

ANTI-BULLYING/HARASSMENT OF STUDENTS/SEXUAL HARASSMENT OF STUDENTS (ASBSD recommends splitting these two topics into separate policies and repealing this policy. We already have two separate policies – policy JFCD Cyber Bullying and policy ACA Sexual Harassment.)

Harassment, bullying and sexual harassment of students is against federal, state and local policy, and is not tolerated by the Brookings Board of Education. In this policy, any reference to harassment includes sexual harassment. The Board is committed to providing all students with a safe school environment in which all members of the school community are treated with dignity and respect. To that end, the Board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by students, school employees, and volunteers who have direct contact with students will not be tolerated in the school or school district.

The Board prohibits harassment, bullying, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics of the student including but not limited to: race, religion, gender, gender identity, sexual orientation, age, national origin, social or economic condition, physical development, or disability.

This policy is in effect while students or employees are on property within the jurisdiction of the Board; while in school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct substantially interferes with a student's education, threatens the overall educational environment and/or substantially disrupts the operation of the school.

Employees of Brookings School District are required to report incidents of or suspicion of bullying or harassment to their direct supervisor. Students and parents are encouraged to report bullying or harassment to the principal or counselor in the building where the incidents took place. Copies of the Incident Report form may be obtained from the school office where the student attends school or district's web site.

Retaliation against an individual because the individual has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding is prohibited. A person who is found to have retaliated against another in violation of this policy shall be disciplined by appropriate measures as hereinafter set forth. An individual who knowingly files a false harassment complaint and an individual who gives false statements in an investigation shall be subject to discipline by appropriate measures as hereinafter set forth in this policy.

If, after investigation, a student, school employee, or volunteer is found to be in violation of this policy, consequences based on severity of the situation may include counseling, a parent/administrator conference, detention, suspension, expulsion/termination, and/or reporting to law enforcement. To ensure student safety, a safety plan may be implemented which could include separating and supervising the students involved, providing extra staff support for a student, involving the school resource officer, and/or developing a supervision plan with parents.

Policy Definitions:

Bullying and harassment means any electronic, written, verbal, or physical act of a demeaning or threatening nature targeted at a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student in reasonable fear of harm to the student's person or property;
- Has a substantially detrimental effect on the student's physical or mental health;
- Has the effect of substantially interfering with the student's academic performance; or

- Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;
- Submission to or rejection of the conduct by a school employee is used as the basis for academic decisions affecting that student; or
- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment.

Bullying means purposely using mean or hurtful words or actions, repeatedly and over time, targeted at another person who has a hard time defending himself or herself due to a power imbalance of some sort.

The superintendent is responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include how to recognize harassment and bullying and what to do in case a student is harassed or bullied. It will also include proven effective prevention strategies.

All documentation associated with a complaint shall be maintained by the building principal for a period of three years. The superintendent is responsible for monitoring the written records to ensure the policies and procedures are being followed. **The Superintendent shall annually report to the Board a summary of total complaints filed.**

The board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook
- Inclusion on the school or school district's web site (A copy shall be made upon request by any person at the central administrative office at 2130 8th Street South, Brookings, SD.)

PROCEDURES FOR POLICY IMPLEMENTATION

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The building principal or assistant principal or designee will be responsible for handling all complaints by students alleging bullying or harassment.

Students who feel that they have been targeted by harassment or bullying should:

- Communicate to the aggressor that the individual expects the behavior to stop, if the individual is comfortable doing so. If the student wants assistance communicating with the aggressor, the individual should ask a teacher, counselor, bus driver, principal or assistant principal to help.
- If the bullying or harassment does not stop, or the student does not feel comfortable confronting the aggressor, the student should:
 - tell the closest adult school employee and
 - write down exactly what happened, keep a copy and give another copy to the teacher, counselor, principal or assistant principal including:
 - what, when and where it happened;
 - who was involved;
 - exactly what was said or what the aggressor did;
 - witnesses to the incident;
 - what the student said or did, either at the time or later;
 - how the student felt; and
 - how the aggressor responded.

Incident Report forms are available in the school office or district's web page to assist with making a complete report.

School personnel receiving a report, or who witness bullying or harassment, must report the incident to the building principal immediately.

If the complaint involves the building principal, the complaint shall be filed directly with the Superintendent. If the complaint involves the Superintendent, the complaint shall be filed directly with the School Board President.

The building principal or assistant principal, or alternatively the school counselor, will normally serve as investigator. The investigator will reasonably and promptly commence the investigation upon receipt of the complaint. The length of the investigation is governed by the facts and complexity of each individual case but should be completed within 30 days of the complaint. The superintendent may approve an extension in special circumstances. The investigator will interview the complainant and the alleged aggressor. The alleged aggressor may file a written statement in response to the complaint. The investigator may also interview witnesses as deemed appropriate. **In addition, the School District may take immediate steps at its discretion to protect the complainant student(s) pending completion of the investigation of alleged harassment.**

Upon completion of the investigation, the investigator will file a written report to be kept in the principal's records. At this time the principal will determine and record any appropriate further action or consequences. Follow-up contact with the targeted individual at least twice during the month following the investigation will also be documented to monitor effective resolution of the incident. Further action may be taken and recorded if complete resolution has not occurred.

The principal will annually report the number and type of complaints investigated under this policy and the results, including disciplinary actions taken and the effectiveness of those actions as measured by required follow-up contacts, to the superintendent.

POINTS TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is confidential.
- Complaints must be accurate and true, as they will be taken seriously and promptly investigated.
- No retaliation will be tolerated against complainant/individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

ANTI-HARASSMENT/BULLYING INCIDENT REPORT

Name of targeted individual: _____

Date of complaint: _____

Name of alleged aggressor: _____

Date and place of incident or incidents: _____

Description of incident: _____

Names of witnesses (if any) : _____

Evidence of harassment or bullying, i.e., letters, photos, etc. (attach evidence if possible):

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____ / _____ / _____

ANTI-HARASSMENT/BULLYING WITNESS STATEMENT FORM

Name of witness: _____

Position of witness: _____

Date of interview: _____

Description of incident witnessed: _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____ / _____ / _____

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