

STUDENTS

7:180 Prevention of and Response to Bullying, Intimidation, and Harassment

The District is committed to having a school environment free from all harassment and bullying on the basis of race, color, national origin, sex or disability. The District prohibits race, color, national origin, sex or disability harassment or bullying in the school environment, including all academic, extra-curricular and school-sponsored activities. Students should immediately report incidents of harassment or bullying to a District staff member, and are encouraged to make such reports to the designated District employees identified in this policy. All District staff members who receive such reports of harassment or bullying, or who witness incidents of harassment or bullying, are required to report the information immediately to their designated District administrator. The District will investigate all formal and informal complaints of harassment or bullying, and will document any such investigations in accordance with the provisions of this policy.

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors and providing all students equal access to a safe, non-hostile learning environment are important District goals.

Bullying and/or harassment on the basis of actual or perceived race, color, national origin, military status, unfavorable discharge status from the military service, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic **is prohibited** in each of the following situations:

1. During any school-sponsored education program or activity.
2. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored or school-sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.
4. Through the transmission of information from a computer that is accessed at a nonschool-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by a school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This item (4) applies only in cases in which a school administrator or teacher receives a report that bullying through this means has occurred and it does not require a district or school to staff or monitor any nonschool-related activity, function, or program.

Definitions from 105 ILCS 5/27-23.7

Bullying includes *cyberbullying* and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
2. Causing a substantially detrimental effect on the student's or students' physical or mental health;
3. Substantially interfering with the student's or students' academic performance; or

4. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.

Cyberbullying means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. *Cyberbullying* includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of *bullying*. *Cyberbullying* also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of *bullying*.

Harassment on the bases of race, sex or disability is a form of discrimination prohibited by the federal regulations implementing Title VI, Title IX, Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. Unlawful harassment is intimidation or abusive behavior toward a student based on race, sex, or disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the recipient's program. Harassing conduct may take many forms, including verbal acts and name calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Conduct is unwelcome if the student did not request or invite the conduct and regarded it as undesirable or offensive.

Restorative measures means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school, and (vii) increase student accountability if the incident of bullying is based on religion, race, ethnicity, or any other category that is identified in the Ill. Human Rights Act.

School personnel means persons employed by, on contract with, or who volunteer in a school district, including without limitation school and school district administrators, teachers, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

Bullying and Harassment Prevention and Response Plan; Complaint Form; Investigation

The Superintendent or designee shall develop and maintain a bullying and harassment prevention and response plan that advances the District's goal of providing all students with a safe learning environment free of bullying and harassment. This plan must be consistent with the following requirements:

1. *Bullying and Harassment Defined:* The District uses the definition of *bullying* as provided in this policy.
2. *Bullying and Harassment Prohibited:* Bullying and harassment is contrary to State law and the policy of this District. However, nothing in the District's bullying and harassment prevention and response plan is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 of Article I of the Illinois Constitution.
3. *Reporting Bullying and/or Harassment and Use of Complaint Form:* Students are encouraged to immediately report bullying. A report may be made orally or in writing to the Nondiscrimination Coordinator, Building Principal, Assistant Building Principal, Dean of Students, a Complaint Manager, or any staff member with whom the student is comfortable speaking. Anyone, including staff members and parents/guardians, who has information about actual or threatened bullying is encouraged to report it to the District named officials or any staff member. The District named officials and all staff members are available for help with a bully or to make a report about bullying. Anonymous reports are also accepted; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.

Any District employee who either receives a verbal or written report or complaint of an incident of bullying or harassment, or any District employee who witnesses an incident of bullying or harassment, shall complete the District's Complaint form that is included in this policy. If the report is made directly to one of the Complaint Managers, then the Complaint Manager is responsible for completing the Complaint form. The Complaint Managers identified in this policy shall be responsible for receiving, maintaining, and responding to any Complaint form completed by a District employee. The Complaint Manager who receives a completed Complaint form shall also provide a copy to the appropriate District administrator in charge of the relevant District building and/or activity. The District administrator receiving the Complaint form shall also be responsible for maintaining all Complaint forms received. The Complaint form shall serve as the District-wide method for documenting verbal and written reports or complaints of bullying and/or harassment.

Any District employee who observes an act of bullying or harassment is encouraged to intervene immediately to stop the conduct, unless circumstances would render it dangerous to do so.

Nondiscrimination Coordinator:

Mr. Ryan Janisch

720 S. Wells St.

Sandwich, IL 60548

815/786-2187

rjanisch@sandwich430.org

Complaint Managers:

Mr. Ryan Janisch

Mrs. Jen Kern

720 S. Wells St.

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Sandwich, IL 60548

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4. *Notification to Parents and/or Guardians:* Consistent with federal and State laws and rules governing student privacy rights, the Superintendent or designee shall promptly inform parent(s)/guardian(s) of all students involved in an alleged incident of bullying or harassment and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
5. *Investigation:* The Superintendent or designee shall promptly investigate and address reports of bullying and/or harassment, by, among other things:
 - a. Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying or harassment was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying or harassment.
 - b. Involving appropriate e school support personnel and other staff persons with knowledge, experience, and training on bullying and harassment prevention, as deemed appropriate, in the investigation process.
 - c. Notifying the Building Principal or school administrator or designee of the report of the incident of bullying or harassment as soon as possible after the report is received.
 - d. Consistent with federal and State laws and rules governing student privacy rights, providing all parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, providing written notice of the findings of the investigation, and the actions taken to address the reported incident of bullying or harassment.

The Superintendent or designee shall investigate whether a reported act of bullying and/or harassment is within the permissible scope of the District's jurisdiction and shall require that the District provide the victim with information regarding services that are available within the District and community, such as counseling, support services, and other programs. The Superintendent or designee will determine based on his or her investigation whether a hostile environment exists, and if such a determination is made, will develop and implement interventions and remediations discussed in this policy to address such environment. When determining whether a hostile environment in fact exists, the District will consider whether the preponderance of the evidence establishes 1) harassing conduct (physical, verbal, graphic, or written) on the basis of race, color, national origin, sex or disability occurred, and 2) that the harassing conduct was sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by the District.

6. *Interventions; Remediations:* The Superintendent or designee shall use interventions to address bullying and harassment, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services. The District will provide counseling services to any person found to have been subjected to harassment or bullying based on race, color, national origin, sex or disability, or to any student with a disability found to have been subjected to harassment or bullying on any basis and whom the District determined was denied a free and appropriate public education.
7. *Retaliation Prohibited:* A reprisal or retaliation against any person who reports an act of bullying

is prohibited. Any person's act of reprisal or retaliation will be subject to disciplinary action, up to and including discharge with regard to employees, or suspension and/or expulsion with regard to students.

8. **False Accusations:** A student will not be punished for reporting bullying or supplying information, even if the District's investigation concludes that no bullying occurred. However, a person who is found to have falsely accused another of bullying, as a means of retaliation, as a means of bullying, or provided false information will be treated as either: (a) *bullying*, (b) student discipline up to and including suspension and/or expulsion, and/or (c) both (a) and (b) for purposes of determining any consequences or other appropriate remedial actions.
9. **Engagement of Stakeholders:** The District's bullying prevention and response plan is based on the engagement of a range of school stakeholders, including students and parents/guardians.
10. **Notice of Policy:** The Superintendent or designee shall post this policy on the District's website, if any, and include it in the student handbook, and, where applicable, post it where other policies, rules, and standards of conduct are currently posted. The policy must be distributed annually to parents/guardians, students, and school personnel (including new employees when hired), and must also be provided periodically throughout the school year to students and faculty.
11. **Review of Policy:** Pursuant to State law and policy 2:240, *Board Policy Development*, the Board monitors this policy every two years by conducting a review and re-evaluation of this policy to make any necessary and appropriate revisions. The Superintendent or designee shall assist the Board with its re-evaluation and assessment of this policy's outcomes and effectiveness. Updates to this policy will reflect any necessary and appropriate revisions. This process shall include, without limitation:
 - a. The frequency of victimization;
 - b. Student, staff, and family observations of safety at a school;
 - c. Identification of areas of a school where bullying and/or harassment occurs;
 - d. The types of bullying or harassment utilized; and
 - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the District already collects for other purposes. Acceptable documentation to satisfy the re-evaluated policy submission include one of the following:

- 1) An updated version of the policy with the amendment/modification date included in the reference portion of the policy;
- 2) If no revisions are deemed necessary, a copy of board minutes indicating that the policy was re-evaluated and no changes were deemed to be necessary; or
- 3) A signed statement from the Board President indicating that the Board re-evaluated the policy and no changes to it were necessary.

The Superintendent or designee must post the information developed as a result of the policy re-evaluation on the District's website, or if a website is not available, the information must be provided to school administrators, Board members, school personnel, parents/guardians, and students. Reviews and re-evaluations in years they are due must be submitted to ISBE by September 30.

12. **Implementation of Policies:** The Superintendent or designee shall fully implement the Board policies, including without limitation, the following:
 - a. 2:260, *Uniform Grievance Procedure*. A student may use this policy to complain about

bullying.

- b. 2:265, *Title IX Sexual Harassment Grievance Procedure*. Any person may use this policy to complain about sexual harassment in violation of Title IX of the Education Amendments of 1972.
- c. 6:60, *Curriculum Content*. Bullying prevention and character instruction is provided in all grades in accordance with State law.
- d. 6:65, *Student Social and Emotional Development*. Student social and emotional development is incorporated into the District's educational program as required by State law.
- e. 6:235, *Access to Electronic Networks*. This policy states that the use of the District's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use.
- f. 7:20, *Harassment of Students Prohibited*. This policy prohibits *any* person from harassing, intimidating, or bullying a student based on an identified actual or perceived characteristic (the list of characteristics in 7:20 is the same as the list in this policy).
- g. 7:185, *Teen Dating Violence Prohibited*. This policy prohibits teen dating violence on school property, at school sponsored activities, and in vehicles used for school-provided transportation.
- h. 7:190, *Student Behavior*. This policy prohibits, and provides consequences for, hazing, bullying, or other aggressive behaviors, or urging other students to engage in such conduct.
- i. 7:310, *Restrictions on Publications; Elementary Schools*, and 7:315, *Restrictions on Publications; High Schools*. These policies prohibit students from and provide consequences for: (1) accessing and/or distributing at school any written, printed, or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and (2) creating and/or distributing written, printed, or electronic material, including photographic material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.

Disciplinary Consequences

Any student found to have engaged in conduct prohibited by this policy will be disciplined in accordance with the District's student code of conduct. Disciplinary consequences may include suspension and/or expulsion depending on the nature and severity of the offense. Any District employee found to have engaged in conduct prohibited by this policy will face disciplinary consequences, up to and including termination.

District's Complaint Form

COMPLAINT FORM

A. Teacher or School Personnel to Complete this Section Based on Interview of Complainant and/or Incident Witnessed or Observed by Teacher or School Personnel

Name of Complainant or Student Observed to be Victim of Conduct: _____

Date Complaint or Report Received/Date Conduct was Witnessed: ____/____/____

Teacher/School Personnel Completing Form: _____

What happened? (Include as many details as possible regarding the alleged bullying, harassment, or other conduct as reported to you or witnessed by you, including the names of the student or staff member who allegedly bullied or harassed the complainant or another student and use back side of form if needed)

1. Name of the alleged victim: _____ ID: _____
Grade: _____

2. Where did the alleged bullying, harassment, or other conduct complained of take place?

____ Hallway ____ Gym Class ____ Bus or Bus Stop ____ Classroom (which one) ____

____ Lunchroom ____ Locker Room ____ Bathroom ____ Neighborhood

____ Field Trip ____ Sporting event

____ Electronic devices (cellphone, voice messages, texting, IM, MySpace, Facebook, etc.)

____ Other (Please describe below or on back page)

3. When did the alleged bullying, harassment or other conduct complained of take place?

Date: _____

____ Morning ____ Afternoon ____ Between Class ____ After School

____ Before School ____ Lunchtime ____ Other time: _____

4. To your knowledge has this student or staff member allegedly bullied or harassed other students before?

____ Yes ____ No

If yes, please provide details:

5. Do you believe, or was it reported to you, that the person or person who bullied or harassed the Complainant or alleged victim did so because of his or her race, gender, disability, sexual orientation, gender identity, ancestry, age, religion, status of order of protection, status homelessness, or actual or potential marital or parental status including pregnancy?

____ No

____ Yes If yes, why do you believe that such bullying or harassment is based on any such factor or status.

B. This Section to be Completed by Teacher and/or Administrator Regarding Investigation and Action Taken

Follow-up and Action Taken by School:

Investigator: _____ Date of follow-up: ____/____/____ Prior Complaint: Yes/No

Date investigation initiated: ____/____/____ No. of interviews conducted: _____

Date investigation concluded: ____/____/____ No. of statements obtained: _____

Victim interviewed: Yes/No Alleged Perpetrator identified: Yes/No

Alleged Perpetrator interviewed: Yes/No

Action taken: _____ Consulted with student(s) _____ Teachers/team contacted

_____ Parents contacted _____ Refer to Administrator

If the complainant has indicated that he or she believes the harassment or bullying was based on discriminatory conduct, describe the actions taken, including interim actions, to assure that any potential for a discriminatory hostile environment is corrected or prevented (attach separate paper with additional details if needed).

Administrator action taken: Attach additional pages if necessary.

a. Disciplinary action: _____

b. Remedial action: _____

c. Report, including submission of all statements and documentary evidence submitted to:

_____ Building Principal Date submitted: ____/____/____

_____ Reviewed by Building Principal or Designee Date submitted: ____/____/____

_____ Nondiscrimination Coordinator Date submitted: ____/____/____

_____ Complaint Manager Date submitted: ____/____/____

LEGAL REF.:

105 ILCS 5/10-20.14, 5/10-22.6(b-20), 5/24-24, and 5/27-23.7.

405 ILCS 49/, Children's Mental Health Act.

775 ILCS 5/1-103, Ill. Human Rights Act.

23 Ill.Admin.Code §§1.240, 1.280, and 1.295.

CROSS REF.: 2:240 (Board Policy Development), 2:260 (Uniform Grievance Procedure), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:170 (Safety), 5:230 (Maintaining Student Discipline), 6:60 (Curriculum Content), 6:65 (Student Social and Emotional Development), 6:235 (Access to Electronic Networks), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating Violence Prohibited), 7:190 (Student Behavior), 7:220 (Bus Conduct), 7:230 (Misconduct by Students with Disabilities), 7:240 (Conduct Code for Participants in Extracurricular Activities), 7:285 (Anaphylaxis Prevention, Response, and Management Program), 7:310 (Restrictions on Publications; Elementary Schools), 7:315 (Restrictions on Publications; High Schools)

Adopted: March 21, 2023

Sandwich CUSD 430