

## STUDENTS

### PREVENTION OF AND RESPONSE TO BULLYING, INTIMIDATION, AND HARASSMENT

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 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 non-school-related location, activity, function, or program or from the use of technology or an electronic device that is not owned, leased, or used by the school district or school if the bullying causes a substantial disruption to the educational process or orderly operation of a school. This paragraph (item 4) applies only when a school administrator or teacher receives a report that bullying through this means has occurred. It does not require staff members to monitor any non-school-related activity, function, or program.

#### Definitions from Section 27-23.7 of the School Code (05 ILCS 5/27-23.7)

*Bullying* includes *cyber-bullying* 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;

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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.

*Cyber-bullying* 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. *Cyber-bullying* includes the creation of a web page or web log 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*. *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*.

*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 need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (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.

*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 guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

STUDENTSPREVENTION OF AND RESPONSE TO BULLYING, INTIMIDATION, AND HARASSMENTBullying Prevention and Response Plan

The superintendent, or designee, shall develop and maintain a bullying 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 requirements listed below. Each numbered requirement 1-12 corresponds with the same number in the list of required policy components in 105 ILCS 5/27-23.7(b) 1-12.

1. The district uses the definition of *bullying* as provided in this policy.
2. *Bullying* is contrary to state law and the policy of this district. However, nothing in the district's bullying prevention and response plan is intended to infringe upon any rights 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. Students are encouraged to immediately report bullying. A report may be made orally or in writing to the district's 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's Complaint Manager or any staff members. Anonymous reports are also accepted.

**Complaint Manager:**

Brad Lee  
Superintendent  
Carmi-White County C.U.D. No. 5  
301 W. Main Street  
Carmi, IL 62821  
Telephone: 618/382-2341  
E-mail: blee@carmischools.org

4. Consistent with federal and state laws and rules governing student privacy rights, the superintendent, or designee, shall promptly inform the parent(s)/guardian(s) of every student involved in an alleged incident of bullying and discuss, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.
5. The superintendent, or designee, shall promptly investigate and address reports of bullying by, among other things:

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- a. Making all reasonable efforts to complete the investigation within ten (10) school days after the date the report of a bullying incident was received and taking into consideration additional relevant information received during the course of the investigation about the reported bullying incident.
- b. Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process.
- c. Notifying the building principal or school administrator, or designee, of the reported incident of bullying as soon as possible after the report is received.
- d. Consistent with federal and state laws and rules governing student privacy rights, providing parent(s)/guardian(s) of the students who are parties to the investigation information about the investigation and an opportunity to meet with the building principal or school administrator, or his/her designee, to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

The superintendent, or designee, shall investigate whether a reported incident of bullying 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.

6. The superintendent, or designee, shall use interventions to address bullying, that 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.
7. A reprisal or retaliation against any person who reports an act of bullying is **prohibited**. A student's act of reprisal or retaliation will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.
8. A student will not be punished for reporting bullying or supplying information, even if the district's investigation concludes that no bullying occurred. However, knowingly making a false accusation or providing knowingly false information will be treated as *bullying* for purposes of determining any consequences or other appropriate remedial actions.

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9. The district's bullying prevention and response plan must be based on the engagement of a range of school stakeholders, including students and parent(s)/guardian(s).
10. The superintendent, or designee, shall post this policy on the district's Internet web site, 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 also be distributed annually to parent(s)/guardian(s), students, and school personnel, including new employees, when hired.
11. The superintendent, or designee, shall assist the board with its evaluation and assessment of this policy's outcomes and effectiveness. 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 occurs;
  - d. The types of bullying utilized; and
  - e. Bystander intervention or participation.

The evaluation process may use relevant data and information that the district already collects for other purposes. The superintendent, or designee, must post the information developed as a result of the policy evaluation on the district's web site, or if a web site is not available, the information must be provided to school administrators, board members, school personnel, parent(s)/guardian(s), and students.

12. The district's bullying prevention plan must be consistent with other board policies.

LEGAL REFERENCE: 405 ILCS 49/, Children's Mental Health Act  
105 ILCS 5/10-20.14, 5/24-24, and 5/27-23.7  
23 Illinois Administrative Code Sections 1.240 and 1.280

ADOPTED: February 18, 2002  
REVISED: December 15, 2014

## STUDENTS

### HARASSMENT OF STUDENTS PROHIBITED

#### Bullying, Intimidation, and Harassment Prohibited

No person, including a district employee or agent, or student, shall harass, intimidate, or bully a student 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. The district will not tolerate harassing, intimidating conduct or bullying, whether verbal, physical, sexual, 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. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, sexual violence, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

#### Sexual Harassment Prohibited

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

1. Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or
2. Has the purpose or effect of:
  - a. Substantially interfering with a student's educational environment;
  - b. Creating an intimidating, hostile, or offensive educational environment;
  - c. Depriving a student of educational aid, benefits, services, or treatment; or
  - d. 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 rumors related to a person's alleged sexual activities. The term *sexual violence* includes a number of different acts. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

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### HARASSMENT OF STUDENTS PROHIBITED

#### Making a Complaint; Enforcement

Students are encouraged to report claims or incidences of bullying, harassment, sexual harassment, or any other prohibited conduct to the nondiscrimination coordinator, building principal, assistant building principal, dean of students, or a complaint manager. A student may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.

An allegation that a student was a victim of any prohibited conduct perpetrated by another student shall be referred to the building principal, assistant building principal, or dean of students for appropriate action.

The superintendent shall insert into this policy the names, addresses, and telephone numbers of the district's current nondiscrimination coordinator and complaint managers. At least one of these individuals will be female, and at least one will be male.

#### **Nondiscrimination Coordinator:**

Brad Lee, Superintendent  
Carmi-White County C.U.D. No. 5  
301 W. Main Street  
Carmi, IL 62821  
Telephone: 618/382-2341  
E-mail [blee@carmischools.org](mailto:blee@carmischools.org)

#### **Complaint Managers:**

Brad Lee  
Superintendent  
Carmi-White County C.U.D. No. 5  
301 W. Main Street  
Carmi, IL 62821  
Telephone: 618/382-2341  
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Dr. Amy Dixon  
Director of Instruction  
Carmi-White County C.U.D. No. 5  
301 W. Main Street  
Carmi, IL 62821  
Telephone: 618/382-7016  
E-mail [adixon@carmischools.org](mailto:adixon@carmischools.org)

The superintendent shall use reasonable measures to inform staff members and students of this policy, such as, by including it in the appropriate handbooks.

STUDENTSHARASSMENT OF STUDENTS PROHIBITED

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 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: 20 USC, Section 1681, et seq., Title IX of the Educational Amendments  
34 CFR Part 106  
105 ILCS 5/10-20.12, 10-22.5, 5/27-1, and 5/27-23.7  
775 ILCS 5/1-101 et seq., Illinois Human Rights Act  
23 Illinois Administrative Code, Section 1.240 and Part 200  
Davis v. Monroe County Board of Educ, 119 S.Ct. 1661 (1999)  
Franklin v. Gwinnett Co. Public Schools, 112 S.Ct. 1028 (1992)  
Gebser v. Lago Vista Independent School District, 118 S.Ct. 1989 (1998)  
West v. Derby Unified School District No. 260, 206 F.3d 1358 (10<sup>th</sup> Cir., 2000)

ADOPTED: December 15, 2014



What does Carmi-White County Community Unit School District No. 5 do with