

## **STUDENT HARASSMENT**

The Appleton Area School District (AASD) will not tolerate student harassment in any form and will take all necessary and appropriate action to prevent, remediate and eliminate it, up to and including discipline of the offenders. The District's policy is to maintain and ensure learning and working environment free of any form of harassment or intimidation, including verbal, non-verbal, physical, unwelcomed conduct or behavior, sexual, bullying, cyber-bullying or other forms of harassment toward and between students, employees, School Board Members, parents, volunteers, independent contracted service workers and applicants for employment. The District is committed to providing a safe, secure, and healthy environment that allows all students to maximize their learning potential.

Any student who believes he/she has been the subject of harassment based on, in whole or in part, sex, race, color, religion, age, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression, or physical, cognitive, emotional or learning disability, which interferes with his/her school performance or creates an intimidating, hostile or offensive school environment shall report the matter in accordance with the District's Student Nondiscrimination Policy, 411.2 complaint procedures, 411.2 Rule.

Any student who believes he/she has been the subject of harassment of any kind, including sexual harassment, shall report the matter in accordance with the reporting procedures identified in this Policy. If the alleged harasser is the person to whom complaints would normally be reported, the harassment complaint should be reported to the next higher administrative authority. If a student is not comfortable making the report to that person, he/she may report the complaint to another adult employee of the District and that person will ensure the harassment complaint is properly filed. All harassment reports and complaints shall be taken seriously and investigated in a timely manner. There shall be no retaliation against students for filing complaints or reports under this policy or participating in the investigation of a complaint under this policy.

### **Student and Staff Responsibility**

School staff members and school officials who observe or become aware of acts of harassment should report these acts to the building administrator/designee. Any other person, including a student who is either a victim of the harassment or is aware of the harassment is encouraged to report the conduct to the building administrator/designee.

**Cross References:** Bullying Policy, 443.71  
Student Discipline, 447  
Reporting Suspected Child Abuse and Neglect, 454  
Employee Harassment, 512  
Use of District Telecommunication Systems 363 (522.7)  
Student Nondiscrimination, 411.2

## **411.1 (cont.)**

**Legal References:** Title II (implementing the Americans with Disabilities Act), 28 CFR  
part 35  
Title VI, Civil Rights Act of 1964  
Title VII of 1964 Civil Rights Act Section 703  
Title IX of 1972 Education Amendments  
Wisconsin State Statute 111.31, 111.32, 118.13, 118.46  
Wisconsin Child Abuse and Neglect Act Section 48.981  
Wisconsin Administrative Code PI 9

**Adoption Date: October 25, 1993**

**Amended Date: June 23, 2014**

## **STUDENT HARASSMENT**

The Appleton Area School District (AASD) is committed to maintaining and ensuring a learning and working environment that is free of harassment. The District will not tolerate any form of harassment which includes but is not limited to verbal, non-verbal, physical, unwelcomed conduct or behavior, sexual, bullying and cyber-bullying or other forms of harassment.

### **Definitions**

#### **Verbal Harassment**

Unsolicited or unwelcome verbal conduct, including but not limited to innuendoes, degrading or suggestive comments, jokes, unwelcome flirtations, degrading words used to describe an individual, obscene and/or graphic descriptions of an individual's body or threats that school performance in the learning environment could be affected if the individual does not agree to or submit to unwelcome conduct.

#### **Non-Verbal Harassment**

Unsolicited or unwelcome non-verbal conduct, including, but not limited to sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, electronic messaging, email, the internet or other such sources as a means to express or obtain sexual or discriminatory material, printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures, or any material which inappropriately raises the issues of sex or discrimination.

#### **Physical Harassment**

Unsolicited or unwelcome physical contact, which may include touching, hugging, massaging, kissing, pinching, patting, or regularly brushing against the body of another person.

#### **Unwelcomed Conduct or Behavior Which Constitutes Harassment**

For the purpose of this policy, conduct is unwelcome when the person subjected to the conduct did not solicit or incite the conduct and regarded the conduct as undesirable or offensive. Conduct may be unwelcome despite participation by the offended student and despite the fact that the offended student does not tell the accused the conduct is unwelcome. Unwelcomed conduct or behavior can include conduct that fits within "harassment" definitions, toward students or staff based upon political views, sex, age, race, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, gender identity, gender expression, or physical, cognitive, emotional or learning disabilities.

#### **Sexual Harassment**

Sexual harassment includes:

- Unwelcome or unwanted sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact, which is considered unacceptable by another individual.
- Unwelcome requests or demands for sexual favors. This includes subtle or blatant expectations, pressures or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequence.

## **411.1–Rule (cont.)**

- Verbal abuse or joking that is sexually orientated and considered unacceptable by another individual. This includes commenting about an individual’s body or appearance where such comments go beyond mere courtesy: telling “dirty jokes” that are clearly unwanted and considered offensive by others; or any tasteless, sexually-orientated comments, innuendos, or actions that offend others.
- Engaging in any type of sexually-orientated conduct that would unreasonably interfere with another’s school or work performance. This includes extending unwanted sexual attentions to someone such that personal productivity or time available to work at assigned tasks is reduced.
- Creating an environment that is intimidating, hostile or offensive because of unwelcome or unwanted sexually-orientated conversations, suggestions, requests, demands, physical contacts, or attentions.
- Creating an environment that is intimidating, hostile, or offensive because of the existence at the school-site of sexually-orientated materials including, but not limited to, photographs and posters.

### **Bullying**

Bullying is deliberate or intentional behavior using words or actions, intended to cause fear, intimidation or harm. Bullying includes aggressive and hostile behavior that is intentional and involves an imbalance of power between the bully and the bullied and is behavior that is repeated over time rather than an isolated incident. This behavior may include, but is not limited to physical and verbal assaults, nonverbal or emotional threats or intimidation, harassment, social exclusion and isolation, and extortion.

### **Cyber-Bullying**

Cyber-bullying is harassment through various forms of electronic systems and technology including, but not limited to, web-based and internet-based social medial options. Cyber-bullying includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful email messages, instant messages, text messages, digital pictures or images, website postings, and social media.

### **Other Forms of Harassment**

Persistent and unwelcome conduct or actions on the basis of race, color, religion, national origin, disability, sex, arrest or conviction record, marital status, sexual orientation, gender identity, gender expression, membership in the military reserve, use or nonuse of lawful products away from work, political affiliations and other protected categories under federal or state law are prohibited under this policy.

A report of prohibited conduct as defined above per the policy procedures will begin the complaint and investigation process.

## **Procedures**

The Appleton Area School District is committed to maintaining and ensuring a learning and working environment free of any form of harassment.

### **Dissemination**

- Every student or student's parent/guardian will receive a copy of the Policy and Procedures.
- The principal or supervisor (or his/her designee) shall be responsible for the display of the policy in a prominent place. It is recommended that the policy and additional copies be posted in conspicuous locations where students have ready access. Students will be informed about harassment and positive, caring and constructive interpersonal relationships will be encouraged.
- Students shall be informed of the process they are encouraged to follow if they perceived that harassment has taken place. The complaint procedure will be made available to any student or parent/guardian wishing to file a complaint.
- Discussion of harassment will be age appropriate with all students. Building administrator and staff will be responsible for the appropriate delivery of information and instruction. Education of students regarding the policy will need to be planned, structured, and scheduled yearly.
- Rules, including the complaint procedure and associated form, will be given to any individual wishing to file a complaint.
- The policy and rules will also be reviewed each year with employees.

### **Confidentiality**

Students shall know that the complainant will remain confidential unless there are compelling reasons to disclose such identity. If there are compelling reasons to disclose the identity of the complainant, then the complainant shall be asked if he/she wants his/her identity disclosed. If the complainant does not want his/her identity disclosed, then the identity of the complainant shall be kept confidential. If a formal complaint is submitted, it may be necessary to identify the name of the complainant. The District shall maintain confidentiality of the report and related student records to the extent required or permitted by law.

### **Retaliation**

Individuals reporting incidents of any harassment or participating in an investigation or complaint process will be protected from retaliation. Any individual who engages in retaliatory conduct against a complainant will be subject to discipline under this policy.

No student shall threaten or insinuate, either explicitly or implicitly, that a student's refusal to submit to advances or the adoption of their political or religious views will adversely affect that person's school performance or the learning environment. Similarly, no student shall promise, imply, or grant any preferential treatment in connection with another student engaging in sexual conduct or conduct related to the adoption of political or religious views.

## **411.1–Rule (cont.)**

Any student or any parents/guardians, who believes their student has been subjected to harassment, should report the incident(s) to the building principal/designee. If a student or parent is not comfortable with making a complaint to the building principal/designee, the complaint may be made to a teacher, school counselor, school social worker, school psychologist, or school nurse 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 building principal/designee and the appropriate Assistant Superintendent/School Services. No retaliation or intimidation directed towards anyone who makes a complaint or participates in any way in an investigation will be tolerated. Any student or employee who is determined after an investigation to have engaged in harassment in violation of this policy will be subject to appropriate response, which may include suspension or expulsion.

Third party witnesses are strongly encouraged to report observed incidents of harassment to the administration. Every effort will be made, when requested, to maintain the confidentiality of witness identity unless the witness is requested to testify at a hearing.

Address for making reports is as follows:

*Michael Hernandez, Assistant Superintendent of School Services  
Appleton Area School District  
131 E. Washington Street, Suite 1A  
P.O. Box 2019  
Appleton, WI 54911  
(920-832-6142)*

*The Assistant Superintendent of School Services serves as Coordinator for Section 504, Title II, VI, and IX Complaints.*

## **Reporting Procedures**

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If harassment occurs, students are encouraged to take the following steps:

1. Clearly say “stop” to the person whose behavior is unwanted and report to a trusted adult.
2. Speak with a trusted adult at school, such as a teacher, school counselor, school social worker, school psychologist, school nurse, or administrator.
3. When reporting to an adult, include the following information:
  - a. Give the name of the person and specific unwanted behavior
  - b. Describe the nature of the harassment
  - c. Give the date(s) of the event
  - d. Tell briefly what happened and note all incidents of harassment that may have taken place
4. A building administrator/designee may make an appropriate person(s) aware of the situation to discuss the case and determine the follow-up. All efforts will be made to handle the situation in a discreet manner and maintain appropriate confidentiality. The building administrator/designee will also inform students of the prohibition against retaliating against another student for reporting an incident of harassment or participating in an investigation.
5. Any employee who witnesses harassment between students must intervene by giving a verbal warning. In some cases it may be necessary to provide a report of bullying incidents to a building administrator/designee.
6. There shall be no retaliation against individuals making such reports or participating in an investigation. Individuals engaging in retaliatory behavior will be subject to disciplinary action.

### **Procedure for Investigating Reports of Harassment**

The building administrator/designee will begin the investigation of a report of harassment within one school day. This investigation will include an interview of the person(s) involved and a collection of the information that will determine the facts and seriousness of the report. Parents and/or guardians of all people involved in the harassment incident will be notified of the complaint, process for reviewing the complaint and the conclusion of the investigation. The District shall maintain confidentiality of the report and related student records to the extent required by law.

Any student who believes he/she has been the subject of prohibited harassment shall report the matter in accordance with the District’s student discrimination complaint procedures found in the Student Nondiscrimination Policy, 411.2 and 411.2-Rule.

**Adoption Date: October 25, 1993**

**Amended Date: June 23, 2014; July 25, 2022**