

Category: 8000 STUDENTS	Policy Number: 8735
Policy Title: HAZING, HARASSMENT, SEXUAL HARASSMENT INTIMIDATION, BULLYING, CYBER BULLYING, MENACING	Effective Date: January 20, 2017
<p>The district is committed to providing a positive and productive learning and working environment. Hazing, harassment, sexual harassment, intimidation, menacing, cyber-bullying or bullying by students, or third parties is strictly prohibited and shall not be tolerated. This includes actions on school grounds and actions at locations outside of school grounds that can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.</p> <p>Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. 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 superintendent, designee or Board.</p> <p>Students or third parties may also be referred to law enforcement officials.</p> <p>The superintendent is directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, reporting and investigative procedures, as needed, and provisions to ensure notice of this policy is provided to students, staff and third parties.</p> <p>Legal Reference: Idaho Code 18-917, "Hazing" Idaho Code 18-917A, "Student Harassment, Intimidation, Bullying" Idaho Code 33-205, "Denial of School Attendance" Idaho Code 33-512, "Governance of Schools" Idaho Code 18-3302, "Threatening Violence on School Grounds" Idaho Code 16-5909, "Acts Prohibited" Title II of the American with Disabilities Act of 1990 Title VI of the Civil Rights Act of 1964 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments Section 504 of the Rehabilitation Act of 1973</p> <p>See also: Policy 7470, "Sexual Harassment" Policy 8626, "Non-Discrimination of School Services" Procedure: 8735p, "Hazing, Harassment, Sexual Harassment, Intimidation, Bullying, Cyber Bullying, Menacing" Form: 8735f, "Harassment Complaint Report Form" Policy: 8070 "Code of Conduct - Discipline Policy" Procedure: 8070p "Code of Conduct - Discipline Policy" Form: 8070f: "Code of Conduct - Discipline Policy" Policy 8790, "Weapons Prohibited on School Property"</p> <p style="text-align: center;">Snake River School District 52, 103 South 900 West, Blackfoot, Idaho 83221</p>	

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The following definitions and procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying, cyber bullying, and menacing.	
Definitions:	
<ol style="list-style-type: none"> 1. "Third parties" include, but are not limited to, coaches, school volunteers, parents, legal guardians, 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. This also includes the use of district telephones or computer system or computer network for the purpose of harassment or intimidation. 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 age, race, religion, color, national origin, and disability, or marital status, gender, gender identity sexual orientation, physical characteristic, cultural background, socioeconomic status or geographic location, familial status, or 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: <ol style="list-style-type: none"> a. Physically, emotionally, psychologically, or socially harming a student or damaging a student's person or property, or personal space; b. Knowingly placing a student in reasonable fear of physical harm or damage to the student's property; 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, digital pictures or images, or Web site 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. In addition, such conduct must also be in violation of a school policy or state law. Administration shall in their discretion contact local law enforcement. 7. "Sexual Harassment" is a form of misconduct that may undermine a student's relationship with staff members or with other students. No student, male or female, should be subject to unasked for or unwelcome sexual overtures or conduct that is either verbal or physical. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to any conduct having sexual overtures that is not invited, not welcome, is personally offensive, that affects morale, or that interferes with a student's ability to study or to participate in school activities. 8. "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, emotional, psychological, or social injury on the basis of race, color, religion, national origin or sexual orientation. 9. "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 emotional, psychological, or social injury. 10. "Watch and Nonreporting:" Any participation, knowingly allowing, encouraging, or tolerating any violation of above behavior. 	
Retaliation/False Charges	
Retaliation against any person who reports or is thought to have reported, files a complaint, or otherwise participates 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.	
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<p>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/or 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.</p> <p>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. This policy should be reviewed and signed annually.</p> <p>Complaint Procedures: Building principals and the superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying or menacing. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.</p> <p>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, sexual harassment, intimidation, bullying, cyber bullying or menacing in violation of this policy is encouraged to immediately report his/her concerns.</p> <p>All complaints will be promptly investigated in accordance with the following procedures:</p> <ol style="list-style-type: none"> 1. All complaints, (rumors or information) shall be presented to the building principal or superintendent. Complaints against the building principal shall be filed with the superintendent. 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. 2. 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 shall 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. [A copy of complaint and investigation materials, including disciplinary action taken or recommended, shall be forwarded to the superintendent.] Due to the requirements of the Family Education 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. 3. If the complainant is not satisfied with the decision at Step 2, 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 Step 2 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. 4. If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within ten (10) working days after receipt of the Step 3 decision. The Board shall, within twenty (20) working days, conduct an informal review at which time the complainant shall be given the 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. <p>Direct complaints related to educational programs and services may be made to the U. S. Department of Education, Office of Civil Rights. Direct complaints related to employment may be filed with the Idaho Department of Commerce and Labor, or the U.S. Department of Labor, Equal Employment Opportunities Commission.</p> <p>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, sexual harassment, intimidation, bullying or menacing complaints and documentation will be maintained as a confidential file in the district office.</p> <p style="text-align: center;">Snake River School District 52, 103 South 900 West, Blackfoot, Idaho 83221</p>	

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COMPLAINT FORM

It shall be the policy of the Snake River School District to maintain a school environment that is free from hazing, harassment, sexual harassment, intimidation, cyber bullying, bullying, or menace. Each student has the right to an environment that promotes equal opportunities and is free from all forms of discrimination and conduct that may be considered harassing, coercive or disruptive.

Complainant Name/Reporting Party _____

Home Address _____

Home Phone _____ Work Phone _____

(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. We assure you that we'll use our best efforts to keep your report confidential.)

Who was responsible for the harassment or incident(s)? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; what, if any, physical contact was involved, what did you do to avoid the situation; any verbal statements (i.e. threats, demands, etc.); any written threats, etc. (Attach additional pages if necessary)

Were there any prior incidents? Yes No: If so, describe: _____

Date(s), time(s), and place(s) the incident(s) occurred. _____

Were other individuals involved in the incident(s)? Yes No

If so, name the individual(s) and explain their roles. _____

Did anyone witness the incident(s)? Yes No

If so, name the witnesses _____

Is there any evidence of the harassment (i.e. letters, photos) Yes No If so, list: _____

Did you take any action in response to the incident Yes No

If so, what action did you take? _____

I believe the information on this form is accurate and true to the best of my knowledge.

Complainant Signature

Parents/Legal Guardian Signature

Date

Received by (Signature)

School

Date