

## **Homedale Joint School District No. 370**

### **STUDENTS**

**3295P**

#### **Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing**

The Homedale School District does not tolerate incidents of hazing, harassment, intimidation, bullying, cyber bullying, and menacing by students while under the school district's supervision.

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

#### **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 premises, 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, marital status, gender, gender identity, sexual orientation, physical characteristic, cultural background, socioeconomic status, geographic location, familial status, expression, or weight.
5. "Harassment, intimidation, or bullying" means any act that substantially interferes with a student's educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop, and that has the effect of:
  - a. Physically 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. Creating 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, videos, 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 severely disruptive of the educational process 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, or sexual orientation.
8. "Menacing" includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

### **Retaliation/False Charges**

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participated 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 is often very distressing for the victim and those who suffer harassment 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.

### **Policy Distribution**

Information about this policy must be distributed to the school community. Faculty and staff will be reminded annually about the policy. Information about the policy will be included in student orientation material and in the student handbook. All new faculty and staff members will be given a copy of the policy as part of their orientation program. Policy information will include a discussion of cyber bullying.

## **Complaint Procedures**

Building principals and the superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying, cyber bullying, or menacing. 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, cyber bullying, or menacing 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 chairman. 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 (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. 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.
- 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, at their next regularly scheduled board meeting, 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 (10) 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. Direct complaints related to employment may be filed with the Idaho Department of Commerce & Labor or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file. Additionally, a copy of all hazing, harassment, intimidation, bullying, cyber bullying, or menacing complaints and documentation will be maintained as a confidential file in the district office.

Cross Reference: 3210 Uniform Grievance Procedure

Legal References: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments  
34 CFR Part 106  
I.C. § 67-5909 Acts Prohibited

Policy History:

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Prior Board Policy 1.85