

## PROHIBITION OF STUDENT DISCRIMINATION AND HARASSMENT

The Evansville Community School District is committed to maintaining and ensuring a learning and working environment that is free of harassment or intimidation toward students and employees. The District will not tolerate any form of discrimination and harassment, including sexual harassment, and will take all necessary and appropriate action to eliminate it, up to and including discipline of the offenders.

Harassment based upon a protected group status is considered particularly unacceptable in the District. In that regard, no person shall be subject to harassment based on age, sex, race, color, religion, national origin, ancestry, creed, sexual orientation, pregnancy, marital status, disability/handicap or any other basis protected by state or federal law.

Harassment refers to physical or verbal conduct, or psychological abuse, by any person that disrupts or interferes with a person's work or school performance, or which creates an intimidating, hostile or offensive work or learning environment. It may occur student to student, student to staff, staff to student, staff to staff, male to female, female to male, female to female, or male to male. Harassment may include, but is not limited to, the following:

- Verbal harassment, e.g. epithets, kidding, derogatory comments, slurs or racist remarks, threatening or intimidating language, teasing or name calling.
- Physical interference with movement, activities or work; e.g. assault, hitting, punching, kicking, theft.
- Visual harassment, e.g. derogatory cartoons, drawings or posters.
- Sexual harassment, which 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 which causes the recipient discomfort or humiliation or which interferes with the recipient's academic or work performance. Sexual harassment can take the form of 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. In addition to the anxiety caused by sexual demands on the recipient, sexual harassment may include the implicit message from the alleged offender that noncompliance will lead to reprisals. Reprisals may include, but are not limited to, the possibilities of harassment escalation, unsatisfactory academic/work evaluations, difference in academic/work treatment, sarcasm, or unwarranted comments to or by peers.
- Social, e.g. spreading cruel rumors, intimidation by gesture, social exclusion and electronic harassment using social media.

- 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 in the District. “Cyber bullying” is the use of any electronic communication device to convey a message in any form (text, image, audio or video) 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 or working environment may also be considered cyber bullying.
- The behavior may be motivated by an actual or perceived distinguishing characteristic, such as, but not limited to: age; national origin; race; ethnicity; religion; gender; gender identity; sexual orientation; physical attributes; physical or mental ability or disability; and social, economic or family status.

It is further the policy of the District that a sexual relationship between staff and students is not permissible in any form or under any circumstances, in or out of the school/workplace, in that it interferes with the educational process and involves elements of coercion by reason of the relative status of a staff member to a student.

Any individual who believes he/she has been subjected to harassment by any other person should report the incident to the building principal/designee or immediate supervisor. It is the intent of the District to create an atmosphere where complaints and alleged complaints will be treated fairly and quickly. If a student or employee is not comfortable making a complaint to the principal/designee or immediate supervisor, the complaint may be made to any other adult employee. The employee will report the complaint to the appropriate principal/designee, supervisor or the District Administrator of Schools.

Third party witnesses are strongly encouraged to report observed incidents of harassment to the administration.

Any employee who has reasonable cause to suspect that a child has been harassed by an adult, or another student, shall immediately report such suspicion to the building principal. Any employee who observes student to student harassment of any form shall take reasonable action to stop the harassment and shall report the incident to the building principal.

The District Administrator shall establish a written procedure for responding to complaints. The procedure shall include a means for the complainant to appeal decisions to the District Administrator and to the Board of Education. The District Administrator will develop appropriate alternative procedures for special needs and younger students.

Education and intervention shall be implemented for all students and employees, but particularly those who file a complaint of harassment. This policy and complaint procedure will be made available to all students and District employees on an annual basis. The District forbids retaliation against anyone who has reported harassment or cooperates in a harassment investigation. However, the District requests that all complaints will be made in good faith and based on a reasonable belief that a student or employee has been harassed.

Legal Ref.: Sections 111.32 (13) Wisconsin Statutes (Definition-Sexual Harassment)  
 118.13 (Pupil Discrimination Prohibited)  
 118.20 (Teacher Discrimination Prohibited)

120.13(1) (School Board Powers)  
120.44 (School Board Powers and Duties)  
895.77(2) (Injury Caused by Criminal Gang Activity)  
947.0125 (Unlawful Use of Computerized Communication Systems)  
947.013 (Harassment)  
948.51(2) (Hazing)

PI 9, Wisconsin Administrative Code

Equal Employment Opportunities Commission Guidelines (29 C.F.R.-Part 1604.11)

Local Ref.: Policy #411 – Equal Educational Opportunities

Policy #411.1 Rule – Student Discrimination Complaint Procedures, Administrative Rule

Policy #411.1 Form – Discrimination or Harassment Complaint Form

Policy #411.3 – Prohibition of Student Bullying

Policy #411.3 Form – Bullying Report

Policy #512 – Nondiscrimination/Harassment of Employees

Special Education Procedural Safeguards