

1311 BULLYING AND HARASSMENT (Staff)
Procedures and Complaint Form attached

I. General Statement of Policy

It shall be the policy of the Grand Island Public Schools to prohibit any form of bullying, including harassment or violence, on the basis of race, color, religion, national origin, ethnicity, age, sex or gender, sexual orientation, disability, or marital status, in all staff employment situations, academic offerings, and extra-curricular activities, including school-sponsored events away from school. Conduct which has the effect of creating, for a reasonable person, an intimidating, hostile, or offensive educational or work environment will not be tolerated. Any act of bullying or harassment by either staff or students will result in disciplinary action.

It shall also be a violation of district policy for any teacher, administrator, or other school staff ~~personnel~~ of the district to tolerate bullying or harassment because of race, color, religion, national origin, ethnicity, age, sex or gender, sexual orientation, disability, veteran status, pregnancy, childbirth or related medical condition, marital status or other prohibited status, as defined by this policy, by a student, teacher, administrator, other school personnel, or by any third parties who are participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the school district.

For the purposes of this policy school personnel shall include Board members, employees, students, agents, volunteers, contractors, or any other persons subject to the supervision and control of the district.

The school district will act to promptly investigate all complaints, either formal or informal, verbal or written, of bullying or harassment; to promptly take action to protect individuals from further bullying or harassment; and, if it determines that bullying or harassment occurred, to promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy and/or to take other appropriate action reasonably calculated to end the activity.

II. Definitions and Examples

Bullying

For the purposes of this policy, bullying consists of any ongoing pattern of physical, verbal, or electronic ("cyber-bullying") abuse. Bullying may also include harassment on the basis of race, color, religion, national origin, ethnicity, age, sex or gender, sexual orientation, disability, or marital status. Supervisors who are in the process of managing employee performance, (i.e. performing observations, monitoring/checking on performance and giving feedback is not considered bullying or harassment simply on the basis of making the employee feel uncomfortable or emotional.

Harassment

Harassment on the basis of race, religion, national or ethnic origin, color, marital status, disability, sex, veteran status, age, pregnancy, childbirth or related medical condition, or other prohibited status means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble individuals when:

- submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of an individual's participation in school programs, activities or employment;
- submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance; or
- creating an intimidating, offensive or hostile learning or work environment.

Harassment as set forth above may include, but is not limited to the following:

- verbal, physical or written harassment or abuse;
- repeated remarks of a demeaning nature;

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- implied or explicit threats concerning one's grades, achievements, etc.;
- demeaning jokes, stories, or activities directed at an individual.

Sexual Harassment

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:

- submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining an education; or
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education;
- that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or creating an intimidating, hostile or offensive employment or educational environment.

Sexual Orientation

For the purposes of this policy, sexual harassment on the basis of sexual orientation is defined in the following terms:

- Gender-based discrimination is a form of sex discrimination, and refers to differential treatment or harassment of a student based on the student's sex, including gender identity, gender expression, and nonconformity with gender stereotypes, that results in the denial or limitation of education services, benefits, or opportunities. Conduct may constitute gender-based discrimination regardless of the actual or perceived sex, gender identity, or sexual orientation of the persons experiencing or engaging in the conduct.

Examples of conduct, which may constitute sexual harassment, include:

- stalking;
- sexual advances;
- touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
- coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
- graffiti, written material, or graphics of a sexual nature;
- sexual gestures;
- sexual or dirty jokes;
- touching oneself sexually or talking about one's sexual activity in front of others;
- spreading rumors about or rating other students as to sexual activity or performance;
- unwelcome, sexually-motivated or inappropriate patting, pinching or physical contact; or
- other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment.

This prohibition does not preclude legitimate, non-sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property or conduct such as a teacher's consoling hug of a young student or one student's demonstration of a sports move requiring contact with another student.

Disability

For purposes of this policy, harassment, because of the disability, consists of verbal or physical conduct relating to an individual's physical or mental impairment when:

- the harassing conduct is so severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive environment;
- the harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- the harassing conduct otherwise adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of disability include:

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- graffiti containing offensive language, which is derogatory to others because of their physical or mental disability;
- threatening or intimidating conduct directed at another because of the other's physical or mental disability;
- jokes, rumors or name calling based upon an individual's physical or mental disability;
- slurs, negative stereotypes, and hostile acts, which are based upon another's physical or mental disability;
- graphic material containing comments or stereotypes, which is posted or circulated, and which is aimed at degrading individuals or members of protected classes;
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to, an individual's physical or mental disability; or
- other kinds of aggressive conduct such as theft or damage to property, which is motivated by an individual's physical or mental disability.

Unlawful Harassment as a form of Discrimination in Programs or Activities that receive Federal Financial Assistance

Harassment based on an individual's: race, color, or national origin (Title VI of the Civil Rights Act of 1964); disability in all programs or activities (Section 504 of the Rehabilitation Act of 1973); sex (Title IX of the Education Amendments of 1972); age (Age Discrimination Act of 1975); and/or discrimination on the basis of disability by public entities (Title II of the Americans with Disabilities Act of 1990) that consists of physical or verbal conduct relating to any one of these protected categories of individuals and:

- creates an intimidating, hostile, or offensive working or educational environment; or
- substantially or unreasonably interferes with an individual's work or education; or
- otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct that may constitute such unlawful harassment include:

- graffiti containing racially offensive language;
- name calling jokes or rumors based on an individual's race, color, national origin, age, sex, or disability;
- physical acts of aggression against a person or his property because of that person's race, color, national origin, age, sex, or disability;
- Hostile acts that are based on an individual's race, color, national origin, age, sex, or disability and/or;
- written or graphic material which is posted electronically or circulated and which intimidates or threatens individuals based on their race, color, national origin, age, sex, or disability.

Because of the potential misuse of electronic media, photo, or video material in violation of this policy, the use of any electronic media, photographic, or video equipment without expressed administrative consent is prohibited.

References: Title IX, Education Amendments of 1972
Title VI of the Civil Rights Act of 1964, as amended
Age Discrimination in Employment Act of 1975
Section 504 of the Rehabilitation Act of 1973
Title II, Americans with Disabilities Act of 1990
Civil Rights Act of 1991
42 U.S.C. §§ 2000e et seq. (1994).
29 C.F.R. Pt. 1604.11 (1996).

Policy Adopted 4-10-08
Policy Revised 5-14-09
Policy Revised 10.13.2011
Policy Revised 05.14.2015 – Public Hearing
Policy Reviewed 05.12.2016 – Public Hearing
Policy Revised: 10.11.2018

1310.1 Administrative Procedures

Human Rights Officer

The Grand Island Public Schools does not discriminate on the basis of race, color, religion, national origin, ethnicity, age, sex or gender, sexual orientation, disability, veteran status, pregnancy, childbirth or related medical condition, marital status or other prohibited status, in its programs and activities and provides equal access to the Boy Scouts. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Associate Superintendent for Student Services, Kneale Administration Building, 123 South Webb Road, PO Box 4904, Grand Island, NE 68802-4904; 308-385-5900

Employees and Others: Director of Human Resources, Kneale Administration Building, 123 South Webb Road, PO Box 4904, Grand Island, NE 68802-4904; 308-385-5900

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the designated Human Rights Officer. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at 601 East 12th Street, Room 353, Kansas City, MO 64106, (800) 368-1019 (voice), Fax (816) 426-3686, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

The duties of the Human Rights Officers include:

- maintaining and analyzing documentation of all bullying or harassment incidents;
- regularly reviewing the effectiveness of the district's efforts to correct and prevent bullying or harassment and proposing improvements;
- regularly assessing the adequacy of training for staff, administrators, students, and parents concerning bullying or harassment and proposing improvements;
- advising and assisting other district personnel to properly handle and investigate complaints and reports of bullying or harassment;
- ensuring that top district officials are informed about bullying or harassment incidents and the adequacy of the school's response; and
- ensuring that the investigation of bullying or harassment complaints is done in an impartial manner by district personnel who are trained in the requirements of equal educational opportunity.

Reporting Procedures and Investigation

Any person who believes that he or she has been the victim of bullying or harassment on the basis of race, color, religion, national origin, ethnicity, age, sex or gender, sexual orientation, disability, veteran status, pregnancy, childbirth or related medical condition, marital status or other prohibited status is encouraged to immediately report the alleged act to the building principal or designated administrator within five (5) school days of the most recent incident. Any teacher or other employee of the district who knows of or receives a report of bullying or harassment shall immediately report the alleged incident. If the complaint involves the building principal or designated administrator, the complaint shall be made or filed with the Human Rights Officer. If the complaint involves the Human Rights Officer or the Superintendent of Schools, the complaint shall be made or filed directly with the School Board. The building principal, designated administrator or other responsible party contacted with a report of discrimination or harassment will cause an "Alleged Discrimination or Mistreatment Complaint Report" (attached) to be completed.

Complaints of bullying or harassment received by the building principal or designated administrator and a summary of any resolution or resolution attempts will be forwarded to the Human Rights Officer. Minor occurrences of alleged bullying, discrimination, or harassment may be resolved informally at the building level. In the event of obvious and major infractions or incomplete building resolution of a minor infraction, the Human Rights Officer or designee will immediately undertake an investigation. The investigation may be conducted by district personnel or by a third party designated by the School District. In determining whether the alleged conduct constitutes a violation of Policy 1310, 6215, or 8455, the School District will

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consider all facts and circumstances concerning the alleged bullying or harassment. The School District will also consider the effect of the alleged bullying or harassment on the alleged victim and on the School District's goal of maintaining an orderly and effective educational process. The School District's obligation to undertake an investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegation is also pending or has been concluded.

The School District will respect the privacy of all persons relevant to the alleged bullying or harassment, consistent with the district's legal obligation to investigate, to take appropriate action, and to comply with any discovery or disclosure obligation. In the event that the evidence suggests that the alleged bullying or harassment is also a crime, the School District will report the results of any investigation to the appropriate law enforcement agency responsible for handling such crimes.

Upon receipt of a complaint that a violation has occurred, the School District will take prompt and appropriate formal or informal action to address and where appropriate remediate the violation. Since bullying or harassment is often subtle and incidents may be more reflective of a pattern rather than a single incident, events occurring prior to the most recent incident may also be addressed. The School District will consider a response that will most likely end the bullying or harassment and deter similar future conduct.

Appeal to Superintendent

If the complaint of bullying or harassment has not been resolved to the complainant's satisfaction at the initial reporting level within ten (10) school days after the initial complaint was made, the student, parents/guardians or district personnel who made the complaint may appeal to the Superintendent by submitting the "Alleged Discrimination or Mistreatment Complaint Form" and any relevant documents (resolution attempts, etc.) to the Superintendent. Within ten (10) school days of receiving the complaint form, the Superintendent or designee will respond in writing to the complainant. The Superintendent's decision will be final and binding.

Failure To Observe Time Limits

In the event the student, parent, guardian, or district personnel who complained of bullying or harassment fails to exhaust the remedies under the complaint procedure provided above, or to abide by the time limits with respect to each step, the complaint will be presumed to be abandoned and the matter will be settled in accordance with the School District's last response thereto. However, any time limit may be extended by written mutual agreement of the parties involved.

Consequences of Violation of 1310, 6215, 6410, or 8455

If allegations of bullying or harassment are determined to be valid, sanctions that may be imposed by the School District may include, but are not limited to, any one or more of the following:

For Employees–

1. Oral reprimand with documentation to file;
2. Written reprimand;
3. Suspension with pay;
4. Suspension without pay;
5. Termination of employment;
6. Cancellation of employment;
7. Non-renewal of employment; and
8. Referral to appropriate authorities for prosecution.

For "Third Parties" (including audiences, competitors at inter-district athletic competitions, contractors, visitors, and employees of other businesses participating in cooperative work programs)–

1. Demand for immediate corrective action;
2. Suspension or termination of relationship; and
3. Referral to appropriate authorities for prosecution

Confidentiality and Retaliation

All matters involving complaints will remain confidential to the maximum extent possible, and any retaliation against individuals reporting bullying or harassment or participating in related proceedings will not be tolerated. The school district will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports an incident of alleged bullying or sexual, racial, ethnic, or disability-related harassment or violence, or any person who testifies, assists, or participates in a proceeding, investigation or hearing relating to such bullying, harassment, or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment, which has the effect of creating, for a reasonable person, an intimidating, hostile, or offensive educational or work environment.

Rights of Students Accused of Harassment

Students accused of inappropriate behavior have certain rights to due process and fundamental fairness under the Constitution of Nebraska, the United States Constitution, and Nebraska's Student Discipline Act codified at Neb. Rev. Stat. §79-254, et seq. (Reissue 1996) and any amendments thereto. Nothing in 1310, 6215, 6410, and 8455 or this procedure shall abrogate or modify the School District's obligation to comply with the terms of said Act or any other state or federal law.

Rights of District Personnel Accused of Harassment

All actions taken by the School District against district personnel under 1310, 1311, 6215, and 8455 or this procedure shall be consistent with the requirements of applicable collective bargaining agreements, as well as state and federal law.

Training

The District will ensure that *all* District employees (*to include certified, classified, and administration*) are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

- a. The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.
- b. The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.
- c. Identification of the District's designated compliance coordinators and their job responsibilities.
- d. Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.
- e. Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.
- f. Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.
- g. A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

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In addition, the District shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators, receive additional specific training to promptly and effectively investigate and respond to complaints and reports of discrimination, and to know the District's grievance procedures and the applicable confidentiality requirements.

Preventive Measures

The District will publish and distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including displaying the notice on the District's website and posting the notice at each building in the District. The District designates the Human Rights Officers to coordinate compliance with anti-discrimination laws, publish and disseminate grievance procedures, including posting it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees and students at the beginning of each academic year in the areas identified in the Training section above.

The District also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the District's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources.

Effect of Policy and Publication

Policies ~~1310, 6215, 6410, and 8455~~ and this procedure should not be read to abrogate other school district policies prohibiting other forms of unlawful discrimination, harassment, or other inappropriate behavior. It is the intent of the School District that all such policies be read consistently to provide the highest level of protection from unlawful discrimination or harassment in the provision of educational services and opportunities. Summaries of policies ~~1310, 6215, 6410, and 8455~~ and this procedure shall be conspicuously posted in each school that the district maintains, in a place accessible to students, faculty, administrators, employees, parents, and members of the public. This notice shall include the name, mailing address and telephone number of the Human Rights Officer and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

Reference: Boy Scouts of America Equal Access Act – January 8, 2002

Complaint form attached

RESOLUTION OF DISCRIMINATION COMPLAINTS

**1310.2 ALLEGED DISCRIMINATION or MISTREATMENT
COMPLAINT REPORT FORM**

Name _____

- Student
- Employee

Building _____

Type of discrimination alleged:

- Title IX (sex)
- Title VI (race, color, national origin)
- Section 504 (disability)
- Age
- Race
- Color
- National Origin
- Sexual Orientation
- Ethnicity
- Marital Status
- Bullying
- Other (Specify) _____

Specific facts of complaint (Who? What? Where? When?)

Specific relief desired (What do you want done or corrected?)

(Date)

(Signature of Student, Parent, Guardian, or
District Personnel)