

It is the policy of this district to maintain a safe school environment for all students while attending school, riding the school bus, or attending district sponsored curricular or extra-curricular activities on school premises or at other locations. Bullying, coercion, cyber bullying, discrimination, gang activity, harassment, hazing, intimidation and other negative behaviors by students, staff or third parties, regardless of the specific nature of the behavior, are disruptive to a safe school environment and strictly prohibited.

The district desires to maintain a positive and safe learning environment and school climate. Each student and employee has the right to attend school and work in an atmosphere that promotes equal opportunities and is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. Discrimination on the basis of race, color, creed, national origin, religion, age, disability, or gender/sex in any district educational programs or employment practices is strictly prohibited.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. 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 board.

Students attending district schools are:

1. Prohibited from engaging in any conduct which could reasonably be construed as constituting harassment on the basis of sex (including sexual orientation), race, color, national origin, age, religious beliefs, ethnic background, or disability;
2. Prohibited from sexually harassing other students, district employees, and patrons; and
3. Required to report, to the school principal or designee, any forms of harassment or bullying, or violations of this policy regarding prohibited behaviors of which they become aware.

This policy applies to all conduct on the district's premises and at school sponsored events, conduct during transportation to and from school and school sponsored events, and to conduct off the district's premises that has an adverse effect upon a student's educational environment.

DEFINITIONS

Bullying, harassment and/or intimidation, is defined as misconduct by a student(s), which is characterized by the aggressor(s) repeatedly engaging in negative actions against another student(s) in an attempt to exercise control over the victim. Bullying, harassment and/or intimidation is generally characterized by aggressive or intentionally harmful behavior, which is carried out repeatedly over time.

Cyber bullying is a digital form of bullying and includes, but is not limited to, using any electronic communication device to convey a message in any format (audio or video, text, graphics, photographs, or any combination thereof) that intimidates, harasses, or is otherwise

Prohibition of Bullying ~~Hazing~~, Harassment, and Discrimination *continued*

Page 2 of 6

intended to harm another individual (refer to Policy #503.00 Student Use of Electronic Devices, and Acceptable Use Policies #402.97 & #502.97 for more information).

Coercion describes using force or control to compel another person to do something against their will which involves negative outcomes and includes negative behaviors or emotions.

Harassment is defined as verbal, written, graphic, photographic, audio or video depictions of any kind, or physical conduct relating to an individual's sex or sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, or disability that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the district's programs that:

1. Has the purpose or effect of creating an intimidating or hostile environment;
2. Unreasonably interferes with an individual's educational performance; or
3. Otherwise adversely affects an individual's educational opportunities.

Refer to Sexual Harassment Policies #413.31 & #502.13 for more information.

Harassment includes, but is not limited to:

1. Physical acts of aggression or assault, damage to property, or intimidation and implied or overt threats of violence motivated by the victim's sex or sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, or disability;
2. Demeaning jokes, taunting, slurs, and derogatory "nicknames," innuendos, or other negative remarks relating to the victim's sex or sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, or disability;
3. Graffiti and/or slogans or visual displays such as cartoons or posters depicting slurs or derogatory sentiments related to the victim's sex or sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, or disability; and
4. Criminal offenses directed at persons because of their sex or sexual orientation, race, color, national origin, age, religious beliefs, ethnic background, or disability;
5. 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.

Hazing is defined as any act by a person, whether individually or in concert with others, against an individual as a condition of attaining membership, or any office or status, in connection with any district sponsored group or organization, when such act is intended, or is reasonably expected to have the effect of humiliating, embarrassing, intimidating, or demeaning the individual, or endangering the mental or physical health of person. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in such acts. Hazing occurs regardless of the consent or willingness of the individual to participate in the activity and can occur with or without coercion or other prohibited behaviors.

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, including, but not limited to, using any electronic communication device to convey a message in any format (audio or video, text, graphics, photographs, or any combination thereof) that intimidates, harasses, or is otherwise intended to harm another individual.
5. Harassment, coercion, intimidation, and/or bullying, including any intentional gesture or any intentional written, verbal, or physical acts or threats, against another student that:
 - a. A reasonable person under the circumstances should know will have the effect of:
 - 1) Harming a student; or
 - 2) Damaging a student's property; or
 - 3) Placing a student in reasonable fear of harm to his or her person; or
 - 4) Placing a student in reasonable fear of damage to his or her property; or
 - b. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.
6. 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.
7. 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.
8. Discrimination on the basis of race, color, creed, national origin, religion, age, disability, or gender/sex.
9. Participation or promotion of any gangs or gang activity of any kind.

REPORTING 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 502.00F 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

~~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.

PROTECTION AGAINST RETALIATION

No retaliation will be taken by this district or by any of its employees or students against a student, staff member, or third party who reports harassment in good faith. 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

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.

RECORD OF ALLEGATIONS

~~This 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.~~

REPORT TO LAW ENFORCEMENT

~~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.~~

The Board of Trustees is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, cyber bullying, or bullying by students 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. It also applies to, and through the use of electronic technology or electronic communication equipment on school computers, networks, forums, or mailing lists. It shall include 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 other students at school.

The Board expects all students to treat all district employees and each other with civility and respect and not to engage in behavior that is harmful to another student or the property of another student or staff member. The Board expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, and for the educational purpose underlying all school activities.

Discrimination on the basis of race, color, creed, national origin, religion, age, disability, or gender/sex in any district educational programs or employment practices is strictly prohibited.

DISCIPLINE

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. 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 Board.

Students or third parties may also be referred to law enforcement officials.

NOTIFICATION

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.

PROCEDURES

The Superintendent is directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, reporting and investigative procedures, rules for disciplining students who violate this policy, and provisions to ensure notice of this policy is provided to students, teachers, and third parties.

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 as outlined in the procedures developed in relation to this policy (502.10P).

REPORTING

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



LEGAL REFERENCE:

**Idaho Code Sections: 18-917A, 33-512, 33-205, 33-512(6), 16-1619, & 67-5909
I.C. § 33-1630 Requirements for Harassment, Intimidation, and Bullying Information
and Professional Development, 67-5909 Act Prohibited 20 U.S.C. § 1681, et seq.
Title IX of the Educational Amendments 20 U.S.C. § 1681, et seq.**

**Title IX of the Educational Amendments, 34 CFR Part 106 Nondiscrimination on
the Basis of Sex in Education Programs or Activities Receiving Federal Financial
Assistance Title VII and Title VI of the Civil Rights Act of 1965 Americans with
Disabilities Act of 1990 Section 504 I.D.A.P.A. 08.02.03.160, Safe Environment and
Discipline**

ADOPTED: April 18, 2011

AMENDED/REVISED: December 15, 2014

SEE ALSO: 502.010F Harassment, Bullying & Discrimination Forms, & 502.10P