

P1119 HARASSMENT OF PUPILS BASED ON RACE, COLOR, RELIGION, GENDER, NATIONAL ORIGIN, OR DISABILITY

BOARD POLICY:

USD #259 will not tolerate harassment or intimidation of a pupil based on race, color, religion, gender, national origin, or disability by another pupil, employee or others. Pupils and employees who violate this policy shall, after proper investigation, be subject to sanctions including possible suspension and/or expulsion of the pupil and termination of the employee. Others who violate this policy shall be reported to local law enforcement agencies for investigation. Administrators who fail to follow the policy or fail to investigate complaints shall also be disciplined.

Administrative Implemental Procedures:

1. All district pupils have the right to work in an environment free from all forms of unlawful discrimination and conduct which can be considered harassing, coercive, or disruptive.
2. Harassment based on race, color, religion, gender, national origin, or disability is discrimination, which violates federal and/or state law. Such harassment is defined as follows:
 - a. Harassment is verbal or physical conduct that belittles or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends or associates, and that:
 1. Has the purpose or effect of creating an intimidating, hostile, or offensive school environment; or
 2. Has the purpose or effect of unreasonably interfering with an individual's school performance; or
 3. Otherwise adversely affects an individual's educational opportunities.Some examples, but by no means an all-inclusive list, of the types of conduct prohibited by this policy are:
 - a) The use of slurs or derogatory remarks referring to a pupil's status in one of these categories.
 - b) Using written material (either printed or in their own handwriting) that is racially, religiously or ethnically divisive or creates ill will or hatred. Examples: clothing, articles, material, publications or any item that denotes Ku Klux Klan, Arian Nation, White Supremacy, Black Power, Confederate flags or articles, neo- Nazi or any "hate" groups (except in purely educational settings, for purely educational purposes).
 - c) Being in possession of items depicting or implying racial, ethnic, religious, or disability hatred or prejudice.
 - d) Racial, ethnic, religious or disability profiling.
3. The standard for determining whether an intimidating, hostile, or offensive environment is created or the alleged conduct unreasonably interferes with the pupil's school performance or educational opportunities is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile or offensive. The determination should give consideration to the perspective of the "reasonable person" of the alleged victim's race, color, religion, etc. A showing of actual psychological harm is not required.

4. Pupils who believe they have been subjected to harassment or intimidation prohibited by this policy should report the problem to their assigned classroom or homeroom teacher. If a pupil's classroom or homeroom teacher is the subject of the harassment or intimidation complaint or, for some other reason the pupil is uncomfortable about discussing the problem with his/her classroom or homeroom teacher, the pupil may report directly to the Building Principal, Assistant Principal, or another certificated staff member. Complaints against the Building Principal shall be directed to the Superintendent. Complaints against the Superintendent should be directed to the President of the Board of Education or any other member of the Board of Education. Any parent who believes his or her child has been subjected to harassment or intimidation prohibited hereby should report the problem through the same channels.
5. Staff members shall refer all complaints of harassment or intimidation prohibited by this policy to a building administrator. Complaints regarding harassment or intimidation prohibited by this policy shall be investigated promptly and thoroughly if the alleged offender is a pupil or employee. Appropriate disciplinary and other action shall be taken which is reasonably calculated to end the harassment. If the alleged offender is not a pupil or employee, the complaint shall be forwarded to local law enforcement agencies for investigation.
6. The good faith initiation of a complaint under this policy shall not cause any adverse reflection on the pupil or employee or anyone else who makes it.
7. The initiation of a complaint under this policy shall not adversely affect the job security or status of any employee or status of any pupil, except as reasonably necessary to prevent similar complaints, until the investigation is completed and it is determined that it is more probably true than not that the prohibited conduct did occur.
8. Every reasonable effort will be made to keep the specifics of the complaint confidential consistent with an adequate investigation and appropriate corrective action.
9. Sanctions. Those sanctions listed below are no tolerance minimum sanctions; the principal or designee shall have the discretionary authority to add corrective learning components and/or additional penalties should this be considered appropriate.
 - a. Pupils.
 - 1) First Offense. The pupil will participate in corrective learning components aimed at eliminating the offending behavior. These components shall consist of learning units such as written/oral reports; participation in a structured class and/or guidance activity; and/or participation in a community-based program, approved by the principal or designee aimed at correcting the offending behavior. In addition, the principal or designee may require an out-of-school suspension and a parent conference prior to the re-admittance of a minor pupil.
 - 2) Second Offense. An out-of-school suspension, with a possible expulsion hearing, and corrective learning components as determined by the principal or designee.
 - 3) Third Offense. A suspension from school pending an expulsion hearing.

b. Employees.

Appropriate remedial action will be taken to punish the offender and to prevent similar misconduct in the future up to and including termination of employment.

c. Others.

Appropriate action will be taken to report the offender to local law enforcement agencies for investigation. In addition, the principal or designee may sanction the offender by prohibiting the offender from being present on school property for a designated period of time and/or from specific school activities.

10. This policy shall apply to protect the pupil while the pupil is engaged in any school-related activity under the control or operation of USD 259.

Administrative Responsibility: Elementary and Secondary Education Offices

New Policy: June 2001 P1119

Updated administratively for alignment purposes: January 2014