

5010 HARASSMENT AND/OR BULLYING

1. PURPOSE

The mission of the School District of Niagara is to educate and develop all students to their highest potential. The Board of Education is committed to creating an environment that treats all students with dignity and respect, provides students with a safe physical and emotional learning environment, and promotes respect, tolerance and cooperation throughout the district. We expect all members of the educational community – students, staff and all others involved in accomplishing our educational mission – to help create and maintain this environment.

To accomplish our mission, all employees and students must be allowed to work and learn in an environment free from harassment and/or bullying. Harassment and/or bullying interfere with the working or learning effectiveness of students and/or employees. Individuals who experience harassment and/or bullying may process a complaint pursuant to established procedures.

It is the Board's intention that all incidents of harassment and/or bullying be dealt with in an appropriate manner. Where appropriate, it is recommended that incidents of harassment and/or bullying be discussed with the person who has committed the action to make it clear that the behavior is offensive and unwelcome. The Board recognizes, however, that additional action may be necessary or appropriate. In those instances, action under the appropriate student or staff disciplinary procedures is authorized. The Board may enact further procedures to enforce this policy.

Each school is encouraged to develop and implement, at every opportunity, educational experiences that advance this policy. Schools are encouraged to develop and enforce disciplinary rules consistent with this policy.

2. DEFINITIONS

- A. Harassment is verbal or physical conduct that has the purpose of creating an intimidating, hostile or offensive working or learning environment, or interferes with the individual's work or learning performance; it may consist of a single act, or a course of conduct. Harassment may include, but is not limited to conduct relating to an individual's membership in a protected class, age, sex, race, creed, national origin, color, marital status, pregnancy, etc.

5010 HARASSMENT/BULLYING (CONTINUED)

- B. Sexual harassment means unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. “Unwelcome verbal or physical conduct of a sexual nature” includes but is not limited to the deliberate, repeated making of offensive sexually graphic materials which is not necessary for business purposes. Sexual harassment may include but is not limited to actions such as:
1. Unwelcome or unwanted sexual advances. This includes but is not limited to acts such as patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact which is considered unacceptable by another individual.
 2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one’s employment or grade status.
 3. Verbal abuse or joking that is sexually oriented and considered unacceptable by another individual. This includes commenting about an individual’s body or appearance where such comments go beyond mere courtesy; telling “dirty jokes” that are clearly unwanted and considered offensive by others; or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- C. Bullying is deliberate or intentional behavior using words or actions, intended to cause fear, intimidation or harm. Bullying may be repeated behavior and involves an imbalance of power. 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.

5010 HARASSMENT AND/OR BULLYING (CONTINUED)

Bullying behavior can be:

1. Physical (e.g. assault, hitting or punching, kicking, theft, threatening behavior)
2. Verbal (e.g. threatening or intimidating language, teasing or name-calling, racist remarks)
3. Indirect (e.g. spreading cruel rumors, intimidation through gestures, social exclusion and sending insulting messages or pictures by mobile phone or using the internet – also known as cyber bullying)

3. PROHIBITION

Harassment and/or bullying is prohibited in all schools, buildings, property and educational environments, including any property or vehicle owned, leased or used by the school district. This includes public transportation regularly used by students to go to and from school. Educational environments include, but are not limited to, every activity under school supervision. Individuals who, upon investigation, are determined to have engaged in harassment and/or bullying under the provision of this policy may be subject to disciplinary action. In the case of employees, this action may include but is not limited to reprimand, suspension or termination. In the case of students, this action will be consistent with student discipline. In the case of others engaged in the conduct at district programs and activities, discipline may include removal and prohibition from participation in such activities or programs.

4. APPLICABILITY

This policy applies to off-site activities such as school-sponsored trips and athletic events and at all times on school premises. This policy applies to all employees, students and those participating in any and all programs in any manner.

Adopted – 3/26/01
Reviewed – 8/3/10
Adopted – 8/17/10

5010.1 HARASSMENT/BULLYING/COMPLAINT PROCEDURE

1. PURPOSE

The Niagara Board of Education expects students, administration and staff to work proactively toward the elimination of harassment and bullying. Harassment and/or bullying encompass a wide variety of behavior; there is no single response that is appropriate to address all behavior that constitutes harassment and bullying. However, to ensure that all complaints of harassment and bullying are addressed, the Board establishes this compliant procedure.

This policy is not intended to relieve any person from any obligation, imposed by law, to report suspected child abuse or neglect to the appropriate authorities for investigation.

2. PERSON RESPONSIBLE

The Building Principal is responsible for investigating formal complaints of harassment and/or bullying where a student is alleged to have committed the harassment and/or bullying.

The District Administrator is responsible for investigating formal complaints of harassment and/or bullying, where an adult is alleged to have committed the harassment and/or bullying.

3. RESPONSES

- A. A substantiated charge of harassment and/or bullying against a staff member may subject such staff member to disciplinary action up to and including discharge.
- B. A substantiated charge of harassment and/or bullying against a student in the school district may subject that student to student disciplinary action consistent with the student discipline code up to and including suspension or expulsion.
- C. The procedures set out in this policy are not the exclusive remedies for harassment and/or bullying. Legal remedies may also be pursued concurrent to district complaints.

5010.1 HARASSMENT/BULLYING/COMPLAINT PROCEDURE
(CONTINUED)

4. PROCEDURES

The person or persons charged with making a decision will gather as much of the following information to include, but not limited to:

- Name and addresses of parties involved, including witnesses
- Whether parents have been notified; if so, when and how
- Written follow-up

In the following subsection, any individual given the authority to make a decision regarding a complaint of harassment and/or bullying may refer the complaint to the next higher level without rendering a decision.

The District Administrator will be the highest level of referral, and will be responsible for rendering the final decision.

Procedure for Reporting Retaliation

All school staff members and school officials who observe or become aware of acts of harassment and/or bullying are required to report these acts to the school principal.

Any other person, including a student who is either a victim of the bullying or is aware of the harassment and/or bullying or any other concerned individual is encouraged to report the conduct to school principal.

Reports of bullying may be made verbally or in writing and may be made confidentially. All such reports, whether verbal or in writing, will be taken seriously and a clear account of the incident is to be documented. A written record of the report, including all pertinent details, will be made by the recipient of the report.

The school official receiving a report of bullying shall immediately notify the school district employee assigned to investigate the report. The following school district employees have been identified as the investigator: school principal, or district administrator.

There shall be no retaliation against individuals making such reports. Individuals engaging in retaliatory behavior will be subject to disciplinary action.

5010.1 HARASSMENT/BULLYING/COMPLAINT PROCEDURE
CONTINUED

Procedure for Investigating Reports of Harassment and/or Bullying

The person assigned by the district to conduct an investigation of the harassment and/or bullying report shall, within an acceptable timeframe, interview the person(s) who are victim(s) of the bullying and collect whatever other information is necessary to determine the facts and the seriousness of the report. Parents and/or guardians of each pupil involved in the bullying will be notified prior to the conclusion of the investigation. The district shall maintain the confidentiality of the report and any related pupil records to the extent required by law.

Sanctions and Supports

If it is determined that students participated in harassment and/or bullying behavior or retaliated against anyone due to the reporting of harassment and/or bullying behavior, the school district administration and/or school board may take disciplinary action, including: suspension, expulsion and/or referral to law enforcement officials for possible legal action as appropriate. Pupil services staff will offer to/and may provide support for the identified victim(s).

Disclosure and Public Hearing

The policy will be distributed annually to all students enrolled in the school district, their parents and/or guardians and employees. It will also be distributed to organizations in the community having cooperative agreements with the schools. The school district will also provide a copy of the policy to any person who requests it.

Records will be maintained on the number and types of reports made, and sanctions imposed for incidents found to be in violation of the harassment and/or bullying policy.

Summary report shall be prepared and presented to the school board, which includes trends in harassment and/or bullying behavior and recommendations on how to further reduce harassment and/or bullying behavior. The annual report will be available to the public.

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