

## STUDENTS

## Bullying, Intimidation, Harassment &amp; Hazing Prevention and Reporting Policy

The Board is committed to providing students with a safe and civil school environment free from harassment, intimidation and bullying. The District will not tolerate harassment, intimidation or bullying in any form at school, school-related events (including off campus events), school sponsored activities, school buses or any event related to school business. Bullying, harassment, intimidation or hazing by students, staff or third parties is strictly prohibited and shall not be tolerated. This includes but is not limited to: inciting, aiding, encouraging, coercing or directing others to commit acts of harassment, intimidation or bullying.

The District expressly prohibits any form of intimidation, hazing, bullying or harassment including but not limited to the following: any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, creed, national origin, sex, gender, sexual orientation, gender identity and expression, age, citizenship status, culture, social origin or condition, marital status, military status, political affiliation or a mental, physical or sensory handicap, or by any other distinguishing characteristic and other legally protected categories.

Intimidation, bullying and harassment include acts that a reasonable person knew or should have known, under the circumstances the gesture or written or physical act (a) will have the effect of harming a student or damaging the student's property; or (b) will place a student in reasonable fear of harm to the student's person or damage to the student's property; or (3) has the effect of insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school's educational mission or the education of any student.

***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 program with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
2. "Hazing" includes but is not limited to any act that recklessly or intentionally endangers the mental or 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, including but not limited to 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.

3. “Bullying” means any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication (cyberbullying) or threat directed against a student that is persistent, severe, or repeated, and that substantially interferes with a student’s educational benefits, opportunities, or performance, that take place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, or anywhere conduct may be reasonable be considered to be a threat or an attempted intimidation of a student or staff member or an interference with school purposes or an educational function, 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;
- c. Creating a hostile educational environment, or;
- d. Substantially and materially disrupts the orderly operation of a school.

4. “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, the internet, or any other technological communication innovation.

### ***Sexual Harassment Prohibited***

Sexual harassment is prohibited. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- (3) “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

### ***Reporting***

Students who believe they are victims of sexual harassment **are encouraged to discuss the matter, including the formal complaint process, with the Title IX Coordinator. Students who believe they are victims of harassment based upon a disability are encouraged to report the matter to the Section 504 Coordinator or Principal.** Students may choose to report to a person of the student's

same sex if alleging a violation of Title IX. Complaints will be kept confidential to the extent possible given the need to investigate.

Any adult school employee, adult volunteer, district contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of bullying, harassment, or intimidation shall report it in accordance with procedures developed under this policy. **Any adult school employee who has notice of sexual harassment or allegations of sexual harassment shall make a report to the District's identified Title IX Coordinators. All other complaints are handled through the District's Uniform Grievance Procedure.**

Formal complaints alleging sexual harassment shall be addressed through the District's Title IX Grievance Procedures. Formal complaints alleging sexual discrimination complaints shall be addressed through the District's Uniform Grievance Procedure. Complaints alleging disability discrimination or harassment shall be addressed through the District's Section 504 [and ADA if applicable] Grievance Procedures. All other complaints alleging bullying, discrimination, or harassment shall be addressed through the District's Uniform Grievance Procedure.

The Title IX Coordinator, Section 504 [and ADA if applicable], and/or administrator are responsible for taking the following actions in conformance with the applicable grievance procedure:

1. Taking prompt action to investigate/report complaints of harassment, intimidation and bullying.
2. Promptly notifying the **complainants** and **respondents** and their parents/guardians regarding the outcome;
3. **Taking supportive or remedial measures to ensure continued access to the District's programs or activities while the grievance process is pending;** and
4. Taking disciplinary action as appropriate and any other actions appropriate to address the harassment, intimidation, and bullying.

In the event that a staff member or administrator knows or reasonably believes that the alleged behavior constitutes criminal activity or child abuse or neglect, the staff member or administrator shall report such activity to law enforcement and/or the Department of Public Health and Human Services. Nothing herein prohibits other individuals from reporting complaints to law enforcement. If it is determined that the alleged harassment, intimidation, or bullying did not occur at school or school-related activity or does not materially or substantially disrupt the orderly operation of the District, an administrator shall refer the matter, as appropriate, to other persons or entities with appropriate jurisdiction, including but not limited to law enforcement or the Department of Public Health and Human Services.

All staff are obligated to address bullying, harassment, hazing and intimidation as described in Board Policy 5015, administrative procedures and / or staff and student handbooks.

### ***Exhaustion of Administrative Remedies***

A person alleging violation of any form of harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication, as stated above, may seek redress under any available law, either civil or criminal, after exhausting all administrative remedies.

### ***Responsibilities***

The District Administration shall be responsible for ensuring that notice of this policy is provided to staff and third parties and for the development of administrative regulations, including reporting and investigative procedures, as needed.

### ***Consequences***

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 District Administrator or the Board. Individuals may also be referred to law enforcement officials.

### ***Retaliation and Reprisal***

Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Cross Reference:      5015 PERSONNEL: Harassment / Intimidation / Bullying  
                                  3000 STUDENTS: Equal Educational Opportunities

Legal Reference:      34 C.F.R. Part 106      Nondiscrimination on the Basis of Sex in Education  
                                  § 20-5-207, MCA “Bully-Free Montana Act”  
                                  § 20-5-208, MCA Definition  
                                  § 20-5-209, MCA Bullying of student prohibited  
                                  § 20-5-210, MCA Enforcement – exhaustion of administrative remedies  
                                  § 49-2-307, MCA Discrimination in education  
                                  § 49-3-101 et seq. Governmental Code of Fair Practices  
                                  10.55.701(2)(f), ARM Board of Trustees  
                                  10.55.719, ARM Student Protection Procedures  
                                  10.55.801(1)(d), ARM School Climate

Policy History:

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