

Bullying, Harassment, Sexual Harassment Policy

Bullying and Harassment

Bullying and Harassment is a violation of the rights of students and staff and interferes with their educational opportunities. This is especially true when a person has made it known that they do not appreciate or approve of the treatment.

Definition

- A. Bullying/Harassment is any *intentional* written, verbal, or physical act that;
 - a. Physically harms a student/staff member or damages the student's/staff member's property;
 - b. Has the effect of substantially interfering with a student's education or a staff member's work environment;
 - c. Is severe, persistent, or pervasive enough that it creates an intimidating or threatening employment/educational environment;
 - d. Has the effect of substantially disrupting the orderly operation of the school;
 - e. Confirms to the definitions found in W.S.21-4-312.
- B. Bullying/Harassment includes, but is not limited to:
 - a. Emotional Harm; Reasonable Fear of Personal Harm or Property Damage; Insulting or Demeaning a Student/Staff Member; or Slurs, Rumors, Jokes, Innuendos, Demeaning Comments, Pranks, Gestures, Physical Threats or Attacks.

Cyberbullying/Use of Electronic Media to Bully/Harass Others

The widespread availability and use of cell phones, computers, and the internet has created additional avenues of harassment, intimidation, and bullying behaviors for both youth and adults. Rumors and violent or pornographic pictures are now spread instantly via cell phones, Facebook, email, and other electronic means. Cyberbullying, cyber harassment, and rumors are just as damaging as face-to-face forms of unacceptable behaviors. Harassment, intimidation, or bullying (to include cyber forms) will not be tolerated at school or at school functions.

Sexual Harassment

All students and employees must be able to learn and work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment is deemed unacceptable conduct in the employment and educational environment and will not be tolerated. It shall be a violation of this policy for any student or employee of St. Stephens Indian School to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. This policy is equally applicable to sexual harassment between supervisors and workers, between co-workers, between students, and between students and employees. This policy shall be in force on and off school district property, i.e., at school activities and/or school sponsored events that may occur away from school, and whenever school employees have jurisdiction over students. St. Stephens Indian School will act to investigate all complaints, formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of this school. It is no defense to a claim of sexual harassment that the alleged harasser did not intend to harass.

Definition

- A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:
 - a. Submission to that conduct or communication is made a term or condition either explicitly or implicitly, or obtaining or retaining employment, or of obtaining an education;
 - b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment/education;
 - c. The conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment/education, or creating an intimidating, hostile, or offensive employment/education environment.
- B. Sexual harassment may include, but is not limited to:
 - a. Verbal harassment or abuse; subtle pressure for sexual activity; inappropriate patting, touching, or pinching; intention brushing against a student's or employee's body; demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; any sexually motivated, unwelcome touching; sexual violence which is a physical act of aggression that includes sexual acts or purpose.

Note: Any sexual harassment, as defined, when perpetrated on any student or employee by a student or employee, will be treated as sexual harassment under this policy.

Reporting Procedures

Any person who believes he/she has been the victim of bullying, harassment, or sexual harassment (as defined above) by a student or employee of the school, or any third person with knowledge or belief of conduct which may constitute bullying, harassment, or sexual harassment should report the act to the appropriate personnel, as defined below. Use reporting form (end of document) is encouraged, but not mandatory.

1. In each school building, the building principal will be the person responsible for receiving verbal or written reports of bullying, harassment, and sexual harassment and for conducting an investigation to follow up the reports. Upon receipt of a report, the principal will notify the superintendent immediately. If the report was of a verbal nature, the principal shall reduce it to written form within 24 hours and forward it to the superintendent. Failure to do so will result in disciplinary action.
2. 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 Chairman.
3. The St. Stephens Indian School Board of Trustees hereby designates the superintendent/building principals (as outlined above) as the School Human Rights Officer(s) to receive reports or complaints of bullying, harassment, and sexual harassment from any individual of sexual harassment.
4. Submission of a complaint or report of bullying, harassment, or sexual harassment will not affect the individual's future employment, grades, or work assignments under **freedom from retaliation.**

Note: St. Stephens Indian School will respect the confidentiality of the complaint and the individuals against whom the complaint is filed as much as possible consistent with the school legal obligations and the necessity to investigate any/all allegations of bullying, harassment, or sexual harassment.

Investigation of Allegations

It is the goal of this policy to have a process in place that is sensitive to the needs of students and/or employees as well as the rights of those against whom allegations have been made. All complaints, both formal and informal, must be taken seriously and investigated by means of an Administrative Procedure, outlined in this policy. No retaliation will be taken against individuals involved in the investigation process.

Documentation

Upon determination that a complaint is valid, the principal or superintendent will take such action as appropriate based on the results of the investigation.

The results of the investigation shall be reported, in writing, to the complainant by either the principal or superintendent. The report will document whether or not any disciplinary actions were taken as a result of the complaint. A copy of this report will be placed in either:

1. The student files of both the complainant and the accused, or,
2. The personnel files of both the complainant and the accused.

In inconclusive cases in which no harassment can be proven against the accused, the incident will be recorded in either the student or personnel files of both the complainant and the accused, with the complaint fully documented so that any future occurrences may be examined in light of a possible pattern. If no future incidents are reported within a period of a year, the files will be purged.

Disciplinary Action

A substantiated charge against an employee of the school shall subject such employee to disciplinary actions which may include but not be limited to verbal warnings, letters of reprimand, suspension with or without pay, and dismissal.

A substantiated charge against a student shall subject that student to disciplinary actions including verbal warnings, reprimand, counseling, and suspension or expulsion, consistent with the student disciplinary code. In addition, legal authorities will be notified, when appropriate.

Corrective Actions

Counseling, corrective discipline, referral to law enforcement, proven best practice, and/or other administrative insight may be used to positively influence (or change if possible) the behavior of the perpetrator and remediate the impact of the victim. This may include, but is not limited to:

- a. Appropriate intervention(s), Restoration of a Positive Climate, Support for Victims

False Complaints

False or malicious complaints of harassment/intimidation/bullying will call for consequences and appropriate remedial action for a person who is found to have made a false accusation, report or complaint.

Policy Intention

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the education environment. Many behaviors that do not rise to the level of harassment, intimidation, or bullying may still be prohibited by other district policies or building, classroom, or program rules.

Bullying, Harassment, Sexual Harassment Complaint Form

Name of Complainant: _____ Date: _____

Name of Alleged Bully/Harasser: _____

Description of Misconduct (include date and location): _____

Name of Witnesses (if any): _____

Evidence of Harassment, 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: _____