

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: February 18, 1999 **FILE SECTOR: STUDENTS**
DATE REVISED: April 17, 2003 **POLICY TITLE: STUDENT HARASSMENT/**
DATE REVISED: March 21, 2006 **BULLYING**
DATE REVISED: March 20, 2008
DATE REVISED: September 16, 2010
DATE REVISED: May 17, 2012
DATE REVISED: September 18, 2014

The Medford Area Public School District Board of Education does not tolerate student harassment including sexual harassment and bullying, in any form and will take all necessary and appropriate action to eliminate it, up to and including suspension or expulsion. It is the policy of the District to maintain and ensure a learning environment free of any form of harassment/bullying or intimidation toward and between students. The District consistently and vigorously addresses harassment and bullying so that there is no disruption to the learning environment and learning process.

Student harassment is behavior towards students based in whole or in part, on sex, race, national origin, ancestry, creed, religion, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability which substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment and is considered a form of student discrimination according to state law.

Sexual harassment can be by a person, of the same or opposite gender, and is defined as any deliberate, repeated or unwanted physical sexual contact, sexually explicit derogatory statement, or sexually discriminatory remark which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation or which interferes with the recipient's academic performance. Sexual harassment can take the form of, but is not limited to any unwanted sexual or gender related behavior ranging from leering, pinching, patting, offensive jokes, unwanted flirtations, graphic commentaries about a person's body, verbal comments, display of graphic or written sexual material, overt or implicit threats or bribes and subtle or express pressure for sexual activity.

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.

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).

Cyber bullying involves the use of information and communication technologies such as email, cell phone and pager text messages, instant messaging, defamatory personal web sites, and defamatory online personal polling web sites, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others. Usage and employment of network systems (data, video, or voice) to harass, intimidate, or bully is described as cyber bullying, and is unacceptable and punishable.

Bullying behavior 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.

Students who believe they have been subjected to harassment/bullying or any parents/guardians who believe their child has been subjected to harassment/bullying should report the incident(s) to the building principal/designee.

If a student with a disability, who has an IEP, is being harassed or bullied, the LEA should convene the IEP team to determine whether, as a result of the harassment or bullying, the student's needs have changed and revising the IEP is necessary to ensure the student is receiving meaningful educational benefit.

It is the intent of the Medford Area Public School District to create an atmosphere where complaints will be treated fairly and promptly. If a student or parent/guardian is not comfortable with making a complaint to the principal/designee, the complaint may be made to a guidance counselor, psychologist, teacher or other administrator, with the understanding that incidents must be reported to administration for review and action. The employee receiving the complaint shall report the complaint to the principal or other administrator. The designated harassment/bullying officer shall be informed of any complaints.

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

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

The right to confidentiality, of both the complainant and of the accused, will be respected consistent with the district's legal obligations, provided it does not interfere with the district's ability to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Retaliation against anyone reporting or thought to have reported harassment/bullying behaviors is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be independent of whether a charge or informal complaint of harassment is substantiated. Encouraging others to retaliate also violates the policy.

The administration and staff will inform students that the Medford Area Public School District does not tolerate harassment/bullying in any form and will take all necessary and appropriate action to eliminate it, up to and including suspension or expulsion. Students and staff will be informed of this policy annually and complaint procedures will be made available to any students or parent/guardian wishing to file a complaint.

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DATE ADOPTED: February 18, 1999 **FILE SECTOR:** STUDENTS
DATE REVISED: April 17, 2003 **POLICY TITLE:** STUDENT HARASSMENT/
DATE REVISED: March 21, 2006 **BULLYING COMPLAINT**
DATE REVISED: March 20, 2008 **PROCEDURES**
DATE REVISED: September 16, 2010
DATE REVISED: May 17, 2012
DATE REVISED: September 18, 2014

Students who believe they are the victims of harassment/bullying or parents/guardians who believe their child is a victim of harassment/bullying, should immediately report their concerns to the building principal. If an individual is not comfortable making a complaint to the building principal, the complaint may be made to a guidance counselor, psychologist, teacher, or other administrator. If an adult employee, other than the principal, receives the complaint the employee shall forward the complaint to the building principal or other administrator as soon as possible for review and action as necessary.

A complaint may be presented, in writing or orally. All complaints will be investigated.

Oral Complaints

Oral complaints will be handled by the principal or his/her designee and a record of the complaint, investigation, findings and action will be prepared and maintained by the building principal.

If any party is not satisfied with this procedure, a written complaint should be submitted.

Written Complaints

Written complaints shall be presented to the building principal.

1. The written complaint should include a specific statement of the alleged behavior, including (if possible) additional background details such as time, date, location, and circumstances of each alleged incident and the name, address, and telephone number of the complainant.
2. The principal shall make an initial determination of the complaint which shall include:
 - a. investigating the complaint, within one school day;
 - b. notifying the person who has been accused of harassment/bullying;
 - c. permitting a response to the allegation;
 - d. responding to the complaint.

Since the Medford Area Public School District takes these complaints seriously, they will be subject to immediate review and investigation. The one day investigation standard does not pertain to processing bullying information as a result of a survey. The designated harassment/bullying officer will be notified when a complaint has been filed. The building principal shall provide written acknowledgment of a student harassment/bullying complaint within 45 days of receipt of the written complaint and a determination of the complaint within 90 days of receipt of the written complaint unless the parents agree to an extension of time.

3. If any party is not satisfied with the report of the principal, a written appeal may be submitted to the designated harassment officer indicating the nature of the disagreement. The appeal must be filed within ten (10) working days after receipt of the principal's answer. The designated harassment/bullying officer shall schedule a meeting of all parties to the complaint to review the issues presented in the appeal.

The designated harassment/bullying officer shall provide a written response outlining the findings and disposition of the appeal within twenty (20) working days of the date the appeal is filed or twenty (20) working days after the meeting, whichever is later.

4. If the complainant or the designated harassment/bullying officer is not satisfied with the results of Step 3, he/she may file an appeal requesting a hearing with the district administrator within ten (10) working days after the decision in Step 3 has been rendered.
5. If the complainant or the district administrator wishes to pursue the matter further, either party may file an appeal requesting a hearing with the board of education within ten (10) working days after the decision in Step 4 has been rendered. The board of education will conduct a hearing about the matter and may take appropriate action in order to resolve any misconduct and/or the complaint.
6. The complainant shall be notified of the right to appeal a negative determination by the board of a complaint of harassment/bullying that would constitute student discrimination within 30 days to the Wisconsin Department of Public Instruction.

Policy Dissemination

1. This policy and procedure will be made available to all employees, students or student's parents at least once a year.
2. Discussion of harassment/bullying will be included at an age appropriate level and in the proper context as part of the curriculum.
3. New employees will be provided with the board of education policy and complaint procedures.
4. Information will be posted at each building advising employees, students and volunteers of the policy and the procedures for filing a complaint.

Disciplinary Procedures

Students who engage in student harassment/bullying shall be subject to disciplinary action. Discipline may include, but is not limited to, one or more of the following actions: notification of law enforcement officials, letter of correction, suspension or expulsion.

If a student with a disability, who has an IEP, is engaging in the harassment / bullying behavior, the LEA should convene the IEP team to determine if additional supports or services are needed to address the inappropriate behavior.

Employees and volunteers who engage in student harassment/bullying shall be subject to disciplinary action up to and including termination and referral to appropriate authorities. All discipline shall be conducted in conformance with appropriate employee handbooks and existing state and federal law.

CROSS REFERENCE: JB-R, & JBA-R, & JOB

LEGAL REFERENCE: §115.28(31), 118.13, 118.46, 120.13(1), 947.013, Title VI, Title IX, Education Amendments of 1972, PI9, PI 41, Wis. Admin. Code, Civil Rights Act of 1964 & 1991, Sec. 504, Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, & IDEA Amendments of 2004

Medford Area Public School District

Harassment/ Bullying Report Form

Instructions: It is designed to assist any staff member at a school site who may receive a complaint about harassment/bullying from a student. **THE STUDENT DOES NOT COMPLETE THIS FORM; THE STAFF PERSON TO WHOM THE STUDENT COMPLAINS SHOULD COMPLETE IT.** This form must be promptly forwarded to the site and central office personnel who are designated to receive complaints regarding harassment/bullying. Use the appropriate category(ies) below to record the information volunteered by the student.

Student Harassment: is behavior towards students based in whole or in part, on sex, race, national origin, ancestry, creed, religion, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability which substantially interferes with a student's school performance or creates an intimidating, hostile or offensive school environment and is considered a form of student discrimination according to state law.

(Detailed definitions on page 1)

Sexual Harassment: can be by a person, of the same or opposite gender, and is defined as any deliberate, repeated or unwanted physical sexual contact, sexually explicit derogatory statement, or sexually discriminatory remark which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation or which interferes with the recipient's academic performance. Sexual harassment can take the form of, but is not limited to any unwanted sexual or gender related behavior ranging from leering, pinching, patting, offensive jokes, unwanted flirtations, graphic commentaries about a person's body, verbal comments, display of graphic or written sexual materials, overt or implicit threats or bribes and subtle or express pressure for sexual activity.

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.

Date:	Time:
Name of Victim:	Grade:
Name of Perpetrator:	Grade:

DESCRIBE EXACTLY WHAT WAS SAID BY		
STUDENT HARASSMENT (based in whole or in part)	Staff	Student
<input type="checkbox"/> Sex <input type="checkbox"/> Race <input type="checkbox"/> National Origin <input type="checkbox"/> Ancestry <input type="checkbox"/> Religion / Creed <input type="checkbox"/> Marital / Parental Status <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Disability		

DESCRIBE EXACTLY WHAT WAS SAID BY		
SEXUAL HARASSMENT	Staff	Student
<input type="checkbox"/> Staff Member to Student <input type="checkbox"/> Student to Student		

DESCRIBE EXACTLY WHAT WAS SAID BY		
BULLYING	Staff	Student
<input type="checkbox"/> Physical <input type="checkbox"/> Verbal <input type="checkbox"/> Indirect		

How this came to my attention: _____

Completed By _____

Date _____

Position _____

Copies to: District Office
 Site File
 Student File

Medford Area Public School District

Harassment/ Bullying Report Form

School: MASH MAMS MAES SES

Name of victim(s): _____

Name of perpetrator(s): _____

I was notified of this incident by: _____ on _____

I spoke with the alleged perpetrator(s) on _____

Witnesses to the behavior were: _____

_____ YES _____ NO The perpetrator(s) admitted the behavior.

_____ YES _____ NO The perpetrator(s) agreed to stop the behavior.

I informed the perpetrator(s) of the following:

_____ Behavior violates school rules.

_____ Behavior is illegal.

_____ Behavior must stop immediately.

_____ Future incidents may result in disciplinary consequences.

_____ Future incidents may be reported to law enforcement.

_____ YES ___ NO Contacted the parent of the victim(s).

_____ YES ___ NO Contacted the parent of the perpetrator(s).

_____ I told the victim(s) to report to me immediately any future incidents of harassment.

Completed By _____

Date _____

Medford Area Public School District

Student Harassment:

Sex: either the female or the male division of a species, especially as differentiated by reproductive function, the structural and functional differences by which the female and male are distinguished.

Race: a group of people related by common descent, a classification of human beings based on physical characteristics or genetic markers.

National Origin: of or belonging to a nation; the source from which anything arises or is derived.

Ancestry: ancestral descent; lineage, a series of ancestors.

Creed: means a system of religious beliefs, including moral or ethical beliefs about right and wrong, that are sincerely held with the strength of traditional religious views. (§111.32 (3m))

Religion: means an organization, whether or not organized under ch.187, which operates under a creed. (§111.32 (12m))

Pregnancy: having a child developing in the body.

Marital Status: means that status of being married, single, divorced, separated, or widowed. (§111.32 (12))

Parental Status: means the status of being a father or mother.

Sexual Orientation: means having a preference for heterosexuality, homosexuality or bisexuality, having a history of such a preference or being identified with such a preference. (§111.32 (13m))

Disability – Physical, Mental, Emotional, or Learning: means an individual who: a) has a physical or mental impairment which makes achievement unusually difficult or limits the capacity to work; b) has a record of such an impairment; or c) is perceived as having such an impairment. (§111.32 (8))