

The School Board recognizes the need to create and maintain a school and work environment for District employees, students and others that is free of harassment in any form, including bullying. The Board further recognizes that sexual and other harassment is prohibited under state and federal law. Accordingly, the Board prohibits harassment of employees, students and others engaged in the operation of the programs and activities of the North Lake School District and will take appropriate action to discipline any employee or student whose conduct violates this policy.

**DEFINITIONS:**

**Harassment** and **bullying** are defined as the physical or verbal conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment, or substantially interfering with the individual's work or school performance. It may consist of a single act, or a course of conduct. Examples of harassment and bullying include but are not limited to:

- hurting someone by hitting, kicking, tripping, pushing and so on
- stealing or damaging another person's things
- ganging up on someone
- teasing someone in a hurtful way
- using put downs, such as insulting someone's race or making fun of someone for being a girl or boy
- touching or showing private body parts
- spreading rumors about someone
- leaving someone out on purpose, or trying to get other kids not to play or sit with someone

**Sexual Harassment** is a particular type of harassment to which either sex can be subjected. It includes unwelcome sexual advances, unwelcome physical contact of a sexual nature, or unwelcome physical or verbal conduct of a sexual nature. Unwelcome verbal or physical conduct of a sexual nature includes, but is not limited to, the deliberate, repeated display of offensive sexually graphic materials, which are not necessary for business or instructional purposes; requests, demands or subtle pressure for sexual favors in exchange for continued employment, advancement, grades or status.

**Cyber bullying** is the misuse of any technology to harass, tease, intimidate, threaten, or terrorize another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs, etc... All cyber bullying cases that are shared with any school personnel will be investigated fully by the school. In situations where the cyber bullying originated from a non-school computer, but were brought to the attention of school officials, any disciplinary action shall be based upon whether the conduct is determined to be severely disruptive of the educational process so that it markedly interrupts or severely impedes the day-to-day operations of the school. In addition, such conduct must also be in violation of a publicized school policy. Such conduct includes, but is not limited to, harassment, or making a threat off school grounds that is intended to endanger the health, safety or property of others at school, a District employee or school board member. Disciplinary action may include, but is not limited to, the loss of computer privileges, detention, suspension, or expulsion for verified perpetrators of cyber bullying. In addition, when any kind of threat is communicated or when a hate crime is committed, this shall be reported to local law enforcement officials.

The North Lake School District prohibits any behavior that can be construed as harassment. Any violation of this policy may result in the discipline of any employee up to and including immediate termination. Any violation by a student may result in discipline up to and including expulsion. Any person who believes he or she has been harassed in violation of the terms of this policy is encouraged to pursue the complaint procedure cited in 5016 Procedures for Employee or Students. All harassment complaints will be promptly and thoroughly investigated, and appropriate action will be taken.

There shall be no retaliation against individuals who file complaints under this policy or who assist in the investigation of such complaints. Consequences for retaliation will be enforced per Board policy. Any complaints will be kept confidential to the extent they can by law.

Notice of this policy and accompanying complaint procedures shall be communicated annually to students and employees.

Legal References:        Wisconsin Statutes        Section 111.31  
   Section 111.32(13)  
   Section 111.36(1)(b)  
   Section 118.13  
   Section 118.20  
   Section 947.013  
   Section 947.025  
   PI 9 Wisconsin Administrative Code  
   Title VII, Civil Rights Act of 1964  
   Title IX, Education Amendments of 1972  
   Equal Employment Opportunities Commission  
   Guidelines (29 C.F.R. - Part 1604.11)

Adopted:            9-21-92  
Revised:            3-22-93  
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Revised:            4-21-04  
Revised:            8-18-08

***HARASSMENT COMPLAINT PROCEDURES - EMPLOYEE***

**INFORMAL COMPLAINT PROCEDURE:**

- Step 1: The person who believes he/she is being subjected to harassment is encouraged to advise the person who is engaging in such conduct of their objection to the physical or verbal acts of harassment.
- Step 2: If the person being harassed is unable or unwilling to discuss the matter of his/her objection with the person committing the harassment or the harassment continues after completion of Step I, the person shall advise his/her direct supervisor of the allegations. The supervisor shall discuss the allegations with the other person to attempt to affect relief.
- Step 3: If, in the judgement of the complainant, Step II would be ineffective or the complainant does not wish to discuss the matter with the supervisor, or the results of Step II are unsuccessful, the person may report the complaint to the District Administrator. The complaint may be transmitted verbally or in writing at the discretion of the complainant. The District Administrator shall meet with the complainant in a timely manner to discuss the complaint.

If in the judgement of the District Administrator and/or the complainant the matter warrants formal action, the complaint shall be filed according to the formal complaint procedure cited below. The formal complaint shall be processed in a timely and orderly manner according to the steps of procedure.

**FORMAL COMPLAINT PROCEDURE:**

- Step 1: The formal complaint shall be submitted in writing to the District Administrator or designee. The complaint should include the specific nature of the harassment and should detail, in so far as possible, the times, dates, location, and other details of the alleged harassment. The written report shall also include the name of the person alleged to be engaged in the alleged harassment. The complaint shall be signed and dated by the complainant. Forms 5016 Addendum A and B should be used if applicable.
- Step 2: The District Administrator or designee shall thoroughly investigate the complaint. In doing so, he/she will notify the person accused of the complaint and the specifics thereof. The accused individual shall be permitted to respond to the allegations either verbally or in a signed statement at his/her discretion. If in the judgement of the District Administrator or designee, a meeting of involved parties is necessary or appropriate to clarify or resolve the matter, a meeting will be conducted within ten (10) working days of the filing of the formal complaint.

The District Administrator or designee shall respond in writing to the complainant and the accused within fifteen (15) working days of receipt of a response from the accused or conduct a meeting on the matter. The accused shall be allowed ten (10) working days to present their position. The response by the District Administrator shall summarize the findings of the investigation and spell out actions, if any, taken to resolve the matter.

Step 3: If the complainant is not satisfied with the response to the complaint in Step 2, he/she may submit a written appeal to the Board of Education through the District Administrator or designee. The appeal shall be filed within ten (10) working days of the response received in Step 2. The appeal shall be filed with the District Administrator or designee who shall transmit the appeal to the Board for consideration at the next regularly scheduled Board meeting. The appeal shall be considered in closed session, except as otherwise provided by law. If the appeal is filed three (3) working days before a regularly scheduled meeting, the matter will be considered at the next successive regular Board Meeting.

The appeal shall include the nature of the disagreement with the response in Step 2 and the complainant's reasons for disagreement. The complainant may request and shall be granted the right to be present during discussion of the appeal and shall be permitted to present his/her reason for disagreement. The individual accused of harassment shall be notified of the consideration of appeal and may be present and shall be permitted to present his/her response.

The Board shall respond to the complainant and the respondent within twenty (20) working days of the hearing with respect to the Board's findings and determination in the matter of the appeal.

The District Administrator and/or the Board of Education reserves the right or may have the legal duty to refer matters of harassment to appropriate legal authorities in cases where child abuse may be a factor or in cases where reasonable belief exists that a criminal act may have occurred.

Nothing in this policy shall preclude an employee from pursuing a harassment complaint as provided by law (e.g. Wisconsin Equal Rights Division of the Department of Workforce Development, the Federal Equal Employment Opportunity Commission or the Federal Office of Civil Rights).

### ***HARASSMENT/BULLYING COMPLAINT PROCEDURES - STUDENT***

Any student who feels he/she has been subjected to harassment should contact any adult on the school staff. The person who has been notified of the incident must immediately report this information to the school principal.

Forms 5016 Addendum A and B will be used to record findings. Findings will be kept confidential to the extent they can by law. If the allegation is confirmed, appropriate action will be taken. Appropriate action could include, but is not limited to:

- Written documentation of the incident
- Parent notification of all involved (required in all instances)
- Peer mediation/conflict resolution/apologies (verbal-written)
- Professional counseling
- Disciplinary action per conduct policy
- Referral to outside agencies
- Suspension and/or expulsion
- Referral to police or other authorities

To the extent a complaint of sexual harassment involves sexual contact or the apparent infliction of physical or emotional damage to the student, the appropriate authorities will be notified pursuant to the child abuse/neglect reporting law.

Should the person filing the complaint feel the situation remains unresolved, the complainant may contact the District Administrator for further resolution. A written response from the District Administrator will be forwarded to the complainant within 10 days.

If after appeal to the District Administrator, the complainant feels that an equitable solution has not been reached, a written letter to the School Board may be initiated. The request to be heard before a committee of the Board on the matter of concern should be addressed to the North Lake School Board President. The President in conjunction with the District Administrator will coordinate a special meeting date/time to hear the concern.

The Board shall respond to the complainant and the respondent within twenty (20) working days of the hearing with respect to the Board's findings and determination in the matter of appeal.

If the complainant is not satisfied with the Board's decision, the complainant, within 30 days, appeal the decision in writing to the State Superintendent of Public Instruction. The complainant shall be notified of his/her right to file a negative determination by the District regarding a student harassment complaint to the State Superintendent of Public Instruction and of the procedure for making such an appeal.

*Complainants may also contact:*

*United States Department of Education, Office for Civil Rights  
Regional Office V  
500 W. Madison Street, Suite 1475  
Chicago, IL 60661*

**NORTH LAKE SCHOOL DISTRICT  
HARASSMENT/BULLYING REPORTING FORM**

Name of person reporting \_\_\_\_\_

Date of incident \_\_\_\_\_ Time of incident \_\_\_\_\_

Names of person(s) alleged to have done the harassing \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Name(s) of any witnesses \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Describe the alleged harassment as accurately as possible. Include descriptions of all physical and verbal behavior that you feel are of a harassing nature. (Use back of this form or additional paper if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Parent/Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Student

\_\_\_\_\_  
Administrator

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Signature of person completing form/date

**SUPERVISOR SUMMARY**

Briefly describe the process used to investigate the complaint.

Conclusion reached and actions taken.

If a student or students were involved, when were parents/guardians notified? By whom? Please summarize discussion(s).

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Signature of person completing report/date