Nondiscrimination, Harassment, and Bullying (Students) Superintendent/Board Policy 1-102

Scope:

This policy serves as the COE's anti-discrimination, anti-harassment, intimidation, and bullying policy related to students.

The policy covers all acts related to school activity or school attendance within the COE's jurisdiction, including:

- Conduct occurring on school grounds;
- Conduct during school-sponsored activities; and
- Conduct that impacts school attendance and activities.

Purpose

The COE is committed to providing a safe school environment that allows all students equal access and opportunities in the COE's programs and activities, free from discrimination, harassment, intimidation, and bullying.

All students have the right to participate fully in the educational process free from discrimination and harassment.

1. Generally

The COE prohibits discrimination, harassment, intimidation, and bullying of any student based on the student's actual or perceived characteristics, including:

- Disability;
- Gender, gender identity, and gender expression;
- Nationality, race, or ethnicity;
- Religion;
- Sexual orientation;
- Immigration status; and
- Association with a person or group with one or more of these characteristics.

The policies are developed in collaboration with the Small School Districts' Association for general informational, educational and procedural purposes only and are not intended to constitute legal advice for any specific situation.

This prohibition includes all forms of unlawful conduct, including:

- Sexual harassment
- Hate-motivated behavior
- Bullying and cyberbullying

In an effort to enforce this Policy, all staff must intervene when safe to do so if they witness prohibited conduct and must immediately report the prohibited conduct as required by law and Superintendent/Board Policy.

2. Definitions

- Discrimination means the denial of, or unequal treatment in, access to educational programs, activities, or benefits, or the provision of unequal services, based on a person's actual or perceived membership in a protected class, identified above.

- Harassment means conduct based upon a protected characteristic that is sufficiently severe, pervasive, or persistent such that it creates an intimidating, hostile, or offensive educational environment, or interferes with a student's ability to participate in or benefit from the COE's programs or activities.

- Bullying means any severe or pervasive physical or verbal act or conduct, including electronic communication, directed toward one or more students that has or can be reasonably predicted to have the effect of:

    - Placing a student in reasonable fear of harm to the student's person or property; causing a substantially detrimental effect on a student's physical or mental health; substantially interfering with a student's academic performance; or substantially interfering with a student's ability to participate in or benefit from the services, activities, or privileges provided by the COE.

- Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature that has the purpose or effect of:
    - Creating an intimidating, hostile, or offensive educational environment;
    - Interfering with a student's academic performance; or
    - Affecting a student's ability to participate in or benefit from the COE's programs or activities.

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3. Complaint and Investigation

The COE has a Uniform Complaint Procedure to address complaints of discrimination, harassment, intimidation, and bullying. Generally, the Uniform Complaint Process has:

- A defined timeline for investigation and resolution;
- An appeal process for complainants; and
- Translation of complaint forms as required by law.

The COE also has a Title IX Policy that addresses sexual harassment complaints that fall within the parameters of Title IX.

4. Response and Corrective Action

If the COE substantiates any complaint of discrimination, harassment, intimidation and bullying, the COE shall take appropriate action to:

- Stop the conduct;
- Prevent recurrence; and
- Address the effects on the affected student.

The COE may impose disciplinary measures in accordance with law and Superintendent/Board policy.

5. Student and Parent Notification

The COE shall:

- Inform students and parents/guardians of this policy and complaint procedures; and
- Make the policy accessible through COE publications and the COE website.

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6. Non-Retaliation

No student shall be subjected to retaliation for reporting or participating in the investigation of discrimination, harassment, intimidation, or bullying.

Administrative Regulations

1. Sexual Harassment

Examples of the types of conduct that are prohibited may constitute sexual harassment whether committed by a supervisor, a coworker, a student, or a non-employee include, but are not limited to:

- Unwelcome leering, sexual flirtations, or propositions.
- Pressure to engage in sexual activity.
- Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, innuendoes, or sexually degrading descriptions.
- Graphic verbal comments about an individual's body.
- Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, graffiti, or computer-generated images of sexual nature.
- Spreading sexual rumors.
- Teasing or making sexual remarks about students enrolled in a predominantly single-sex class.
- Unwelcome physical contact such as massaging, grabbing, fondling, stroking, or brushing the body.
- Touching an individual's body or clothes in a sexual way.
- Cornering, leaning over, impeding, or blocking normal movements or any other physical interference with school activities when directed at an individual on the basis of sex.

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- Displaying sexually suggestive objects.

2. Training & Promotion of Policy

COE staff should be trained regarding this policy and how to effectively identify, prevent, reduce and/or eliminate unlawful discrimination, harassment, intimidation, and bullying.

The COE strongly encourages students, teachers, and other COE staff to positively promote this policy through awareness campaigns, poster contests, artwork, or other appropriate school-related activities.

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