

## **443.94 – STUDENT HARASSMENT**

The School District of Auburndale seeks to provide a learning environment free of any form of harassment or intimidation toward and between students. Therefore, the District will not tolerate harassment in any form and will take all necessary and appropriate action to eliminate it, up to and including discipline of the offenders.

“Student harassment” means behavior toward students based, in whole or in part, on gender, race, religion, national origin, color, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability or handicap which substantially interferes with a student’s school performance or creates an intimidating, hostile or offensive school environment.

It is the responsibility of students, staff and others to help enforce this policy so that these prohibited activities do not occur in our school environment. The principals are responsible for disciplining the offenders. The Board believes that when it comes to student discipline, each individual situation needs to be addressed according to the severity of the incident, along with the intellectual and emotional stage of each student as well as all of the relevant facts and circumstances.

Any student who believes that he/she has been the subject of harassment, or any parents/guardians who believe their child has been subjected to harassment, shall report the matter in accordance with established procedures. There shall be no retaliation against students who file reports under this policy. All reports shall be investigated in a timely manner.

In order to ensure dissemination of this policy, this policy will be included in all future student handbooks. Discussion of harassment shall be included at an age appropriate level through the District’s developmental guidance program. The complaint procedure will be given to any individual wishing to file a complaint.

### **STUDENT HARASSMENT COMPLAINT PROCEDURES**

It is important for these procedures to respect and advance the rights of all parties, including personal privacy interest and the protection of the reputation of all concerned and involved parties. In order to ensure fair procedures to protect these interests, all parties are encouraged to keep these matters confidential. All investigating individuals are charged with the responsibility to hold these matters in the strictest confidence, to the extent authorized by law, in order to guard against the unnecessary or inadvertent disclosure of information relating to any pending charges or investigations.

Students who believe they are the victims of harassment, or parents/guardians who believe their child is a victim of harassment, should immediately report their concerns to the principal, a school counselor, or a teacher. If an adult other than the principal receives the complaint, the adult shall forward the complaint to the principal/designee for review and action as necessary. If the principle is the subject of the complaint, the complaint should be forwarded to another designated administrator. The Principal or other administrator will compose a written record of any verbal complaints.

Complaints will be taken seriously and will be subject to thorough review an immediate investigation by the receiving officer or designee.

PROCEDURES:

1. Complaints may be made either verbally or in writing to the Principal/designee. The complaint should include a specific statement of the alleged behavior, including (if possible) additional background details such as time, date, location and circumstance of each alleged incident.
2. The Principal/designee shall make an initial determination of the complaint which shall include investigating the complaint, notifying the person has been accused of harassment, permitting a response to the allegations; arranging a meeting, and responding to the complaint. Since the District takes these complaints seriously, they will be subject to immediate review and investigation. The District Administrator will be called immediately when a complaint has been filed. Every effort will be made to complete this initial review within fifteen (15) calendar days. The principal/designee shall give a written report to the complaint after the completion of the initial review.
3. If any party is not satisfied with the report of the Principal/designee, a written appeal may be submitted to the District Administrator/designee indicating the nature of the disagreement. The appeal must be filed within twenty (20) calendar days after receipt of the principals/designee's decision. The District Administrator/designee shall schedule a meeting of all parties to the complaint to review the issues presented in the appeal. The District Administrator/designee shall provide written response outlining findings and disposition of the appeal within ten (10) calendar days of the date the appeal is filed or ten (10) calendar days after the meeting, whichever is later.
4. If either party is not satisfied with the decision on the appeal, a party may file a request for formal review the Board of Education. The appeal must be filed within ten (10) calendar days of the receipt of the prior decision. The Board shall conduct a hearing within thirty (30) calendar days of the request for formal review of the prior decision.
5. If either party is not satisfied with the decision of the Board, the party may pursue further review by filing a request with the State Superintendent of Public Instruction within thirty (30) calendar days of the Board's decision in accordance with state law and regulations.

*Legal Reference: 118.13, Wisconsin Statutes  
PI 9, Wisconsin Administrative Code  
Title VI of the Civil Rights Act of 1964  
Title IX of the Education Amendments of 1972  
Section 504 of the Rehabilitation Act of 1973  
Americans with Disabilities Act of 1990*

Adopted: August 18, 1999

Revised: December 21, 2016