

No student or minor present on school property or at school activities shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student. Such behaviors foster a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims, create conditions that negatively affect learning, and undermine the ability of students to achieve their full potential.

It is the policy of this district to maintain a safe school environment for all students while on school grounds; riding the school bus; and attending district-sponsored activities, events, or functions on school premises or at other locations. Harassment, intimidation, and bullying are disruptive to a safe school environment and will not be tolerated.

### **DEFINITION**

“Harassment, intimidation, or bullying” means any intentional gesture or any intentional written, verbal, or physical acts or threats against another student that:

1. A reasonable person under the circumstances should know will have the effect of
  - a. Harming a student.
  - b. Damaging a student’s property.
  - c. Placing a student in reasonable fear of harm to his or her person.
  - d. Placing a student in reasonable fear of damage to his or her property.
2. Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

Harassment, intimidation or bullying may encompass any of the prohibited behaviors described herein. An act of harassment, intimidation or bullying may also be committed through 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.

### **PROHIBITED BEHAVIOR**

The district expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of others.

Students attending 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 and non-verbal abuse against a student, including, but not limited to, name calling, threatening, sexual misconduct, taunting, malicious teasing, or making rude gestures.
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, intentionally excluding another from groups or activities, and stalking.
4. Cyberbullying, 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. Conduct based on a student's actual or perceived race, color, national origin, sex, gender identity or expression, sexual orientation, physical or mental disability, religion, physical appearance and characteristic, or socio-economic status; or a student's association with a person or group with one or more of these actual or perceived characteristics.
6. Conspiring with another individual to commit any act of harassment, intimidation, or bullying against another student; or perpetuating such conduct by spreading hurtful or demeaning material created by another person (e.g., forwarding offensive e-mails or text messages).
7. Retaliatory actions against another for reporting an act of harassment, intimidation, or bullying.

The discipline rules related to harassment, intimidation, and bullying apply when a student is (1) on school grounds before, during, or after school hours; or at any other time when the school is being used by a school group; (2) off school grounds at any school activity, function or event; or (3) traveling to or from school or a school activity, function, or event.

## **REPORTING**

District personnel are required to report, in a timely and responsive manner, any incident of harassment, intimidation, or bullying they witness or are aware of to the school principal or designee. District personnel who fail to report or take action to stop violations of this policy may face disciplinary action up to and including termination. All other persons, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

At the end of each school year, the district shall report the total number of bullying incidents to the state department of education in a format as established by the state department of education.

### **RETALIATION**

The district prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying; or cooperates in an investigation. The consequences for a person who engages in reprisal or retaliation may include, but are not limited to, suspension and expulsion.

### **INVESTIGATION**

The school principal or designee will investigate any allegations of misconduct that are reasonably characterized as harassment, intimidation, or bullying within ten (10) working days of receipt of the allegation, except in extraordinary circumstances, as determined by the individual assigned to investigate. If the harassment, intimidation and bullying allegations fall within the areas protected by federal law, one or more of the following policies may also apply: Civil Rights Grievance Procedure #294P1, or Title IX Policy and Procedure 296 and 296P1. At the discretion of the school principal and/or superintendent, the alleged perpetrator(s) may be suspended pending the outcome of the investigation.

If the school principal or a designee determines that conduct prohibited by this policy 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 (4) to the extent allowed under state and federal law, notify the parent/guardian of the victim of the action taken to prevent any further acts of bullying or retaliation.

All investigations with sufficient evidence to support the allegations require documentation. All investigators and decision makers are to remain objective in regards to each allegation. Any conflicts of interest are to be disclosed to the superintendent or designee prior to any actions taking place.

If there is insufficient evidence to support the allegations, the allegations will be documented as unsubstantiated in district records, but will not be placed in the accused or complaining student's permanent records.

### **DISCIPLINARY ACTION**

Students who engage in harassment, intimidation, or bullying will be disciplined through the use of graduated consequences that may include, but are not limited to: referral to the school counselor; meeting with the school principal and the student's parents/guardians; detention, suspension or special programs; and expulsion. Students with disabilities who violate this policy, including those on an IEP or 504 plan, will be disciplined in accordance with applicable federal and state laws and regulations.

Each school will take prompt and effective steps reasonably calculated to correct the problem behavior; eliminate any hostile environment and its effects; prevent the conduct from recurring;

and to protect and provide support for the victim of the conduct. Appropriate steps may include separating the victim and the perpetrator, or providing counseling for the victim and perpetrator. Where an investigation reveals a documented systemic problem, the school will take corrective action to address harassment, intimidation or bullying.

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

### **CONFIDENTIALITY**

Because of the possible sensitive nature of the allegations, any investigation of 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.

### **TRAINING**

The district will provide ongoing professional development to build skills of all school staff members to prevent, identify, and respond to harassment, intimidation, and bullying. The content of ongoing professional development for school staff related to bullying, harassment and intimidation will include, at a minimum:

- School philosophy regarding school climate and student behavior expectations;
- Definitions of bullying, harassment and intimidation;
- School prevention strategies or programs including the identification of materials to be distributed annually to parents and students;
- Expectations of staff intervention for bullying, harassment and intimidation;
- School process for responding to bullying, harassment and intimidation including the reporting process for students and staff, investigation protocol, the involvement of law enforcement, related student support services and parental involvement; and
- Other topics as determined appropriate.

The district recognizes that in order to have the maximum impact, it is important to train school employees who have significant contact with students on school policies and procedures regarding harassment, intimidation, and bullying. Training will provide staff members with a clear understanding of their roles and responsibilities and the necessary skills to prevent, identify, and respond to bullying.

The district encourages the implementation of school and community wide bullying education and prevention programs.

**REFERRAL TO LAW ENFORCEMENT**

The school principal will refer allegations of harassment, intimidation, or bullying to law enforcement if he or she reasonably believes that the student has engaged in conduct in violation of Idaho Code §18-917A.

**NOTICE**

The district will make reasonable efforts to ensure that information on harassment, intimidation and bullying of students is disseminated annually to all school personnel, parents and students in a manner consistent with students’ age, grade and level of academic achievement through publication in the student handbook.



**LEGAL REFERENCE:**

Idaho Code Sections

- 16-1619 – Reporting of Abuse, Abandonment and Neglect
- 18-917A - Student Harassment-Intimidation-Bullying
- 33-512(6) - Governance of Schools
- 33-1631 – Requirements for Harassment, Intimidation, and Bullying Information and Professional Development

IDAPA 08.02.02.111 – Bullying, Harassment and Intimidation Prevention and Response

Title IX of the Education Amendments of 1972

Title VII of the Civil Rights Act of 1964

*Franklin v. Gwinnett Co. Pubic Schools*, 112 S. Ct. 1028 (1992)

*Gebser v. Lago Vista Independent School District*, 118 S. Ct. 1989 (1998)

*Davis v. Monroe County Board of Education*, 119 S. Ct. 1661 (1999)

**CROSS REFERENCE:**

Civil Rights Grievance #294P1

Title IX Policy and Procedures #296 and 296P1

Student Suspension #543

Student Expulsion/Denial of Enrollment #544

Disciplining of Students with Disabilities (IDEA) #545

Disciplining Students with Disabilities (Section 504) #546

**ADOPTED: January 20, 2016 / Kerri Pattee-Krosch, Chairman**

**AMENDED: March 16, 2022 / Steve Gorski, Chairman**