

BULLYING, HAZING, & HARASSMENT POLICY – STUDENTS

The Board is committed to maintaining an educational environment that protects and promotes dignity, individual worth, and mutual respect for each individual, and is free from harassment. Each District student, employee, or visitor deserves the opportunity to participate or work in a safe, supportive atmosphere that promotes equal opportunities, free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive.

It shall be a violation of this policy for any District student, employee, or visitor to bully, haze, or harass another individual through any means, including technology, while on any District premises or at any District sponsored activity, regardless of location. Those who violate this policy may be subject to disciplinary action and/or referral to law enforcement where appropriate.

Reporting

It is everyone's responsibility to eliminate behavior prohibited by this policy. Anyone who believes he/she has knowledge of a person or persons affected by a violation of this policy should immediately report it to a District official.

District personnel receiving a report of a violation of this policy shall report the matter to the building principal, supervisor or designee immediately. If the complaint involves the principal, supervisor or their designee, District personnel must immediately report the matter to the Superintendent or designee. If the complaint involves the Superintendent, District personnel must immediately report the matter to the School Board President.

District personnel witnessing a violation of this policy shall take immediate action to stop the inappropriate behavior and report the matter to the building principal or other appropriate District personnel.

District personnel who fail to report or fail to take action to stop violations of this policy may face disciplinary action up to and including dismissal.

Investigation

The Superintendent, principal or designee shall conduct a thorough investigation of any allegation of bullying, hazing or harassment within ten (10) working days of receipt of the allegation, except in extraordinary circumstances, as determined by the individual assigned to investigate. At the discretion of the Superintendent or designee the alleged perpetrator(s) may be suspended pending the outcome of the investigation. If the Superintendent or designee determines bullying, hazing or harassment has occurred, the Superintendent or designee shall take appropriate disciplinary action and notify the parents/guardians of all students involved.

All investigations with sufficient evidence to support the allegations require documentation. All investigators and decision makers are to remain objective in regard to each grievance. Any

conflicts of interest are to be disclosed to the Superintendent or designee prior to any actions taking place.

Confidentiality

Because of the possible sensitive nature of the allegations, any investigation for violations of this policy shall be conducted, to the extent possible and within legal constraints, to protect the privacy of the complainant, victim and the accused. In instances where the allegation involves suspected child abuse, harm to self or harm to others, the District official must report the case to the proper authorities as required by law.

Discipline for Violations of this Policy:

For an employee, may involve actions up to and including dismissal.

- For a visitor, may involve actions up to and including future prohibition from entering any school premises or attending any school sponsored activity, regardless of location.
- For a student, may involve actions up to and including suspension, and/or expulsion.

Discipline shall be appropriate to the offense, age and status of the individual.

The Superintendent or designee shall submit the case to the appropriate law enforcement agency when the charges warrant such action.

Insufficient Evidence

If there is insufficient evidence to support the allegations, no report of the allegation shall be placed in an accused or complaining employee's personnel record, except as may be required by Idaho Code 33-1210 upon separation of employment. If there is insufficient evidence to support the allegations in the case of students, the allegation will be documented as unsubstantiated in District records, but will not be placed in the accused or complaining student's permanent records.

False Accusation

If the investigation discloses that the complaining individual knowingly or in a malicious manner falsely accused another of bullying, hazing, or harassment, the complaining individual may be subject to disciplinary action as stated above.

Retaliation

District students, employees, or visitors shall not retaliate against an individual who in good faith reports, associates with the individual reporting, participates in the investigation, or investigates a grievance filed in accordance with this policy. Any person engaged in retaliatory actions may be subject to disciplinary action.

Parent Notification

District employees processing discrimination or harassment reports may use professional discretion to determine whether or not to notify parents or guardians of harassment/discrimination involving a student, in order to protect the student's well-being. Notice: The District will provide this policy to all school personnel, parents and students annually.

Prevention

The Superintendent or designee shall develop procedures to:

- Implement or review actions taken to prevent bullying, hazing or harassment.
- Follow up with victims of violations of this policy to ensure preventive actions were effective.

Professional Development

The District shall provide ongoing professional development in prevention, identification and response to harassment, intimidation and bullying.

Annual Report

The District shall annually report bullying incidents to the Idaho State Department of Education.

Definitions

Bullying: the repeated aggressive behavior or frightening of others with an apparent intent to dominate. Bullying may include, but not be limited to physical (hitting, pushing or attacks on property); verbal (name-calling, obscene gestures, malicious teasing, or electronic threats); or indirect attacks (intentional exclusion from groups, anonymous hurtful notes or spreading false rumors). Bullying often occurs without apparent provocation. Bullying is not playful teasing between relatively equal individuals.

Hazing

- To subject a person to bodily danger, physical harm, severe emotional harm, extreme embarrassment or personal degradation.
- To subject a person to the likelihood of any of the above.
- To require, encourage, authorize or permit that the person be subjected to any of the following:
 - ~ Total or substantial nudity on the part of the person.
 - ~ Compelled ingestion of any substance by the person.
 - ~ Wearing or carrying of any obscene or physically burdensome article by the person.
 - ~ Physical assaults upon or offensive physical contact with the person.
 - ~ Participation by the person in boxing matches, excessive number of calisthenics or other physical contests.
 - ~ Transportation and abandonment of the person.
 - ~ Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas.
 - ~ Sleep deprivation.
 - ~ Or assignment of pranks to be performed by the person.

Harassment: any verbal, written, graphic or physical conduct by an individual or group which is sufficiently severe, persistent, pervasive and offensive to:

- Substantially and systemically undermine, disrupt, detract from, interfere with or limit the ability of an individual to participate in or benefit from the District’s programs, activities or resources.
- Create an intimidating, hostile, threatening or abusive educational/work environment.
- Substantially or unreasonably interfere with a person’s performance.
- Adversely affect a person’s educational/work opportunities.

Actions that may constitute harassment may include, but are not limited to:

- Physical acts (i.e. aggression or assault, battery, damage to property, intimidation, vandalism, implied or overt threats of violence).
- Verbal acts (i.e. demeaning jokes, bullying, taunting, hazing, intimidation, hate speech, slurs, derogatory nicknaming, innuendoes or other negative remarks).
- Visual acts (i.e. graffiti, slogans or visual displays such as cartoons or posters depicting derogatory sentiments).
- Criminal acts (acts in violation of Idaho Criminal Codes or Idaho Human Rights Commission Code).

On District premises or at any District sponsored activity, regardless of location

Shall include, but not be limited to buildings, facilities and grounds on the District campus, school buses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a District-related activity.

District Official

Includes, but is not limited to, teacher, school counselor, school nurse, coach, activities director, principal, assistant principal, or district administrator.

Cross Reference:

Adolescent Relationship Abuse & Sexual Assault Policy
Child Abuse Policy
Computer & Network Services Policy & Procedure
Sexual Harassment Policy – Students & Personnel
Handbook Reference: Elementary Student Planner & Secondary Student Planner

Legal Reference:

IC 18-917 Hazing
IC 18-917A Student Harassment – Intimidation – Bullying
IC 33-1630 Requirements for Harassment, Intimidation and Bullying Information and Professional Development
IC 16-1619 Reporting of Abuse, Abandonment, or Neglect
Title IX of the Education Amendments of 1972
Title VII of the Civil Rights Act of 1964, 42 U.S.C. 200e-2(a)
Franklin v. Gwinnett Co. Public Schools, 112 S. Ct. 1028 (1992)
Gebser v. Lago Vista Independent School District, 118 S. Ct. 1989 (1998)
Mentor Savings Bank v. Winson, 477 U.S. 57 (1986)
Elison v. Brandy, 924 F.2d872 (9th Cir. 1991)

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