

**SCHOOL SAFETY & DISCIPLINE PROCEDURE 1 – REPORT & INVESTIGATION
OF ALLEGATION OF A COMPLAINT**

Mountain Home School District No. 193 maintains a firm policy against all forms of unwelcome and/or inappropriate behavior, remarks, actions, conduct, or retaliation, etc., against students or employees and as such will not be allowed in our school district. An investigation will commence upon reports of such and dealt with accordingly. All students and employees are to be treated with respect and dignity.

Unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation includes, but not limited to, any form of violence; abuse including, but not limited to physical abuse, verbal and non-verbal abuse, adolescent/teen relationship abuse, psychological abuse; sexual abuse/assault/attack, threats, discrimination, intimidation, bullying and harassment; cyber-technologies bullying/harassment/threats; etc. Unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation that affect morale and unreasonably interfering with an individual's educational or work performance or opportunities; or has the purpose or effect of creating an intimidating, threatening, abusive, or hostile educational environment for students, staff, and visitors; or limits the ability of an individual to participate in or benefit from the district's programs; or impacts or has the potential to impact the school; or poses a threat to the health and safety of students, staff members, or visitors; or is disruptive to the educational process of the Mountain Home School District will not be tolerated.

Any allegation of unwelcome and/or inappropriate behavior/remarks/actions/ conduct or retaliation intimidation, bullying, abuse, will be promptly reviewed and investigated, as appropriate, or within 24-hours of a complaint being submitted. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances. At the discretion of the superintendent or designee, and after possible consultation with legal counsel for the district, the alleged student offender/assailant may be suspended or expelled, alleged certified employee offender/assailant may be placed on administrative leave with pay, and alleged classified employee offender/assailant may be suspended, pending completion of the investigation and review of the investigation report.

Investigations will be conducted as described in MHSD's School Safety & Discipline Procedure 1 – Complaint & Report, and MHSD School Safety & Discipline Forms 1a-1f – Investigation, Review, Report, & Determination of Unwelcome and/or Inappropriate Behavior/Remarks/ Actions/Conduct/Retaliation.

REPORTING AND INVESTIGATION PROCEDURES

1. Individuals who believe they are subject to unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation upon in violation of this policy should firmly and promptly notify the offender/assailant that his/her behavior/remarks/ actions/conduct/ retaliation is unwelcome and/or inappropriate. The individual should also report the

complaint verbally or in writing to the lowest level administrator/supervisor who is not involved in the alleged unwelcome and/or inappropriate offense(s) and has the authority to remedy the alleged issues.

The school superintendent or designee, or school principal or designee, also called Investigator, will investigate all allegations of misconduct that are reasonably characterized as unwelcome and/or inappropriate behavior/remarks/actions/conduct or retaliated upon in violation within ten (10) workdays. At the discretion of the superintendent/principal and/or investigator, the alleged perpetrator(s) may be suspended, expelled, placed on administrative leave, and/or terminated pending the outcome of the investigation.

An investigator may be appointed to conduct the investigation, or the principal or superintendent may conduct the investigation. In the event the complaint involves a principal, superintendent, or board members an independent investigation may be completed by an individual or individuals not employed by the school district and appointed by the board of trustees.

- The individual may be required to submit the appropriate complaint form; Report of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Form 1a (Step-1).
2. Any student, and/or parent of a student, who believes the student is targeted for unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation, or a victim of relationship abuse as defined by this policy are encouraged to and should immediately report the situation to the building principal, school personnel, or school superintendent.
 - The individual may be required to submit the appropriate complaint form; Report of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Form 1a (Step-1).
 3. If the targeted individual chooses not to report the complaint to his/her teacher, school administrator, supervisor/building principal, the individual may report the incident directly to the superintendent. If the complaint in any manner involves the superintendent, the individual should report the complaint to the School Board Chairperson.
 4. All district employees who receives a report of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation from a student, or becomes aware that a student is being subjected to unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation, or in good faith believes that a student is being subjected to unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation, is required to report the matter, in a timely and responsive manner, to the building principal or school superintendent immediately.
 - In the event the complaint involves the principal, the matter must be immediately reported to the superintendent.

- In the event the complaint involves the superintendent, the matter must be immediately reported to the school board chairperson.
5. Any district employee who witnesses unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation, of a student, visitor, or another school district employee should take immediate, appropriate action to intervene to stop the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation and immediately notify another school district employee, building administrator, school superintendent, or law enforcement to intervene to stop the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation.
 6. Any student or visitor who witnesses unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation, of a student, visitor, or school district employee is encouraged to immediately notify another school district employee, building administrator, school superintendent, or law enforcement to intervene to stop the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation.
 7. Any student, employee, or person on school property who becomes aware that a fellow student or person is being subjected to unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation, should immediately report the incident to a counselor, teacher, building principal, district administration, or law enforcement.
 8. It is a violation of the law and this policy to retaliate against any individual filing a Report of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Form 1a (Step-1). Any student or employee experiencing retaliation because they filed a complaint of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation occurred should file a separate complaint regarding the alleged retaliation.
 9. The school principal or designee will promptly investigate any allegations of misconduct that are reasonably characterized as unwelcome and/or inappropriate behavior/remarks/actions/conduct or retaliation. At the discretion of the school principal and/or superintendent, the alleged perpetrator(s) may be suspended pending the outcome of the investigation.
 10. If the school principal or a designee determines that unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation has occurred, the school principal or designee shall (1) take appropriate disciplinary action; (2) notify the parent/guardian of the perpetrator; (3) notify the parent/guardian of the victim; and to the extent allowed under state and federal law, (4) notify the parent/guardian of the action taken to prevent any further acts of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation.
 11. 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. In the event the complaint involves a principal, superintendent

or board members an independent investigation will be completed by an individual or individuals not employed by the school district and appointed by the board of trustees.

12. An individual, at any time, may file a discrimination or harassment claim with the Idaho Human Rights Commission (IHRC) and/or the Equal Employment Opportunity Commission (EEOC). The addresses of these organizations are:

Idaho Human Rights Commission
317 W. Main St.
Boise, Idaho 83702

Equal Employment Opportunity Commission
909 1st Ave, Ste. #400
Seattle, Washington 98104

DISCIPLINARY ACTION

If the allegation of unwelcome and/or inappropriate behavior/remarks/actions/ conduct/retaliation occurred 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/termination may be taken against the offender/assailant, consistent with the requirements of applicable state law and/or district policies.

If the allegation of unwelcome and/or inappropriate behavior/remarks/actions/ conduct/retaliation occurred involves a student or students, 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 suspension and/or expulsion may be taken against the offender/assailant consistent with the requirements of applicable state law, and/or district policies.

If deemed appropriate, the superintendent or board will refer the complaint to local law enforcement at any time prior to, during, or after the investigation.

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 employee has falsely accused another individual of unwelcome and/or inappropriate behavior/ remarks/actions/conduct/retaliation knowingly or in a malicious manner, the complaining individual may be subject to disciplinary action, up to and including termination or expulsion.

In the event that it can be proven that cyberbullying took place using district resources, i.e. computers or phones, the individual found to have used district equipment may be subject to disciplinary action, up to and including termination or expulsion.

Students who engage in unwelcome and/or inappropriate behavior/remarks/ actions/conduct/retaliation will be disciplined through the use of consequences that may include, but are not limited to, referral to counseling, diversion, use of juvenile specialty courts, law enforcement, restorative practices, in-school suspension, out-of-school suspension, and expulsion.

Employees who engage in unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation will be disciplined through the use of consequences that may include, but are not limited to referral to counseling, referral to law enforcement, administrative suspension, and termination.

Each school will take prompt and effective steps to reasonably end the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation; eliminate any hostile environment and its effects; and prevent the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation from recurring. Appropriate steps to end unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation may include separating the victim and the perpetrator or providing counseling for the victim and perpetrator.

In the event the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation 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 for violation of Idaho Code 18-917A.

The “Three-Point Criteria” used to evaluate an unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation complaint under this policy is as follows:

1. **Criterion One:** Did the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation cause harm or threat of harm, physical/emotional injury or anguish, did feelings of intimidation, fear, uncomfortableness occur?
 - a. Did the unwelcome and/or inappropriate behavior/remarks/actions/ conduct/retaliation involve an imbalance of power between the offender/assailant and the victim/target?
 - b. What effect did the inappropriate behavior/remarks/ actions/conduct/retaliation have on the victim/target? Did the unwelcome and/or inappropriate behavior/remarks/ actions/conduct/retaliation (s) create or have the potential to create a hostile or intimidating environment or lessen the feeling of self-worth for the victim/target?
 - c. Was there intentional unwelcome and/or inappropriate behavior/remarks/actions/ conduct/retaliation that caused physical or emotional pain? (Note: an intentional unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation refers to the assailant’s choice to engage in an unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation; it does not refer to the intent of the assailant to hurt the victim/target.)
 - d. Is the unwelcome and/or inappropriate behavior/remarks/actions/ conduct/retaliation related to a protected class including, but not limited to, race or ancestry; color; national origin or ethnic group identification; marital status; sex; sexual orientation; genetic information; religion; age; mental or physical disability; or military or veteran’s status?
2. **Criterion Two:** Is the behavior/remarks/actions/conduct/retaliation unwelcome and/or inappropriate?

- a. Was the behavior/remarks/actions/conduct/retaliation unwelcome and/or inappropriate by the recipient? Consent does not mean that the action is welcome (i.e. hazing).
- 3. Criterion Three:** Is the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation severe, persistent, or pervasive?
- a. Severe behavior/remarks/actions/conduct/retaliation can be established with a single action (i.e. physical assault).
 - b. Persistent behavior/remarks/actions/conduct/retaliation occurs repeatedly. If the victim asks the offender to stop, but the unwelcome and/or inappropriate act(s) continues, this is persistent behavior.
 - c. Pervasive behavior/remarks/actions/conduct/retaliation is when the behavior/remarks/actions/conduct/retaliation is rampant throughout the school. Generally, there is not one specific offender/assailant in these cases.
 - d. Does the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation violate the district's School Safety and Discipline Policy? Does the behavior/remarks/actions/conduct/retaliation violate the District's Sexual Harassment Policy, the Child Abuse Policy, the Drugs & Alcohol-Free Workplace Policy for Employees & Students?

If the answer to any of the questions that make up the Three-Point Criteria is no, then the behavior/remarks/actions/conduct/retaliation incident does not necessarily involve unwelcome and/or inappropriate behavior/remarks/actions/conduct, but other disciplinary intervention maybe necessary depending on the facts and circumstances of the behavior/remarks/actions/conduct/retaliation incidents.

Upon receiving a complaint of alleged unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation, the administrator/supervisor or superintendent shall:

1. Take any immediate necessary action to ensure the safety and well-being of the involved staff member(s) and student(s), and
2. Make a preliminary assessment applying a Three-Point Criteria, as defined herein, to determine whether unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation is actually alleged and/or whether there is enough information available to make that determination.

If upon initial examination of the complaint, the administrator/supervisor or superintendent determines that the complaint does not meet the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation definitions an investigation shall not be initiated. However, other disciplinary interventions may still be necessary depending on the facts and circumstances of the behavior/remarks/actions/conduct/retaliation incidents.

If, upon initial examination of the complaint, the administrator/supervisor or superintendent determines that the complaint does meet the definition of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation may have occurred or there is not adequate information to make an initial determination, an investigation shall be initiated within 24-hours of receipt of the complaint of an allegation. The investigation will follow the School Safety & Discipline Form 1a-1f – Investigation & Determination of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation.

When a report of unwelcome and/or inappropriate behavior/remarks/actions/conduct or retaliation is received by the principal or the superintendent, immediate steps will be taken to do the following:

1. **Investigate:**

- Within 24-hours after receiving a complaint of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation begin the investigation.
 - ~ Start a discipline file to hold all investigative and evidentiary documents.
- Have the victim/target complete the Report of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Form 1a (Step-1). The investigator of any allegation of unwelcome and/or inappropriate behavior/remarks /actions/conduct/retaliation should be an administrator in a position of authority, not an SSA, or school security officer.
- The complainant and alleged offender/assailant will be interviewed, as well as other individuals who may have knowledge regarding the allegations. The investigator may also obtain written statements from these individuals. Take all claims or complaints of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation seriously.
- Interview all parties involved: victim/target, the witnesses, and the alleged offender/assailant using the Interview Victim/Target/Witness/Offender/Assailant Report Form 1b-1d (Steps 2-4). Be thorough.
 - ~ Keep an open mind. Act in a neutral and professional manner.
 - ~ Preserve privacy and confidentiality of the investigation and the involved parties; remind all parties of the district's prohibition of any form of retaliation.
- Complete the investigation within 10-days of the complaint, of possible.

2. **Document Investigation and Collection of Evidence:**

- Using the Report of Complaint of Unwelcome and/or Inappropriate Behavior/ Remarks/ Actions/Conduct/Retaliation Form 1a (Step-1) and Interview Victim/Target/Offender/ Assailant Report Forms 1b-1d (Step 2-4), collect, document, and file all investigative and evidentiary items, dates, times, all communications, written statements, your own investigation notes, pictures, electronic/digital records/recordings/screen shots, texts and emails, etc., from individuals, and add those documents to the newly created investigative and evidentiary file.

3. **Determination of the Investigative & Evidentiary Results of the Allegation:**

- Upon completion of the investigation using the Result of Allegation of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Investigation Report Form 1e (Step 5) and both Report of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Form 1a (Step-1) and Interview Victim/Target/Offender/Assailant Report Forms 1b-1d (Step 2-4), the investigator will prepare a written report that contains factual findings regarding the allegations and the investigator's conclusion as to whether unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation occurred. If unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation or retaliation is found to have occurred, the report using the Conclusion & Action Taken of Allegation of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Investigation Report Form 1f (Step 6) shall make recommendations regarding any disciplinary action or other measures to be imposed. The written report should also include a summary of the witnesses interviewed and the evidence considered.
- Using the investigative and evidentiary documents from both the Report of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Form 1a (Step-1) and Interview Victim/Target/Offender/Assailant Report Forms 1b-1d (Step 2-4), determine if the behavior/remarks/actions/conduct/retaliation are in fact unwelcome and/or inappropriate, and to what degree.
- If the investigation is inconclusive or it is determined that there has been no unlawful or unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation occurred, but some potentially problematic conduct is revealed, the superintendent may recommend a corrective action plan to the board and the board may impose such corrective action plan.
- Attach all supporting investigative and evidentiary documentation such as the original complaint, the victim, witness, offender statements, the investigation notes, emails, photographs, screen shots, digital/technological/electronic documentation, texts, etc.
- Send a complete copy of the School Safety & Discipline Forms 1a-1f – Report, Investigation, & Determination of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation and all other investigative and evidentiary supporting documentation to Principal or Superintendent.
- Keep a copy of this in your Investigative and Evidentiary file. Log student incidents in MilePost.

4. **Take Action:**

- Upon completion of the investigation, the investigator will prepare a written report using the Conclusion & Action Taken of Allegation of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Investigation Report Form 1f (Step 6) and using the information from the Report of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Form 1a (Step-1) and Interview Victim/Target/Offender/Assailant Report Forms 1b-1d (Step 2-4), and using the investigators notes and all other investigative and evidentiary documentation that contains factual findings regarding the allegations and the investigator's conclusion as to whether unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation occurred. If unwelcome and/or inappropriate behavior/remarks/actions/

conduct/retaliation is found to have occurred, the report shall make recommendations regarding any disciplinary action or other measures to be imposed. The written report should also include a summary of the witnesses interviewed and the evidence considered.

- Promptly after the investigation is concluded, the superintendent and/or designee will separately meet with the complainant and the person alleged to have committed the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation to notify them in person of the findings of the investigation. If unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation occurred, the complainant will only be advised that the district is taking appropriate steps to ensure that the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation will not reoccur.
 - Using the Conclusion & Action Taken of Allegation of Complaint of Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation Investigation Report Form 1f (Step 6), state the recommended action(s).
 - We are not a court of law – we do not need proof beyond a reasonable doubt, no one is subpoenaed, no one testifies under oath. We collect as much information as we can in order to make an informed decision.
 - Separate the victim/target and offender/assailant. Make sure that the victim/target is not penalized in this action.
 - Counseling for victim/target and/or offender/assailant.
 - Oral or written warnings, suspension, transfer, expulsion, placement on Administrative Leave, termination, etc.
 - Recommendation to go before the District Review Committee or School Board of Trustees for possible expulsion or termination.
5. The complainant and the person alleged to have committed the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation may submit statements to the superintendent or designee challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting in which the findings of the investigation are discussed.
6. Promptly after the superintendent or designee have met with both parties and reviewed any written statements challenging the findings of the investigation, and after consultation with legal counsel for the district, a decision will be made as to what action, if any, should be recommended to the board.

PROTECTION AGAINST RETALIATION

Retaliation in any manner against a student, employee, or visitor for filing or initiating in good faith a charge or complaint of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation occurred testifying in an investigation, providing information or assisting in an investigation is expressly prohibited. Any person found to have retaliated against another individual for reporting an incident of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation or testifying in an investigation or providing information or assisting in an investigation may be subject to the same disciplinary action provided for the offender(s)/assailant(s) up to and including expulsion, administrative leave, or termination. Those persons who

assist or participate in an investigation of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation are also protected from retaliation under this policy. The superintendent and the board will endeavor to take reasonable steps to protect the victim/target and other potential victims/targets from further unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation or related consequences.

FALSE COMPLAINTS

Discipline will result in and up to and including expulsion, administrative leave, or termination, when it is conclusively determined that an employee or student made a complaint of unwelcome and/or inappropriate behavior/remarks/ actions/conduct/retaliation knowing it to be false and/or knowingly participated in the falsehood. This section is not intended to discourage students or employees from making complaints regarding unlawful student/employment-based unwelcome and/or inappropriate behavior/remarks/actions/ conduct/retaliation. A student or employee will not be disciplined for reporting actual unwelcome and/or inappropriate behavior/remarks/actions/ conduct/retaliation that in good faith the student/employee believed was an unlawful student/employee unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation. However, false complaints adversely impact the workplace and the reputation and career of the accused, even when disproved, and will not be tolerated.

- Discipline will result in possible administrative leave, suspension, expulsion, or termination, when it is conclusively determined that a student made a complaint of unwelcome and/or inappropriate behavior/remarks/actions or retaliation knowing it to be false and/or knowingly participated in the falsehood.

CONFIDENTIALITY

Any investigation will be conducted, to the maximum extent possible, in a manner that protects the privacy of both the complainant and the offender/assailant. However, the district's obligation to investigate, provide a safe environment, and take corrective action may supersede an individual's right to privacy especially if it is suspect that child abuse has occurred, such abuse will be reported to the proper authorities as required by state law. Pending the completion of the investigation, the district may take any action necessary to protect the safety and well-being of its students, employees, and property.

RECORD OF ALLEGATIONS

1. Documentation of disciplinary action related to any violation of this policy, including false allegations and retaliatory actions, will be placed in the employee's personnel file.
 - Documentation of disciplinary action related to any violation of this policy, including false allegations and retaliatory actions, may be entered into the student's MilePost.
2. If there is insufficient evidence to support the allegation, no record will be made of the allegation in the accused employee's personnel record.

- If there is insufficient evidence to support the allegation, nothing is to be entered into the accused student’s MilePost.

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 unwelcome and/or inappropriate behavior/remarks/action(s) or retaliation 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.

1. The written record will be kept in the district’s administrative offices and will not, at any time, be purged by district personnel.



LEGAL REFERENCE:

The Civil Rights Act of 1866 & 1871

42 USC Section 1981

42 USC Section 1983

Title II of the Americans with Disabilities Act as amended (ADAA)

42 USC Sections 2000(d), 2000(e), 12101, 12111, *et seq.*,

28 CFR Part 35 (comprehensive civil rights protections for “qualified individuals with disabilities”)

Section 504 of the Vocational Rehabilitation Act of 1973

29 USC Sections 791, 794

42 USC Sections 2000(d), 2000(e), 12101, 12111, *et seq.*

Title VI of the Civil Rights Act 1964, as amended by the Equal Employment Opportunity Act of 1972 &

42 USC Section 2000d, *et seq.*

Title VII of the Civil Rights Act of 1965, as amended by the Equal Employment Opportunity Act of 1972 &

42 USC Section 2000e, *et seq.*

Title IX of the Education Amendments of 1972

20 USC Sections 1381, 1681

Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975

Executive Order 11246, as amended by E.O. 11375

U.S. Department of Education Office of Civil Rights, January 2001

42 U.S.C. 2000e-2(a)

Age Discrimination in Employment Act (ADEA) of 1967

29 U.S.C. § 621, *et seq.*

Age Discrimination Act of 1975,

29 U.S.C. § 6101

Equal Pay Act, as amended by the Education Amendments of 1972

29 USC Sections 206d & 2000(e)

Immigration Reform and Control Act

08 U.S.C., Section 1324(a)
Pregnancy Discrimination Act
29 C.F.R., Part 1601, 1604.10
34 C.F.R., Part 106
Idaho Commission on Human Rights
IDAPA 08.02.03.160
Idaho Code Sections
6-904A, 16-1619, 18-917A - Student Harassment-Intimidation
Bullying, as amended by HB0246
18-302I, 18-3313, 33-205, 33-512(6) – Governance of Schools
33-513
33-518
33-1210
67-5901 & 5909, *et seq.*
Law Chapter 289 of the 2015 Legislature Session
Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (U.S. Dept. of Education Office of Civil rights, January 2001)
Office for Civil Rights, “Dear Colleague” letters dated October 21, 2014 and October 26, 2010
Child Abuse Policy – Investigating & Reporting (406)
Computer & Network Services Policy, Procedures, & Forms (698)
Sexual Harassment Policy & Form (414)
Video & Electronic Surveillance Policy (940)

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