

POLICY PROHIBITING HARASSMENT, BULLYING AND VIOLENCE

I. GENERAL STATEMENT OF POLICY

It is the policy of Sweetwater County School District Number One, State of Wyoming (the "District") to maintain an educational and employment environment that is free from harassment, bullying or violence based upon another individual's sex, sexual orientation, marital status, race, religion, national origin, or disability. The District prohibits such harassment, bullying and violence as various forms of unlawful discrimination.

It shall be a violation of this policy for any student, teacher, administrator or other school personnel to harass a pupil, teacher, administrator or other school personnel through acts of harassment or bullying based upon another individual's sex, sexual orientation, marital status, race, religion, national origin, or disability as defined by this policy. (For purposes of this policy, "school personnel" includes members of the Board of Trustees, school employees, contractors, agents, volunteers, or persons subject to the supervision and control of the District.)

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel to inflict, threaten to inflict, or attempt to inflict violence upon any pupil, teacher, administrator, or other school personnel through acts of violence based upon another individual's sex, sexual orientation, marital status, race, religion, national origin, or disability as defined by this policy.

The District will act to investigate all complaints, either formal or informal, verbal or written, of harassment, bullying or violence based upon another individual's sex, sexual orientation, marital status, race, religion, national origin, or disability and to discipline or take appropriate action against any student, teacher, administrator or other school personnel found to have violated this policy.

II. HARASSMENT, BULLYING AND VIOLENCE DEFINED

- A. Sexual Harassment: Sexual harassment is unsolicited, nonreciprocal behavior which consists of unwelcomed or unwanted sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature which is offensive or objectionable to the recipient when:
- (i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - (ii) 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; or
 - (iii) 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 harassment may include, but is not limited to:

- (i) unwelcome verbal or written harassment or abuse including sexually suggestive or derogatory communications;
 - (ii) unwelcome pressure for sexual activity;
 - (iii) unwelcome, sexually motivated or inappropriate patting, pinching, hugging or physical contact, other than necessary restraint of student(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
 - (iv) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - (v) unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - (vi) unwelcome behavior or words directed at an individual because of gender, sexual orientation or marital status.
- B. Racial Harassment: Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:
- (i) has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
 - (ii) has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
 - (iii) otherwise adversely affects an individual's employment or educational opportunities.
- C. Religious Harassment: Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:
- (i) has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
 - (ii) has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
 - (iii) otherwise adversely affects an individual's employment or educational opportunities.

- D. **National Origin Harassment:** National Origin harassment consists of physical or verbal conduct relating to an individual's national origin when the conduct:
- (i) has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
 - (ii) has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
 - (iii) otherwise adversely affects an individual's employment or educational opportunities.
- E. **Disability Harassment:** Disability harassment consists of physical or verbal conduct relating to an individual's physical or mental disability when the conduct:
- (i) has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
 - (ii) has the purpose or effect of substantially or unreasonably interfering with an individual's employment or educational performance; or
 - (iii) otherwise adversely affects an individual's employment or educational opportunities.
- F. **Sexual Violence:** Sexual violence is a physical act of aggression or assault or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. As used in this section, intimate parts shall be defined as stated in Wyo. Stat. §6-2-301(a)(ii), as well as the clothing covering these areas.
- Sexual violence may include, but is not limited to:
- (i) touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - (ii) coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - (iii) coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - (iv) threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- G. **Racial Violence:** Racial violence is a physical act of aggression or assault or the threat thereof upon another because of, or in a manner reasonably related to, race.
- H. **Religious Violence:** Religious violence is a physical act of aggression or assault or the threat thereof upon another because of, or in a manner reasonably related to, religion.

- I. National Origin Violence: National Origin violence is a physical act of aggression or assault or the threat thereof upon another because of, or in a manner reasonably related to, national origin.
- J. Disability Violence: Disability violence is a physical act of aggression or assault or the threat thereof upon another because of, or in a manner reasonably related to, physical or mental disability.
- K. Assault: Assault is:
 - (i) an act done with intent to cause fear in another of immediate bodily harm or death;
 - (ii) the intentional infliction of or attempt to inflict bodily harm upon another; or
 - (iii) the threat to do bodily harm to another with present ability to carry out the threat.
- L. Disability: Disability means any physical or mental impairment that substantially limits a major life activity. Individuals may be deemed disabled if they have serious difficulty walking, seeing, hearing, breathing, learning, speaking, doing manual tasks, sitting, standing, lifting, reaching or are suffering from certain disabling illnesses.
- M. Bullying: Bullying means any written or verbal expression, physical act or gesture that is intended to cause emotional distress or physical injury upon a pupil, teacher, administrator or other school personnel and has the effect of substantially creating an intimidating, hostile or offensive employment or educational environment.

III. REPORTING PROCEDURES

Any person who believes he or she has been the victim of prohibited harassment, bullying or violence under this policy by a student, teacher, administrator or other school personnel, or any person with knowledge or belief of conduct which may constitute prohibited harassment, bullying or violence toward a student, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate official designated by this policy. The District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the District central office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment, bullying or violence directly to the District Human Resources Director or to the Superintendent.

- A. In Each School Building. The building principal is the person responsible for receiving oral or written reports of prohibited harassment, bullying or violence at the building level. Any teacher, administrator or school personnel who receive a report of prohibited harassment, bullying or violence under this policy shall inform the building principal immediately.

Upon receipt of a report, the principal must notify the District Human Resources Director immediately, without screening or investigating the report. The principal may request the

reporting party or complainant to prepare a written statement. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Human Resources Director. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours, or within a reasonable time thereafter if extended for good cause, and forward it to the Human Resources Director. If the complaint involves the building principal, the complaint shall be made or filed directly with the Human Resources Director or the Superintendent by the reporting party or complainant.

- B. In the District. The Board of Trustees hereby designates the District Human Resources Director to receive reports or complaints of prohibited harassment, bullying or violence under this policy. If the complaint involves the Human Resources Director, the complaint shall be filed directly with the Superintendent.
- C. Submission of a good faith complaint or report of prohibited harassment, bullying or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- D. Use of formal reporting forms is not mandatory.
- E. The District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the School District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

By authority of the Board of Trustees, the Human Resources Director or Superintendent, upon receipt of a report or complaint alleging prohibited harassment, bullying or violence under this policy, shall immediately undertake or authorize an investigation. The investigation may be conducted by the building principal, a designated investigator of the District, other District officials, or by a third party designated by the District.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also utilize other methods or resources deemed pertinent by the investigator and documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators or other school personnel pending completion of an investigation of alleged prohibited harassment, bullying or violence under this policy.

The investigation will be completed as soon as practicable. The designated investigator shall make a written report to the Human Resources Director and building principal upon completion of the investigation. If the complaint involves the building principal, the report may be filed directly with the Superintendent. If the complaint involves the Superintendent, the report may be filed directly with the Chair of the Board of the Trustees. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

V. DISTRICT ACTION

- A. Upon receipt of a report, the District will take appropriate action as determined by the responsible supervisory personnel. Such action may include, but is not limited to: warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. The District's action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, federal and state law and other District policies.
- B. The result of the District's investigation of each complaint filed under these procedures may be reported to the complainant by the District in accordance with state and federal law regarding data or records privacy.

VI. RETALIATORY CONDUCT

The District will discipline or take other appropriate action against any student, teacher, administrator or other school personnel who retaliates against: any person who reports alleged, prohibited harassment, bullying or violence; or any person who testifies, assists or participates in an investigation; or, who testifies, assists or participates in a proceeding or hearing relating to such harassment, bullying or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment or bullying.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Equal Employment Opportunity Commission, initiating civil action or seeking redress under applicable federal or state laws.

VIII. HARASSMENT, BULLYING OR VIOLENCE AS ABUSE OR OTHER REPORTABLE CONDUCT

Under certain circumstances, alleged harassment, bullying or violence under this policy may also constitute possible reportable abuse under Wyoming law. If so, the duties of mandatory child abuse reporting under Wyo. Stat. § 14-3-205 may be applicable. See also Policy File JHG.

Under certain circumstances, alleged harassment, bullying or violence under this policy may constitute possible reportable conduct under Wyoming law. If so, reporting may be made, as deemed appropriate, to appropriate law enforcement agencies, county attorney's offices, child welfare agencies, Department of Education and/or Professional Standards Licensing Boards.

Nothing in this policy will prohibit the District from taking immediate action to protect victims of alleged harassment, bullying, violence or abuse.

IX. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall appear in the student handbooks.
- C. The District will develop a method of informing students and staff members of this policy.

LEGAL REFERENCES: Civil Rights Act of 1964 (Titles IV, VI, VII)
Americans with Disabilities Act (ADA)
Equal Pay Act
Rehabilitation Act of 1973 (Section 504)
Immigration Reform and Control Act
Individuals with Disabilities Education Act (IDEA)
Education Amendments of 1972 (Title IX)

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