

**Policy Title: Hazing, Harassment, Intimidation,  
Bullying, and Cyber Bullying**

**Policy No: 502.14**

St. Maries Joint School District No. 41 Board of Trustees is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, cyber bullying, or bullying by students, staff or third parties is strictly prohibited and shall not be tolerated in the District. This includes actions on school grounds, school property, school buses, at school bus stops, at school-sponsored events and activities, and through the use of electronic technology or electronic communication equipment on school computers, networks, forums or mailing lists and actions at locations outside of those listed above that can be reasonably expected to materially and substantially interfere with or disrupt the educational environment of the school or impinge on the rights of the students at school.

Students whose behavior is found to be in violation of this Policy will be subject to discipline and graduated consequences, up to and including expulsion consistent with the Board's Policy on student discipline. Staff whose behavior is found to be in violation of this Policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this Policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or the Board of Trustees.

Individuals may also be referred to law enforcement officials. Staff will be reported to Teacher Standards and Practices Commission.

Information on the District's bullying policy and relevant procedures shall be provided in writing at the beginning of each school year to school personnel, parents, and students in the District and included in student handbooks. Information provided to students shall be provided in a manner appropriate to the student's age, grade and level of academic achievement.

The Superintendent is directed to develop administrative procedures to implement this Policy. Procedures shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure notice of this Policy is provided to students, staff, and third parties.

The District shall annually report bullying incidents to, and in the manner on the form provided by, the State Department of Education.

The following definitions and procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying, and cyber bullying.

## **DEFINITIONS**

1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control at Inter-District and Intra-District athletic competitions or other school events.

2. “District” includes District facilities, District property, buses, electronic technology or electronic communication equipment on District computers, networks, or forums, and Non-District property if the student or employee is at any District-sponsored, District-approved or District-related activity or function, such as field trips or athletic events where students are under the control of the District or where the employee is engaged in District business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any District-sponsored activity or grade level attainment, i.e., forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.
4. “Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, electronic or physical nature on the basis of an actual or perceived characteristic, including but not limited to, age, race, religion, color, national origin, disability, gender, gender identity and expression, sexual orientation, physical characteristic, cultural background, socioeconomic status, geographic location, familial status or weight.
5. “Harassment, intimidation or bullying” means any act that substantially interferes or disrupts the educational environment or impinges on the rights of other students at school, with a student’s opportunities or performance, that takes place on or immediately adjacent to school grounds, school property, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:
  - A. Harming a student or damaging a student’s property;
  - B. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
  - C. A hostile educational environment.
6. “Cyber bullying” includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or Website postings, including blogs through

the District's computer network and the Internet, whether accessed on campus or off campus, during or after school hours. In the situation that cyber bullying originated from a non-school computer, but brought to the attention of school officials, any disciplinary actions shall be based on whether the conduct is determined to be reasonably expected to materially and substantially interfere with or disrupt the educational environment of the school or impinge on the rights of other students at school and/or in addition, such conduct must also be in violation of a school policy or State law. Administration shall in their discretion contact local law enforcement.

7. "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.

#### **RETALIATION/FALSE CHARGES**

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

#### **CONFIDENTIALITY**

It is recognized that harassment, hazing, intimidation, bullying, and cyber bullying, is often very distressing for the victim and those who suffer as a result of such actions may be reluctant to make their concerns known. All reasonable steps will be taken to ensure that all inquiries and/or complaints are dealt with in confidence.

#### **POLICY DISTRIBUTION**

Information about this Policy must be distributed to the school community annually, including parents, students, and all school personnel. Information about the Policy will be included in student orientation materials and in the student handbooks. All new faculty and staff members will be given a copy of this Policy as part of their orientation program.

#### **COMPLAINT PROCEDURES**

Building principals and the Superintendent have responsibility for investigations concerning hazing, harassment, intimidation, or bullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any student, employee or third party who has knowledge of conduct in violation of this Policy or feels he/she has been a victim of hazing, harassment, intimidation, bullying, or cyber bullying in violation of this Policy shall immediately report his/her concerns.

All complaints will be promptly investigated in accordance with the following procedures:

**STEP I** Any hazing, harassment, intimidation, bullying, cyber bullying or menacing information (complaints, rumors, etc.) shall be presented to the building principal or Superintendent. Complaints against the building principal shall be filed with the Superintendent. Information may be presented anonymously. Complaints against the Superintendent shall be filed with the Board Chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates:

**STEP II** The District official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The District official will arrange such meetings as may be necessary with all concerned parties within five (5) working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The District official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Superintendent.

**STEP III** If the complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the Superintendent or designee. Such appeal must be filed within ten (10) working days after receipt of the Step II decision. The Superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The Superintendent or designee shall provide a written decision to the complainant's appeal within ten (10) working days.

**STEP IV** If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within ten (10) working days after receipt of the Step III decision. The Board shall, within twenty (20) working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The

Board shall provide a written decision to the complainant within ten (10) working days following completion of the hearing.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

#### **DOCUMENTATION AND REPORTING**

Documentation related to the incident may be maintained as a part of the student's education records. Additionally, a copy of all hazing, harassment, intimidation, bullying or cyber bullying complaints and documentation will be maintained as a confidential file in the District Office and reported as required by the State Department of Education.

**HARASSMENT COMPLAINT FORM**

School: \_\_\_\_\_ Date: \_\_\_\_\_

Student's/Complainant's Name: \_\_\_\_\_

(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. We assure you that we'll use our best efforts to keep your report confidential.)

Who was responsible for the harassment or incident(s)? \_\_\_\_\_

\_\_\_\_\_

Describe the incident(s). \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date(s), time(s), and place(s) the incident(s) occurred. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Were other individuals involved in the incident(s)?     YES             NO

If so, name the individual(s) and explain their roles. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did anyone witness the incident(s)?                     YES             NO

If so, name the witnesses. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Is there any evidence of the harassment (i.e., letters, photos)     YES             NO

If so, please describe. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Did you take any action in response to the incident?     YES                       NO

If yes, what action did you take? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Were there any prior incidents?                                       YES                       NO

If so, describe any prior incidents. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Signatures of Parents/Legal Guardian

**Policy Cross Reference:**

Board Policy 305.01	District Title IX Coordinator	Civil Rights	Grievance Coordinator
Board Policy 401.35	Staff	Grievance	Procedures
Board Policy 401.37	Employee	Responsibilities	Regarding Student Harassment, Intimidation, and Bullying
Board Policy 500.02	Equal Education, Nondiscrimination and Sex Equity		
Board Policy 502.07	Discipline		
Board Policy 505.03	Student	Grievance	Procedures
Board Policy 1003.04	Patron	Grievance	Procedures

**Legal Reference:**

Idaho Code §67-5909	Acts Prohibited
Idaho Code §18-917A	Student Harassment – Intimidation - Bullying
20 U.S.C. §1681 et, seq.	Title IX of the Educational Amendments of 1972
34 CFR Part 106	

**Policy History:**

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