Policy 3295P1 – Hazing, Harassment, Intimidation, bullying and Inappropriate Online Behavior

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, volunteer 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, such as 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 with or disrupts the educational environment or impinges on the rights of other students at school, 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 harm to the student or damage to the student’s property; or
    C. Is sufficiently severe, persistent, or pervasive so that it creates an intimidating, threatening, abusive, or hostile educational environment.

6. “Cyber bullying”, which for purposes of this definition includes "inappropriate online behavior". It also includes, but is not limited to posting or sharing content to harass, tease, intimidate, threaten, terrorize, or engage in any other behavior that harms the reputation, dignity, or safety of another person. This includes behaviors targeting any student, school employee, parent/guardian, volunteer, or other person. This includes sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or website postings, regardless of whether this is done through personal devices and networks or through a District device or network. Any such behavior that is brought to the attention of school officials shall be referred for investigation. The administration may, at 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, gender identity and expression, or sexual orientation.

Staff Mandate

All District personnel who witness, receive a report of, or become aware of hazing, intimidation, bullying, harassment, or acts of physical violence are strictly required to report the incident immediately to the building principal or Superintendent. District personnel who fail to report, fail to intervene, or attempt to conceal violations of this

policy are subject to immediate disciplinary action, up to and including mandatory suspension and recommendation for termination of employment.

Student and Third-Party Reporting

Any student, parent, or third party who has knowledge of prohibited conduct or feels they have been a victim should immediately report their concerns to school personnel.

Retaliation/False Charges

Retaliation against any person who reports or is thought to have reported, filed a complaint, or otherwise participated in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy, 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.

Conflict of Interest

All investigators and decision-makers must remain neutral and objective. Any potential conflict of interest must be disclosed to the Superintendent or Board Chair prior to taking action. Due to the close-knit nature of the small community, if an investigator or decision-maker has a conflict of interest, the Superintendent or Board Chair will assign an impartial decision maker to investigate.

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. When an act of alleged inappropriate online behavior is received, the parent/guardian of the students involved will receive notice of the report. When incidents reach the level of suspension or more serious disciplinary action for any student involved, the District will notify parents/guardians of the offenders and victims that their student was involved in an incident of harassment, hazing, intimidation, bullying, or cyberbullying. All reasonable steps will be taken to ensure that all inquiries and complaints are dealt with in a manner that allows for as much confidentiality as can be provided while at the same time allowing for a thorough and appropriate investigation and report, where appropriate. Depending upon the circumstances, law enforcement may be notified.

Professional Development

The District will provide ongoing professional development to all staff regarding school climate, hazing, intimidation, bullying definitions, intervention expectations and investigation protocols.

District and building administrators are strictly required to ensure that all staff members under their supervision receive the required annual professional development regarding this policy. If district or building administration fails to organize, provide, or document this required professional development to all staff annually, such failure shall constitute a direct violation of Board policy by the responsible administrator(s). Administrators found in violation of this requirement will be subject to disciplinary action, up to and including formal administrative reprimand, negative performance evaluations, suspension, and termination of administrative contract.

Discipline

Employee Disciplinary Action: Any employee found to be in violation of this policy (either by directly engaging in prohibited hazing, harassment, intimidation, bullying, or violence, or by failing to fulfill mandatory reporting and intervention requirements) will face heightened disciplinary consequences. Penalties may include formal letters of reprimand, administrative leave, termination of employment and potential referral to law enforcement.

Students: Violations will result in graduated consequences up to and including suspension or expulsion. Consequence steps may include counselor referrals, parent-administrator conferences, detention, educational prevention programs. Students with disabilities (IEP/504) will be disciplined in accordance with applicable state and federal laws.

Third Parties: Third parties who violate this policy shall be subject to immediate removal from District property and prohibition from future attendance at District events, as determined by the Superintendent or Board.

Policy Distribution

Information about this policy must be distributed to the school community annually, including to parents, students, and all school personnel. Information about the District's policies and procedures will be included in student orientation material and in the student handbook.

Complaint Procedures

Building principals and the Superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying, and cyber 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 they have been a victim of hazing, harassment, intimidation, or cyber bullying, in violation of this policy shall immediately report their concerns.

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

Step I: Any hazing, harassment, intimidation, bullying, or cyber bullying, information (complaints, rumors, etc.) shall be presented to the building principal or Superintendent. Complaints against the building principal shall be filed with the Superintendent. 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 or refer the complaint to an appropriate colleague or outside party for investigation. 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 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. Due to the requirements of the Family Educational Rights and Privacy Act, it will often not be possible to provide complainants and parents with detailed information on disciplinary actions taken against another student.

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 or their

designee.

Step III: If the complainant is not satisfied with the decision at Step II, they may submit a written appeal to the Superintendent or designee. Such appeal must be filed within ten 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 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 working days after receipt of the Step III decision. The Board shall, within 20 working days, conduct an informal review at which time the complainant shall be given an opportunity to present the complaint and the District's administration to respond if they so desire. The course and conduct of this proceeding shall be informal and shall be at the sole discretion of the Board. The Board shall provide a written decision to the complainant within ten working days following completion of the informal review.

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.

The Board must review this procedure annually or when changes are made.

Legal Reference:

Legal References	Description
20 USC §§ 1681 - 1682	Title IX of the Education Amendments of 1972
34 CFR Part 106	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
IC § 18-917	Assault And Battery - Hazing
IC § 18-917A	Student Harassment — Intimidation — Bullying
IC § 33-1631	Requirements for Harassment, Intimidation and Bullying Information and Professional Development
IC § 33-205	Denial of School Attendance
IC § 33-512	District Trustees - Governance of Schools

Legal References	Description
IC § 67-5909	Commission on Human Rights - Acts Prohibited
IDAPA 08.02.03.160	Safe Environment and Discipline

Adopted:
Revised:
Reviewed: