

## **HARASSMENT, SEXUAL HARASSMENT, HAZING & BULLYING OF STUDENTS**

It is the intent of the Windham School Committee to provide all students with an equitable opportunity to learn. To that end, the Board has a significant interest in providing a safe, orderly, and respectful school environment that is conducive to teaching and learning.

The Board also believes that promoting ethical and responsible behavior is an essential part of the school unit's educational purpose. Ethics, responsible behavior and "character" are important if a student is to leave school as a "responsible and involved citizen" as described in the Guiding Principles of Maine's system of Learning Results. Harassment, hazing, and bullying interfere with the accomplishment of this goal.

It is not the Board's intent to prohibit students from expressing their ideas, including ideas that may offend the sensibilities of others, or from engaging in civil debate. However, the Board does not condone, and will take action in response to, conduct that substantially interferes with students' opportunity to learn, the education mission of the Windham School Department, and the operation of the schools.

### **Application of Policy**

This policy applies to harassment, sexual harassment, hazing, or bullying that takes place at school or on school grounds, at any school-sponsored activity or event, or while students are being transported to or from school or school-sponsored activities or events. It also applies to harassment, sexual harassment, hazing, or bullying that occurs at any other time or place that substantially disrupts the instructional program, operations of the school, or welfare of students.

#### **A. Harassment & Sexual Harassment**

Harassment of students because of race, color, sex, sexual orientation, religion, ancestry or national origin, disability, stereotypes, or biases is prohibited. Such conduct is a violation of Board policy and may constitute illegal discrimination under state and federal laws.

Harassment includes, but is not limited to, verbal abuse based on race, color, sex, sexual orientation, religion, ancestry or national origin, disability, stereotypes, or biases. Harassment that rises to the level of physical assault, battery and/or abuse is also addressed in the Board policy JICIA – Weapons, Violence and School Safety.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, request for sexual favors or pressure to engage in sexual activity, physical contact of a sexual nature, gestures, comments, or other physical, written or verbal conduct that is gender-based that interferes with a student's education. School employees, fellow students, volunteers and visitors to the school, and other persons with whom student may interact in order to pursue school activities are required to refrain from such conduct.

## **B. Hazing**

Maine statute defines injurious hazing as “any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school.”

It is the policy of the Board that injurious hazing activities of any type, either on or off school property, by any student, staff member, school-sponsored group, or a group or organization affiliated with this school unit, are inconsistent with the educational process and shall be prohibited at all times.

No student shall plan, encourage, or engage in injurious hazing activities. In the case of an organization affiliated with this school unit which authorizes hazing, penalties may include rescission of permission for that organization to operate on school property or to receive any other benefit of affiliation with the school unit.

## **C. Bullying**

Bullying, as defined in this policy, is not acceptable conduct in Windham schools and is prohibited. Any student who engages in conduct that constitutes bullying shall be subject to disciplinary consequences, up to and including suspension and expulsion. A student’s bullying behavior may also be addressed through other behavioral interventions.

### **Bullying Defined**

For the purpose of this policy, “bullying” means any physical act or gesture or any verbally, written, or electronically communicated expression that:

- A. A reasonable person should expect will have the effect of:
  - 1. Physically harming a student or damaging a student’s property;
  - 2. Placing a student in reasonable fear of physical harm or damage to his/her property; or
  - 3. Substantially disrupting the instructional program or the orderly operations of the school; or
- B. Is so severe, persistent, or pervasive that it creates an intimidating, hostile educational environment for the student who is bullied.

Examples of conduct that may constitute bullying, include, but are not limited to:

- A. Physical contact or injury to another person or his/her property;
- B. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally in writing, or through cyberspace;
- C. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
- D. Non-verbal threats and/or intimidations such as use of aggressive or menacing gestures;
- E. Stalking;
- F. Blocking access to school property or facilities;
- G. Stealing or hiding books, backpacks, or other possessions;

- H. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor relating to a student's race, color, ethnicity, gender, sexual orientation, ancestry, religion, disability, or other personal characteristics, whether or not the student actually possesses them, that could reasonably be expected to result in disruption of the instructional program or operations of the schools, or that results in a hostile educational environment for the student.

For the purpose of this policy, bullying does not mean mere teasing, put-downs, "talking trash," trading of insults, or similar interactions among friends; nor does it include expression of ideas or beliefs so long as such expression is not lewd, profane, or does not interfere with students' opportunity to learn, the instructional program, or the operations of the schools. This does not preclude teachers or school administrators from setting and enforcing rules for civility, courtesy, and/or responsible behavior in the classroom and the school environment.

### **Determination of Conduct**

The determination whether particular conduct constitutes harassment, sexual harassment, hazing, or bullying requires reasonable consideration of the circumstances, which include the frequency of the behavior at issue, the location in which the behavior occurs, the ages and maturity of the students involved, the activity or context in which the conduct occurs, and the nature and severity of the conduct.

### **Delegation of Responsibility**

The Superintendent / Designee will be responsible for developing and implementing procedures for:

- A. Student and parent reporting of harassment, sexual harassment, hazing, or bullying to staff and school administrators;
- B. Staff reporting of harassment, sexual harassment, hazing, or bullying to school administrators;
- C. Review of reports and investigation of harassment, sexual harassment, hazing, or bullying incidents;
- D. Intervention with and/or discipline of students who engage in harassment, sexual harassment, hazing, or bullying;
- E. Support for students who are victims of harassment, sexual harassment, hazing, or bullying;
- F. Training staff and students in harassment, sexual harassment, hazing, and bullying prevention; and
- G. Periodic evaluation of harassment, sexual harassment, hazing, and bullying prevention, intervention, and training efforts in Windham schools and reporting to the Board upon request.

### **Reporting & Response**

All students who have been harassed, hazed, or bullied, and all students or School Department employees who observe these incidents, should report the behavior to a staff member or school administrator. Staff should report the incidents to the Building Principal.

Acts of reprisal or retaliation against any person who reports an incident of these prohibited behaviors are prohibited. Any student or staff member who is determined to have falsely accused another of these prohibited behaviors shall be subject to disciplinary consequences.

Harassment, sexual harassment, hazing or bullying by school employees is considered grounds for disciplinary action, up to and including discharge. Harassment, sexual harassment, hazing or bullying by students is considered grounds for disciplinary action, up to and including expulsion. The Superintendent will determine appropriate sanctions for harassment, sexual harassment, hazing, or bullying of students by persons other than school employees and students. These penalties shall be in addition to any civil or criminal penalties to which the violator or organization may be subject.

The Superintendent or his/her Designee shall assume responsibility for implementing this policy. A copy of this policy shall be included in all school and faculty handbooks, or otherwise distributed to all school employees and students.

Legal Reference: Title IX of the Education Amendments of 1972 (20 USC § 1681, et. seq.)  
Title VI of the Civil Rights Act of 1964 (42 USC § 2000(d) 5 MRSA § 4602  
20-A MRSA § 1001(15)(H)  
P.L. 2005, Ch 307 § 4-5  
Title 20-A, MRSA Sec. 6553

Cross Reference: AC – Non-Discrimination / Equal Opportunity and Affirmative Action  
JICIA – Weapons, Violence, and School Safety  
ADF – School District Commitment to Learning Results  
EEACC – Student Conduct on School Buses  
JI – Student Rights & Responsibilities  
Student Code of Conduct

Adopted: November 15, 2006

REVISED: \_\_\_\_\_