

HARASSMENT/BULLYING

Harassment, bullying and sexual harassment of personnel 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 personnel a safe work 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 school employees will not be tolerated in the school or school district.

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

This policy is in effect while 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 or threatens the overall work 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, school principal or superintendent. Copies of the Incident Report form may be obtained from the school office or district's web site.

If, after investigation, a school employee, or volunteer is found to be in violation of this policy, consequences based on severity of the situation may include counseling, suspension, termination, and/or reporting to law enforcement.

Policy Definitions:

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

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

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.

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

- Submission to such conduct or communication is made, either explicitly or implicitly, a term of a **PERSON'S** initial employment; or
- Submission to or rejection of such conduct or communication by an individual is used as the basis for employment; or
- Such conduct or communication has the purpose or effect of interfering with a **PERSON'S** work, creating an intimidating, hostile, or offensive working environment; or
- Such conduct is so severe, pervasive, and objectively offensive that such conduct or communication has the purpose or effect of depriving the **PERSON** access to employment or other benefits provided by the School District.

Sexual harassment may include but is not limited to, the following conduct when such conduct is severe, pervasive and objectively offensive:

- Unwelcome verbal harassment or abuse based upon gender; or
- Unwelcome pressure for sexual activity; or
- Unwelcome gender-motivated, or inappropriate patting, pinching, or physical contact; or
- Unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt threats concerning a **PERSON'S** employment; or
- Unwelcome behavior or words, based upon gender, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to a **PERSON'S** employment status

Reporting Incidents of Harassment/Bullying

Any person who believes he or she has been the victim of harassment/bullying as defined above by an employee of the School District shall report the alleged acts immediately to their supervisor, building principal or superintendent.

Designated Personnel. The building principal/supervisor is the person designated by the School District for receiving written reports of harassment/bullying at each school building. All other written reports shall be directed to the immediate supervisor or superintendent. If the complaint involves the building principal, or supervisor, 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.

Submission of a complaint or report of harassment/bullying. Submission of a complaint or report of harassment/bullying will not affect the person's employment or work assignment.

Confidentiality. The School District will make attempts to respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible consistent with the School District's legal obligations and the necessity to investigate allegations of harassment/bullying and take disciplinary action when the conduct has occurred.

Procedure. The complaining person will be asked to put the facts surrounding the conduct in writing that includes the following: complainant's name and address; date of the incident; type of harassment/bullying; description of the incident; name of any witnesses; what action, if any, has been taken; and signature of the complainant.

Required Reporting. If the accusations include possible criminal activity such as molestation, sexual battery, or similar contact, the School District shall comply with all mandatory state reporting requirements including, but not limited to, contact with the State Department of Social Services.

Investigation

Upon receipt of a written report alleging harassment/bullying, the School District shall immediately authorize an investigation. This investigation in most cases will be conducted by School District officials (see designated personnel) or by a third party designated by the School District if deemed necessary by the Superintendent. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the superintendent or School Board President if complaint is against the Superintendent. In determining whether alleged conduct constitutes harassment/bullying, the School District should consider the surrounding circumstances, the nature of the advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The District will notify the individual(s) whom the complaint is filed against when deemed necessary but prior to the completion of the investigation and before any action is taken.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigating party.

In addition, the School District may take immediate steps at its discretion to protect the complainant, and employees pending completion of an investigation of alleged harassment/bullying.

During the investigation all parties directly involved in the complaint may have legal or other representation. If any party elects to be represented at any step of the complaint procedure, the name of the representative must be declared in writing to the School District.

School District Action

1. Upon receipt of the recommendation that the allegations of the complaint constitute a violation of School District policy, the School District will take such action as appropriate based upon the results of the investigation.
2. The results of the investigation of each complaint will be reported in writing and kept on file. The report shall include findings of fact and will document the disciplinary action taken, if any, as a result of the complaint.
3. The complainant will be advised of the District decision in writing.
4. If either party is not satisfied with the written decision rendered by the School District, he or she may appeal the decision in writing to the superintendent within ten (10) working days following receipt of the decision. The appeal must include the original complaint, a copy of the written decision and a written statement as to the reason for appeal.

5. The superintendent will review the material submitted, investigate the circumstances, and respond in writing within fourteen (14) working days of the appeal with a determination to uphold, modify, or reverse the District decision. At the superintendent's discretion, an additional investigation may be conducted, including interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The appeal may include any other methods or documents deemed pertinent by the superintendent.
6. If either party is not satisfied with the decision rendered by the superintendent, he or she may request a hearing in executive session with the School Board. The request for hearing must be submitted in writing through the superintendent's office within ten (10) working days following receipt of the superintendent's response. The appeal must include the original complaint, a copy of the written decision from the superintendent and a written statement as to the reasons for appeal. The hearing will be scheduled within thirty (30) working days of the request for hearing. The parties involved will be notified in writing of the time and date of the scheduled hearing.
7. The School Board will render a decision in writing within ten (10) working days of the hearing.

Prohibition against Retaliation

The School District will discipline any individual who retaliates against any person who reports alleged harassment/bullying or who retaliates against any person who testifies, assists, or participates in any investigation, proceeding, or hearing related to a harassment/bullying complaint.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Retaliation is itself a violation of federal and state laws prohibiting discrimination and may lead to separate disciplinary action against an individual.

If any school personnel who has filed a complaint or has testified, assisted, or participated in the investigation of harassment/bullying believes that he or she has been retaliated against because of his or her participation, he or she should follow the procedures set forth above.

False Charges

Charges found to have been intentionally dishonest or made maliciously without regard for truth may subject complainants to disciplinary action.

Uncomfortable Situations

The School District recognizes that not every uncomfortable situation constitutes harassment. Whether a particular action or incident is a personal, social relationship without or educational effect requires a determination based on all the facts and surrounding circumstances. False accusations can have a serious detrimental effect on innocent parties.

Discipline

Any School District action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements and other School District policies. The School District will take such disciplinary action it deems necessary and appropriate, including but not limited to, warning, suspension, or immediate discharge to end harassment/bullying and prevent its recurrence.

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 an employee 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, supervisor or superintendent 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 board will annually publish this policy. The policy may be publicized by the following means:

- 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.)

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