

# REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

411.1-Rule

Twin Lakes School Dist. #4

Page 1 of 8

## I. REPORTING PROCEDURES

### A. Reports of Bullying/Harassment by Students, Parents or Guardians, and Other Non-Employees

Any student who (1) is the target of any bullying or harassment; (2) who observes/witnesses any incident involving bullying or harassment; or (3) obtains knowledge of possible bullying or harassment that the student finds credible or upsetting, is strongly encouraged to report the incident(s) to District staff using any of the procedures identified in this rule. Parents and guardians and others with relevant knowledge/information/concerns related to incidents involving students are similarly encouraged to report such concerns/incidents to the District.

There are several different ways that students, parents and guardians, and others can report concerns related to bullying and/or harassment:

1. At the building/school level:
  - a. Making an informal verbal or written report (e.g., via a parent email) to a teacher, activity supervisor (e.g. a head coach, a bus driver, etc.), pupil services staff member or building principal, or
  - b. Completing a "Report of Bullying or Harassment" form and delivering the form to a teacher, pupil services staff member (e.g., a school counselor) or to the building principal.
2. At the District level: Pursuing a District-level complaint using the District's student discrimination complaint procedures. When using these procedures, the complaint may be initially filed with the District Administrator.

A student or parent or guardian can choose the specific reporting method with which they are most comfortable. That is, any report/concern/incident(s) can be brought forward at the building level and/or at the District level. The specificity and clarity of the information (e.g., expressly identifying in connection with a verbal report that the issue concerns "bullying" and/or "harassment") is likely to be more important than the particular method that is used to make the initial point of contact. To help avoid misunderstandings, the District strongly encourages students and parents and guardians to submit a written report using the District's "Report of Bullying or Harassment" form any time they want to be sure that they are triggering the investigation and intervention steps outlined below in these procedures.

Regardless of the reporting method that is used, the District's primary concern in any situation that involves the bullying or harassment of a student is for the safety and well-being of the victim/target, and it is the District's goal to provide an adequate and appropriate response. Employees are directed to use their professional judgment to

# REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

411.1-Rule

Twin Lakes School Dist. #4

Page 2 of 8

appropriately scale the nature of the District's response to the nature of the specific incident(s)/concern(s).

## **B. District Employee Reports Concerning Bullying or Harassment Involving Students**

Any District employee who, in connection with his/her duties, witnesses or obtains credible knowledge of any incident of bullying or harassment of a student is expected to make a timely (usually same day) written report of the incident to the District Administrator in any of the following circumstances:

1. The employee knows or suspects that a student has been, or is being, subjected to any severe or repeated act(s) of bullying or harassment and believes that the incident(s) have caused, or are likely to cause, physical, emotional, or mental harm to the target/victim;
2. Any time the incident involves conduct by a District official, District employee, or other adult toward a student victim/target;
3. The conduct in question would clearly constitute prohibited harassment based on a student's legally-protected status;
4. Any time a person who is verbally reporting an incident or concern involving potential bullying or harassment expressly states that he/she wants the incident/concern to be documented;
5. If the employee knows that the incident reflects a continuation or escalation of prior bullying or harassment that has already been reported and that the bully-aggressor has already been expressly directed to cease; and
6. Any time an employee with knowledge of possible bullying or harassment concludes that he/she has (a) reasonable cause to suspect that a student has been (or is currently) subject to abuse or neglect, or (b) reason to believe that a student has been threatened with abuse or neglect and that abuse or neglect will occur  
**(IMPORTANT: Such an incident also triggers a duty to report the information to appropriate external legal authorities under state law).**

District employees may, in connection with their duties, witness or obtain credible knowledge of other incidents involving inappropriate conduct by or that is directed toward one or more students that may, or may not, also constitute bullying or harassment. For example, not all incidents of interpersonal conflict, teasing, name-calling, etc. amount to bullying or harassment. Provided that the employee is not required to report the matter pursuant to the paragraph immediately above, the District expects the employee to exercise reasonable judgment to determine (1) how to intervene to stop and address the inappropriate behavior; and (2) whether the incident should be further reported/documented.

# REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

411.1-Rule

Twin Lakes School Dist. #4

Page 3 of 8

In making such discretionary reporting decisions, an employee is expected to consider at least the following factors: (1) the extent to which the inappropriate behavior has stopped; (2) whether the incident appears to have been a relatively minor and isolated incident versus a severe or repeated behavior; and (3) the extent to which the victim/target, even if initially upset in the moment, does not appear to be substantially affected by the incident going forward.

Employees are expected to:

1. Make efforts to be reasonably consistent in making such reporting decisions;
2. Follow any supervisory guidance that they may receive; and
3. Seek assistance from the appropriate building principal or from pupil services personnel whenever they encounter a concern with bullying or harassment where (a) the employee is unsure how to fully assess or otherwise handle the situation; or (b) the employee believes that his/her standard behavior management techniques and practices are inadequate to appropriately respond to the situation/concern.

**SPECIAL PROVISION APPLICABLE TO HOURLY EMPLOYEES:** Hourly employees who are not assigned responsibility for regularly managing student conduct or for determining how the District will respond to incidents of bullying or harassment should, as a default, contact their supervisor or the relevant building principal any time they have significant concerns about the bullying or harassment of any student(s). This paragraph does not mean that hourly staff should refrain from attempting to stop harmful behavior in any incident that is presently taking place.

**REPORTING PROCEDURES:** A District employee that is making a written report of bullying or harassment under this rule is expected to submit the report to District Administrator. The employee may use the building-level "Report of Bullying or Harassment" form. The employee should make an effort to confirm that the administrator received the report.

## II. PROCEDURES FOR RESPONDING TO AND INVESTIGATING REPORTS

### A. General Expectations and Priority Actions

Whenever the District receives any report or complaint regarding alleged bullying or harassment of a student, or where any employee is otherwise addressing an incident, concern, or allegation that the employee understands to be related to possible bullying or harassment of a student, the highest-priority response measures are the following:

1. Intervening to attempt to stop harmful or inappropriate behavior in any incident that is presently taking place;
2. Taking steps to address concerns regarding any imminent threats or imminent harm; and

# REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

411.1-Rule

Twin Lakes School Dist. #4

Page 4 of 8

3. Identifying a teacher, administrator, or other licensed staff member who will make a personal contact with any student has been clearly identified as a possible victim/target of bullying or harassment.

The District's further expectation is that employees will process written reports and formal complaints according to established procedures, and, more generally, appropriately scale the District's response to any report or complaint in a manner that reflects the known nature and severity of the specific incident(s)/concern(s). The District's response to any situation involving bullying or harassment should be adjusted any time the District determines that an initial response or attempted resolution has been ineffective.

## **B. Investigating a "Report of Bullying or Harassment"**

The following procedures shall be used to process any clearly identified written report of bullying or harassment of a student that is received by the District, including all reports submitted using the District's "Report of Bullying or Harassment" form:

1. **Initial Screening.** Under the direction of a school administrator, each written "Report of Bullying or Harassment" will initially be screened by a licensed staff member to determine whether the report involves conduct that, if substantiated, could be a violation of the Board's anti-bullying and anti-harassment policy. This step will normally involve making an initial contact with the individual who submitted the report, as well as with each student who is an alleged target/victim.
  - a. If the District, with the approval of a school administrator, determines that the report involves conduct that would not be a violation of the Board's anti-bullying and anti-harassment policy, the issue may be diverted from these procedures for some other appropriate resolution. The individual filing the report and each known target/victim and his/her parent or guardian will be notified of such a decision, and they may, within ten (10) days of being notified, request reconsideration of the decision.
  - b. If the initial screening suggests that bullying or harassment may have occurred (or may be occurring), an administrator or designee will continue to process the report under these procedures.
    - (1) From this point forward, and regardless of who initially submitted the report, the District's primary point of contact regarding the report will be with each student who is an alleged target/victim and the student's parent or guardian.
    - (2) Nothing in the remainder of these procedures prevents an administrator, a target/victim, and the student's parent or guardian from mutually agreeing, at any time, to a resolution of a report of bullying or harassment that is satisfactory to all parties, even though it departs from these procedures. Such an alternative resolution shall be documented in the District's records.

# REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

411.1-Rule

Twin Lakes School Dist. #4

Page 5 of 8

However, no administrator shall approve a resolution that he/she determines (a) does not adequately address the matter; or (b) may jeopardize any person's safety. In addition, a target/victim and his/her parent or guardian may insist that the District conduct the investigation and issue the determination described in Steps 2 and 3, below.

2. **Post-Screening Investigation.** When any report of bullying or harassment is investigated beyond the initial screening stage, the investigation shall be conducted by an administrator or by a licensed staff member acting under the direction of an administrator, unless the District Administrator engages an independent outside party to conduct the investigation.
  - a. The investigation shall be conducted by a person who the District determines is not identified as a person who is allegedly responsible for, or who was directly involved in, the underlying issue or incident.
  - b. The investigator shall ensure that the person who filed the report and any student who has been identified as an alleged victim/target has had an opportunity to present relevant information or other evidence.
  - c. Prior to making and issuing any determination that a report of bullying or harassment has been substantiated, the investigator shall (unless the student is unavailable to the District) provide any accused bully/aggressor who has been identified with an opportunity to respond to the allegations and to present relevant information or other evidence.
  - d. Nothing in these procedures prevents the District from implementing interim responsive measures (e.g., pending completion of an investigation) that are intended to address any person's safety and well-being, prevent continuation or escalation of a conflict, or prevent disruption to a student's education or within any school environment.
3. **Report of Findings and Administrative Determination.** Following the completion of the investigation described in Step 2, the person who conducted the investigation shall prepare a written report. The report shall document the investigator's key factual findings. A building principal or the District Administrator (who may be the investigator) will then determine whether any bullying, harassment, or other violation of District policies or school rules has been substantiated.
  - a. The District will notify each student (and his/her parent or guardian) who was identified as an alleged target/victim of the extent to which the District determined that the student has been subjected to bullying or harassment in violation of Board policy.
  - b. The District will notify each student (and his/her parent or guardian) who was identified as an alleged bully/aggressor of the extent to which the District

# REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

411.1-Rule

Twin Lakes School Dist. #4

Page 6 of 8

determined (if at all) that the student engaged in bullying, harassment or other conduct prohibited by Board policy or school rules. The appropriate entries documenting the violation(s) will be made in the student's behavioral records.

- c. Nothing in these procedures prevents the person investigating the report from considering new information, reconsidering a previous determination, and issuing notice of any revised determination.
4. Where any written "Report of Bullying or Harassment" specifies that the alleged conduct is based, in whole or in part, on a student's legally-protected classification (e.g., race, sex, sexual orientation, disability, etc.), the District shall treat any negative determination by the District Administrator as appealable to the state superintendent of public instruction. (If the original determination of the report was negative and issued by a building principal or other administrator/designee, an affected student or his/her parent or guardian may obtain a determination by the District Administrator by requesting reconsideration within ten (10) days. In such cases, notice of the District's negative determination shall include notice that the District's determination may be appealed to the state superintendent in writing within 30 days using the procedures identified in Chapter PI 1 of the Wisconsin Administrative Code.

### III. DISTRICT INTERVENTIONS FOLLOWING REPORTS AND SUBSTANTIATED INCIDENTS OF BULLYING OR HARASSMENT INVOLVING STUDENTS

#### A. Supporting a Student who Expresses Concerns or Fears Related to Bullying or Harassment

In some situations, an investigation may be unable to substantiate a particular incident, unable to identify any or all students who may have been involved in a particular incident, or result in a finding that away-from-school cannot be investigated as a District matter. However, a substantiated incident is not a pre-requisite to providing supportive interventions on behalf of a student who expresses concerns or fears related to bullying or harassment. Any time the District is working with a student and/or his/her parent or guardian surrounding concerns with bullying or harassment, staff may explore the extent to which on-going monitoring, counseling, or other supportive measures may be useful and appropriate.

#### B. Supporting a Student Victim Following a Substantiated Incident of Bullying or Harassment

Following any substantiated incident of bullying or harassment involving a student victim, the District Administrator shall specify in writing for the student and his/her parent or guardian the victim-focused interventions that the District intends to implement. Examples of possible interventions and responses include:

- Establishing clear points of contact if the student, or the student's parent or guardian, has ongoing or new concerns, if any issues concerning retaliation arise, etc.;

# REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

411.1-Rule

Twin Lakes School Dist. #4

Page 7 of 8

- Establishing date(s) by which a designated staff member will initiate follow-up contact with the student and/or the parent or guardian;
- Involving/notifying additional school staff;
- Monitoring particular situations/settings;
- Providing student services (e.g., counseling);
- Establishing and implementing specific safety plans.

## C. Accountability for Students who Engaged in Bullying or Harassment

If the District issues a determination under these procedures that a student has engaged in conduct that constitutes bullying or harassment in violation of Board policy, the District Administrator shall specify in writing for the student and his/her parent or guardian (1) any school-related consequences that the District is imposing on the student; and (2) any other interventions that the District intends to implement to promote positive changes in the student's interpersonal skills, communication skills, socio-emotional development (e.g. his/her capacity to demonstrate empathy for others) and/or general behavior moving forward.

In identifying such consequences and/or interventions, the District Administrator shall consult with the person(s) who conducted any formal investigation under these procedures and any other appropriate staff members in order to obtain a better understanding of the overall context of the behaviors and the student's individual circumstances, as well as any recommendations or other relevant input that the person may have regarding potential consequences and/or interventions.

Examples of possible school-related consequences include: loss or suspension of privileges, detention, in-school suspension, out-of-school suspension, and expulsion from school.

Examples of other possible interventions include:

- Holding meetings involving the student and his/her parent or guardian which cover issues such as ensuring that the student understands (a) the consequences and impact of his/her past behavior; (b) how the District defines bullying and harassment; (c) the possible consequences for future violations of the District's behavioral expectations; and (d) that any type of retaliation related to the incident is prohibited and would be a serious offense;
- Establishing date(s) by which a designated staff member will initiate follow-up contact with the student and/or the parent or guardian;

# REPORTING AND RESPONDING TO BULLYING AND HARASSMENT INVOLVING STUDENTS

411.1-Rule

Twin Lakes School Dist. #4

Page 8 of 8

- Providing student services (e.g., counseling);
- Interventions intended to identify/address potential underlying causes of the behavior and teach new skills;
- Referring the student's parent or guardian to available community services, non-District counseling, etc.

Nothing in these procedures prevents District staff from involving or referring a matter to law enforcement where a student's conduct may have violated one or more laws or where safety interests indicate that such involvement is appropriate.

## **D. Enhancing School Climate and Building All Students' Awareness and Skills**

The District's goals include creating a culture in which bullying and harassment are not tolerated, in which students are supported and encouraged to report concerns with possible harassment or bullying, and in which students build skills that enable them to assist peers who are harassed or bullied. Accordingly, anti-bullying and anti-harassment efforts have an on-going instructional component for all students, which will not necessarily be associated with any particular incident. However, it is also possible that certain incidents or observed patterns of conduct may cause the District to implement a group-based, class-wide, or school-wide intervention measure that is intended to enhance student awareness, communicate particular concerns, identify and promote desired behaviors, and/or to improve the class or school climate. However, the District will give due consideration to the privacy interests of, and potential negative consequences for, any individual students whenever such interventions are considered.

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