



NEW TRIER TOWNSHIP HIGH SCHOOL DISTRICT 203

Board of Education Policy 7-25

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STUDENTS

HARASSMENT, SEXUAL HARASSMENT, BULLYING, CYBER-BULLYING, TEEN DATING VIOLENCE, AND HAZING PROHIBITED

It is the policy of New Trier Township High School District 203 to provide an educational environment free from harassment, sexual harassment, bullying, cyber-bullying, and hazing. As a school district, we are committed to protecting our students from any form of physical or verbal abuse.

No person, including a District employee or agent, or student, shall harass, intimidate, or bully a student. The District will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, or visual, that affects the tangible benefits of education, that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment.

Bullying is contrary to state law and the policy of this district. This policy shall not be interpreted to prevent a victim from seeking redress under any other available civil or criminal law. Nothing in this policy is intended to infringe upon any right to exercise free expression or the free expression of religion or religiously based views protected under the First Amendment to the United States Constitution or under Section 3 or 4 of Article 1 of the Illinois Constitution.

Harassment

Harassment includes any unwelcome verbal or physical conduct, contact or communication that is motivated by or related to individual characteristics such as race, color, national origin, gender, economic status, disability, religion, religious affiliation or sexual orientation and that creates an intimidating, hostile or offensive educational environment. Although harassment that creates a hostile environment may take many different forms, some examples include name calling and other derogatory comments, jokes, gestures or looks, posting or distribution of derogatory pictures, notes or graffiti, blocking, pushing, hitting or other forms of physical aggression.

Sexual Harassment

Sexual harassment of students is prohibited. Any person, including a District employee or agent, or students, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex that has the purpose or effect of:

- 1 Substantially interfering with a student's educational environment;
2. Creating an intimidating, hostile, or offensive educational environment;
3. Depriving a student of educational aid, benefits, services, or treatment; or
4. Making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading of rumors related to a person's alleged sexual activities.

Bullying

Bullying includes aggressive physical or verbal conduct by one or more individuals toward a student who reasonably perceives the conduct to be intimidating. Bullying most often will occur when a student asserts or attempts to assert physical or psychological power over, or is cruel to, another student who is perceived to be weaker. Such behavior may include but is not limited to: pushing, hitting, threatening, name-calling and other physical or verbal conduct of a belittling or browbeating nature.

Cyber-Bullying

Under State law, the definition of bullying includes "cyber-bullying." Generally, cyber-bullying includes any bullying conduct online, whether through social media (Facebook, Instagram, Twitter, YikYak etc.), electronic mail, or other electronic communications. State law defines cyber-bullying to mean 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. Cyber-bullying 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 effects enumerated in the definition of bullying in this policy. Cyber-bullying 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 in this policy.

Teen Dating Violence

Teen dating violence is defined as 1) a pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age, or 2) behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person,

where both persons are 13 to 19 years of age. Teen dating violence that occurs at school, on school grounds, at school-sponsored activities, or in vehicles used for school-provided transportation is unacceptable and must be reported and investigated as outlined below.

Hazing

Hazing is any act that subjects a student to physical or verbal harassment, mental or physical discomfort, intimidation, embarrassment, ridicule, or demeaning activity committed by an individual student or group of students for the purpose of initiation, maintaining membership, or holding office in any organization, club, or athletic team.

Harassment, Sexual Harassment, Bullying, Cyber-Bullying, Teen Dating Violence or Hazing Reporting

Students are encouraged to report claims or incidences of harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing or any prohibited conduct to any adviser, teacher, staff member, Adviser Chair, Assistant Principal, or Principal. A student may choose to report to a person of the student's same gender. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good-faith complaints will not be disciplined. There are no express time limits for initiating complaints under this Board policy; however, every effort should be made to bring complaints to the attention of appropriate authorities as soon as possible while memories are fresh and witnesses continue to be available.

Discipline

Students may be disciplined for acts of harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing occurring on or off-campus and/or outside of school hours in the same manner they are otherwise subject to discipline for acts that violate School District policies and/or procedures when such acts:

1. Interfere with the educational environment;
2. Threaten the health, safety, or welfare of students, teachers, or any other personnel, and/or
3. Disrupt or interfere with instruction or any activity related to school or a school-sponsored activity.

Complaint Procedures for Harassment, Sexual Harassment, Bullying, Cyber-bullying, Teen Dating Violence, or Hazing

In the complaint procedures, if the subject of the complaint is an adviser chair or assistant principal, the principal will appoint a designee to conduct the investigation or appeal.

1. Student complaints of harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing may be brought to any teacher or administrator. The teacher or administrator must report the complaint to an adviser chair and may serve as an ongoing point of contact for the student throughout the complaint process. Complaints of harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing may also be made anonymously through the Trevian Tip Line. Anonymous complaints submitted through the Trevian Tip Line will be investigated, but formal disciplinary actions will not be taken based solely on an anonymous report.

2. The adviser chair will secure interim measures, including separation of the students and support or counseling services, as warranted. The adviser chair will meet with the complainant concerning the details of the complaint, the safeguards of due process, and the possible interventions to protect the complainant from the complained of conduct. The adviser chair will provide the complainant an opportunity to submit a written description of the complaint and the remedy desired.
3. The adviser chair or designee will be responsible for investigating the incident, including interviewing the complainant, the respondent, and other witnesses. The adviser chair will keep written notes of the investigation, including the dates, times, and locations of the alleged incident(s), descriptions of the incident(s), and the names of witnesses. The adviser chair will also prepare a written summary of findings. If the alleged perpetrator is a District employee, the adviser chair will notify the Director of Human Resources, and appropriate steps will be taken to protect the employee's contractual and legal rights during the investigation. The adviser chair will also involve other appropriate school support personnel and other staff persons with knowledge, experience, and training as appropriate in the investigation process.
4. Consistent with federal and State laws and rules governing student privacy rights, the adviser chair will promptly inform the parents or guardians of the students involved in the alleged incident, including the complainant, the respondent, and any student witnesses to the bullying, of the availability of social work services, counseling, school psychological services, other interventions, and restorative measures as appropriate. The adviser chair will also inform the parents or guardians of the complainant and respondent of the opportunity to meet with the adviser chair to discuss the investigation.
5. After completing the investigation, the adviser chair will resolve the complaint either by finding the complaint is unsubstantiated, or by finding that the respondent violated this policy by engaging in harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing.
6. The adviser chair will make all reasonable efforts to complete the investigation and inform the complainant, respondent, and the complainant's and respondent's parents or guardians, of the disposition of the case within 10 school days of the receipt of the complaint.
7. The complainant and respondent may submit a written appeal of the adviser chair's decision to the Assistant Principal within 10 school days of the response by the adviser chair.
8. The Assistant Principal will maintain the investigation file regarding the alleged incident separate from other harassment, sexual harassment, bullying, cyber-bullying teen dating violence, or hazing cases.
9. If a student respondent is found to have engaged in harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing, materials relating to the event shall be kept on file in the office of the Assistant Principal. The records retained in the file shall include a copy of the formal written complaint, notes by the adviser chair of the investigation, and a statement describing actions taken by the adviser chair. If the respondent is an employee, the Director of Human Resources will maintain such materials the employee's personnel file.

10. If the complainant or respondent files an appeal, the Assistant Principal or a designee will review the findings of the adviser chair and provide an opportunity for the parties to submit additional information.

The Assistant Principal will make all reasonable efforts to provide a written response to the complainant and respondent within 15 school days following the appeal. The response of the Assistant Principal will be final except in those circumstances when the Superintendent intervenes and takes the final action.

If the respondent is a student and a determination of harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing is made, the adviser chair will then determine the appropriate intervention, including but not limited to disciplinary action and other restorative measures. Acts of harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing of a serious nature may warrant consideration for expulsion and a police referral. Consistent with federal and State laws, the adviser chair will promptly inform the respondent's parents of the determination of harassment, sexual harassment, bullying, cyber-bullying, teen dating violence, or hazing and the interventions that have been instituted. In determining a response to these offenses, the adviser chair will take appropriate action to ensure that the improper behavior ceases and that the victim is protected.

Any District employee who is determined, after an investigation, to have engaged in conduct prohibited by this policy will be subject to disciplinary action up to and including discharge. Any District student who is determined, after an investigation, to have engaged in conduct prohibited by this policy may be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy. Any person who harasses, bullies, threatens, or otherwise retaliates against a student based on that student's report of an incident of bullying will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the discipline policy. Any person making a knowingly false accusation regarding prohibited conduct will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Legal Reference: 42 U.S.C., Sections 200e to 200e-17; 105 ILCS 5/27-23.7

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