

Procedure

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, 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:
 - a. 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.
 - b. Physical acts of aggression or assault, damage to property, or intimidation and implied or overt threats of violence motivated by the victim’s **actual or perceived characteristic** as outlined in 4.a. above;

- c. Demeaning jokes, taunting, slurs, and derogatory “nicknames,” innuendos, or other negative remarks relating to the victim’s **actual or perceived characteristic** as outlined in 4.a. above;
- d. Graffiti and/or slogans or visual displays such as cartoons or posters depicting slurs or derogatory sentiments related to the victim’s **actual or perceived characteristic** as outlined in 4.a. above; and
- e. Criminal offenses directed at persons because of their **actual or perceived characteristic** as outlined in 4.a. above;
- f. Harassment also includes an act of retaliation taken against (1) any person bringing a complaint of harassment, (2) any person assisting another person in bringing a complaint of harassment, or (3) any person participating in an investigation of an act of harassment.

For more information regarding Sexual Harassment please refer to Policies #413.31 & #502.13.

- 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” is a digital form of bullying and 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 or through any private electronic device done when the student is present at school. In the situation that cyber bullying originated from a non-school computer, but has been 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 educational environment of the school or impinge on the rights of other students at school and/or in violation of District policy or state law. The Administration shall, 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.

8. “Gang activity” includes, but is not limited to, wearing, possessing, using, distributing, banging, displaying or selling any clothing, jewelry, emblem, badge, symbol sign, gesture, codes, or other things which evidence membership or affiliation in any gang, or participating in any reasonably recognized gang behaviors in school, on the bus, or at all school-sponsored functions. The school district has a legitimate educational objective of curtailing all gangs and gang-related behaviors and activities.

PROHIBITED BEHAVIOR

Students, staff, and third parties in any district schools are prohibited from engaging in the following behaviors:

1. Physical abuse against a student, including, but not limited to, hitting, pushing, tripping, kicking, blocking, or restraining another’s movement; sexual misconduct; causing damage to another’s clothing or possessions; and taking another’s belongings.
2. Verbal abuse against a student, including, but not limited to, name calling, threatening, sexual misconduct, taunting, use of profanity/vulgarity, and malicious teasing.
3. Psychological abuse against a student, including, but not limited to, spreading harmful or inappropriate rumors regarding another, drawing inappropriate pictures or writing inappropriate statements regarding another, and intentionally excluding another from groups, or similar activities.
4. Cyber-bullying, harassment, coercion, intimidation, and/or bullying, including any intentional gesture or any intentional written, verbal, or physical acts or threats, as outlined in this policy and its related procedures.
5. Conspiring with another individual to commit any act of harassment, coercion, discrimination, intimidation, or bullying against another student. The prohibition extends not only to actions taking place on school grounds but also actions originating at a remote location and carried out via any technology, including, but not limited to, the use of a landline, car phone, or wireless telephone, or through the use of data or computer software that is accessed through a computer, computer system, or computer network.
6. Engaging in any hazing activity, on or off school premises. Preventing hazing is the responsibility of every student and staff member of this district. Memberships in groups, teams, and other organizations sponsored by the district are intended to provide students with athletic, social, intellectual, leadership, and service opportunities to compliment and enrich the academic program. The educational purpose of sponsoring such organizations is compromised by hazing activities of any nature, as such activities are harmful to students.
7. Discrimination on the basis of race, color, creed, national origin, religion, age, disability, or gender/sex.
8. Participation or promotion of any gangs or gang activity of any kind.

REPORTING PROCEDURES

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

The following procedures are to be followed by all students and staff with regard to the reporting of any and all inappropriate behaviors outlined in this policy and its related procedures.

1. Any student, and/or parents of a student, who believe the student is being harassed, hazed, intimidated, coerced, bullied, or discriminated against should immediately report the situation to school personnel.
2. Any district employee who receives a report of harassment or any other prohibited behavior from a student, becomes aware that a student is being subjected to harassment, or in good faith believes that a student is being subjected to harassment, is required to report the matter to the building principal immediately. In the event the complaint involves the principal, the matter must be immediately reported to the superintendent.
3. Any district employee who witnesses harassment or any other prohibited behavior of a student should take immediate, appropriate action to intervene to stop the harassment.
4. Any student who becomes aware that a fellow student is being subjected to harassment or any other prohibited behavior should immediately report the incident to a counselor, teacher, or the principal.
5. A report of, or grievance concerning any type of harassment, including disability-based discrimination and harassment, may be filed at each building or with the superintendent at the District Service Center located at 310 10th St. Rupert, Idaho. The attached Bullying/Harassment Complaint Form 502.100F may be used to submit a written complaint but is not required.
6. Upon receipt of a written report or complaint the building principal shall make a record of the report, share a copy of the report with the superintendent, and promptly begin an investigation.

INVESTIGATION PROCEDURES

The school administrator or designee will investigate any allegations of misconduct that are reasonably characterized as bullying, coercion, cyber-bullying, discrimination, gang activity, harassment, hazing, or intimidation. At the discretion of the school principal and/or superintendent, the alleged perpetrator(s) may be suspended pending the outcome of the investigation.

When a report of harassment or any other prohibited behavior is received by the principal or the superintendent, immediate steps will be taken to do the following:

1. Obtain a written statement from the complainant regarding the allegations;
2. Obtain a written statement from the accused;

If, after the initial statements are reviewed, the principal reasonably believes that an incident of prohibited behavior has occurred (according to the definitions and guidelines above), the principal will:

1. Obtain written statements from witnesses, if any; and
2. Prepare a written report detailing the investigation, including statements of witnesses and any other evidence presented.

An investigator may be appointed to conduct the investigation or the principal or superintendent may conduct the investigation. The investigation should be completed within ten (10) workdays.

Upon completion of the investigation the parties involved will be notified of the outcome of the investigation within five working days. If it is determined that discrimination, harassment of any other conduct prohibited in this policy has occurred the administrators in that building will take immediate action to address the behavior and to prevent similar behavior in the future.

A summary of the incident, investigation and resulting actions taken shall be recorded on the Building Harassment, Bullying, and Discrimination Log for that building and shared with the Superintendent regularly.

DISCIPLINARY ACTION

If the allegation of prohibited conduct involves a teacher or other school employee, the principal will submit the report of the investigation to the superintendent. If there is sufficient evidence to support the allegation, disciplinary action, up to and including dismissal, may be taken against the offender. Staff may be reported to Teacher Standards and Practices Commission and may be referred to law enforcement.

If the allegation of prohibited conduct is against a student and there is sufficient evidence to support the allegation, disciplinary action, up to and including suspension or expulsion, may be taken against the offender. The student(s) may be referred to law enforcement.

If there is insufficient evidence to support the allegation, no record will be made of the allegation in the complaining student's permanent record. No record of the allegation will be placed in the accused employee's personnel record or in an accused student's permanent record if insufficient evidence supports the allegation.

In the event the investigation discloses that the complaining student or staff member has falsely accused another individual of harassment knowingly or in a malicious manner, the complaining student or staff member may be subject to disciplinary action, up to and including expulsion or dismissal.

In the event the prohibited behavior involves violent or other conduct which could be reasonably considered to be criminal in nature, the principal/superintendent will refer the matter to the local law enforcement agency.

If the victim of the alleged violation of this policy is not satisfied with the outcome of the investigation, they can file a complaint with the Superintendent as outlined in Policy ??? Complaint Procedure.

RETALIATION/FALSE CHARGES

Retaliation against any person, who reports, 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. Any person found to have retaliated against another individual for reporting an incident of harassment may be subject to the same disciplinary action provided for harassment offenders. Those persons who assist or participate in an investigation of harassment are also protected from retaliation under this policy.

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 complaints are dealt with allowing for as much confidentiality as can be provided while at the same time allowing for a thorough and appropriate investigation and reporting, where appropriate. Any investigation will be conducted, to the maximum extent possible, in a manner that protects the privacy of both the complainant and the accused. However, if it is suspected that child abuse has occurred, such abuse will be reported to the proper authorities as required by state law.

Policy Distribution

~~Information about this policy must be distributed to the school community annually, including 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, or 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 he or she has been a victim of hazing, harassment, intimidation, or cyber bullying, in violation of this policy shall immediately report his or her 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, he or she 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 twenty 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

The district will keep and maintain a written record, including, but not limited to, witness statements, investigative reports, and correspondence, from the date any allegation of harassment is reported to district personnel. The information in the written record will also include the action taken by the district in response to each allegation. The written record will be kept in the district's administrative offices and will not, at any time, be purged by district personnel.

The school or district administrator will refer allegations of bullying to law enforcement if he/she reasonably believes that the student, staff, or third party has engaged in conduct, including harassment, intimidation, and/or bullying, in violation of Idaho Code Section 18-917A. In the event that any of the above prohibited behaviors involve violent or other conduct which could be reasonably considered to be criminal or serious in nature, the principal/superintendent will refer the matter to the local law enforcement agency.

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.

