

## Students

### 7:20 Harassment of Students Prohibited

No person, including a District employee or agent, or student, shall harass, intimidate or bully another student based upon a student's race, color, nationality, sex, sexual orientation, ancestry, age, religion, creed, physical or mental disability, gender identity, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, or other protected group status. 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. Examples of prohibited conduct include name-calling, using derogatory slurs, causing psychological harm, threatening or causing physical harm, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above.

It shall be a violation of this policy for any student, teacher, administrator or other school personnel of the District to harass a student, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion, race, disability, sexual orientation or other protected class as defined by this policy. For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the District.

It shall be a violation of this policy for any student, teacher, administrator or other school personnel of the District to inflict, threaten to inflict, or attempt to inflict violence against a student, teacher, administrator or other school personnel based upon the person's religion, race, disability, sexual orientation or other protected class as defined by this policy.

This policy shall be implemented so as to prohibit racial harassment in the school environment, including all academic, extra-curricular and school-sponsored activities.

Complaints of harassment, intimidation or bullying are handled according to the provisions on harassment below. The Superintendent shall use reasonable measures to inform staff members and students that the District will not tolerate harassment, intimidation or bullying by including this policy in the appropriate handbooks.

The District will act to investigate all complaints, either formal or informal, verbal or written of prohibited harassment, and to discipline or take appropriate action against any student, teacher, administrator, or other school personnel who is found to have violated this policy.

#### A. 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 engages in other verbal or physical conduct 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.

#### B. Racial Harassment Prohibited

Racial harassment consists of physical or verbal conduct related to an individual's race when the conduct is sufficiently severe, persistent or pervasive that it:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. Otherwise adversely affects an individual's employment or academic opportunities.

Examples of conduct which may constitute harassment because of race include: graffiti containing racially offensive language; name-calling, jokes or rumors; threatening or intimidating conduct directed at another person because of the other's race; notes or cartoons; racial slurs, negative stereotypes, and hostile acts which are based upon another's race; written or graphic material containing racial comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes; a physical act or aggression or assault upon another because of, or in a manner reasonably related to, race; and other kinds of aggressive conduct such as theft or damage to property which is motivated by race.

### C. Other Harassment Prohibited

Harassment based on any other protected class consists of physical or verbal conduct related to an individual's membership in that protected class, including but not limited to the individual's national origin, disability or sexual orientation, when the conduct is sufficiently severe, persistent or pervasive that it:

1. Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. Otherwise adversely affects an individual's employment or academic opportunities.

Examples of harassment include the same examples in B (Racial Harassment Prohibited) above, when based upon an individual's membership in a protected class.

### D. Reporting Instances of Harassment

"Harassment" under this policy shall include any harassment based upon an individual's membership in a protected class by a student, teacher, administrator or other school personnel, or by any other person who is participating in, observing or otherwise engaged in activities, including sporting events and other extra-curricular activities, under the auspices of the District.

Students who believe they are victims of harassment or have witnessed harassment, are encouraged to discuss the matter with the student Nondiscrimination Coordinator, Building

Principal, Assistant Building Principal, Dean of Students, or a Complaint Manager. Students 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 one student was harassed by another student shall be referred to the Building Principal, Assistant Building Principal, or Dean of Students for appropriate action.

In addition, any teacher, administrator or other school personnel who has or receives notice that a student has or may have been the victim of harassment is required to immediately report the alleged acts to an appropriate District official designated by this policy.

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:**

Lynn Gibson  
Hononegah C.H.S., 307 Salem St.  
Rockton, IL 61072  
815-624-5010

**Complaint Managers:**

Eric Flohr  
Hononegah C.H.S., 307 Salem St.  
Rockton, IL 61072  
815-624-5005

Kathy Eckmann  
Hononegah C. H. S., 307 Salem St.  
Rockton, IL 61072  
815-624-5005

The Superintendent shall use reasonable measures to inform staff members and students that the District will not tolerate harassment, such as by including this policy in the appropriate handbooks, and developing a method of discussing this policy with students and employees.

**E. Investigation**

Upon receipt of a report or complaint alleging harassment, the Complaint Manager shall immediately notify the Nondiscrimination Coordinator, without screening or investigating the report. The Complaint Manager shall then also immediately undertake or authorize an investigation. The investigation may be conducted by other District officials or by a third party designated by the District.

The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents which may be relevant to the particular allegations. In determining whether the conduct constitutes a violation of this policy, the District shall consider:

- the nature of the behavior
- how often the conduct occurred
- whether there were past incidents or past continuing patterns of behavior
- the relationship between the parties involved
- the race, sex, age or other status of the victim
- the identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to harassment
- the number of alleged harassers
- the age of the harasser
- where the harassment occurred
- whether there have been other incidents in the school involving the same or other students
- whether the conduct adversely affected the student's education or educational environment
- 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.

The investigation shall be completed no later than ten (10) school days from the receipt of the report. The Complaint Manager shall make a written report to the Nondiscrimination Coordinator upon completion of the investigation. If the complaint involves the Nondiscrimination Coordinator, the report may be filed directly with the Board of Education. 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. The written report shall be maintained by the District for at least five (5) years. The Nondiscrimination Coordinator shall be responsible for maintaining these records.

#### F. School District Action

Upon receipt of the report of the Complaint Manager that a violation has occurred, the District will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include but are not limited to counseling,

awareness training, parent-teacher conferences, warning, suspension, expulsion, transfer, remediation, exclusion from activities, termination or discharge. District action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and District policies for violations of a similar nature or similar degree of severity. In determining what is an appropriate response to a finding that harassment in violation of this policy has occurred, the District shall consider:

- what response is most likely to end any ongoing harassment
- whether a particular response is likely to deter similar future conduct by the harasser or others
- the amount and kind of harm suffered by the victim of the harassment
- the identity of the party who engaged in the harassing conduct
- whether the harassment was engaged in by school personnel, and if so, the District will also consider how it can best remediate the effects of the harassment.

Any person making a knowingly false accusation regarding harassment will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Submission of a good faith complaint or report of harassment will not affect the complainant or reporter's future employment, grades, learning or working environment or work assignments. The District will discipline or otherwise take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports an alleged incident of harassment, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

LEGAL REF.: 20 U.S.C. §1681 et seq., Title IX of the Educational Amendments.  
34 C.F.R. 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 Ill. Admin. Code §1.240 and Part 200.  
Davis v. Monroe County Board of Education, 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 (10th Cir., 2000).

CROSS REF.: 2:260 (Uniform Grievance Procedure), 5:20 (Workplace Harassment Prohibited), 7:10 (Equal Educational Opportunities), 7:190 (Student Discipline)