contact any of the District's nondiscrimination coordinators, as identified in Board Policy 113, or the office of the District Administrator.

**Legal References:**

**Wisconsin Statutes**

Section 118.13 [student nondiscrimination]

Section 947.013 [harassment prohibited]

**Wisconsin Administrative Code**

PI 9 [student nondiscrimination; policy/procedure/notice required]

**Federal Laws and Regulations**

See the federal references for Policy 411-Student Nondiscrimination and Equal Educational Opportunity

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