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3 **STUDENTS**

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5 **Bullying, Harassment, Intimidation, and Hazing**

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7 The Board will strive to provide a positive and productive learning and working environment.
8 Bullying, harassment, intimidation or hazing, by students, staff or third parties is strictly
9 prohibited and shall not be tolerated.

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11 Bullying is any harassment, intimidation, hazing or threatening, insulting or demeaning gesture
12 or physical contact, including any intentional written, verbal or electronic communication or
13 threat directed against a student that is persistent, severe or repeated and that:

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15 • Causes a student physical harm, damages a student’s property or places a student in
16 reasonable fear of harm to the student or the student’s property;
17 • Creates a hostile environment by interfering with or denying a student’s access to an
18 educational opportunity or benefit; or
19 • Substantially and materially disrupts the orderly operation of a school.

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21 Bullying also includes acts of hazing associated with athletics or school-sponsored organizations
22 or groups. Hazing includes, but is not limited to, any act that recklessly or intentionally
23 endangers the mental or physical health or safety of a student for the purpose of initiation or as a
24 condition or precondition of attaining membership in or affiliation with any District-sponsored
25 activity or grade-level attainment.

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27 Harassment, intimidation and bullying can take many forms - verbal, written, electronic, visual,
28 physical and psychological - and is often, but not always, associated with race, ethnicity,
29 religion, gender, sexual orientation, socioeconomic status or physical differences.

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31 No person, including a district employee or agent, or student, shall bully, harass, haze or
32 intimidate another based on the provisions of applicable local, state and federal laws and
33 regulations that prohibit discrimination or any other reason. It is the policy of the board to
34 comply with all nondiscrimination laws.

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36 Complaints of bullying, harassment, intimidation and hazing will be handled as described below
37 and as set forth in the applicable grievance procedure. The District shall use reasonable measures
38 to inform staff members and students that the District will not tolerate bullying, harassment or
39 intimidation, by including appropriate language in school handbooks.

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41 **Sexual Harassment Prohibited**

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

- 45 (1) An employee of the District conditioning the provision of an aid, benefit, or service of the
46 District on an individual’s participation in unwelcome sexual conduct;

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4 (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and
5 objectively offensive that it effectively denies a person equal access to the District’s
6 education program or activity; or
7 (3) “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in
8 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or
9 “stalking” as defined in 34 U.S.C. § 12291(a)(30).
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11 Reporting

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13 Students, who believe they are victims of bullying, harassment, or intimidation, regardless of the
14 reason, or have witnessed bullying, harassment, or intimidation, regardless of the reason, are
15 encouraged to discuss the matter with their teacher, counselor, bus driver, coach, principal, or
16 any responsible adult who is not involved in the alleged bullying, harassment, or intimidation.
17 Students who believe they are victims of sexual harassment are encouraged to discuss the matter,
18 including the formal complaint process, with the Title IX Coordinator. Students who believe
19 they are victims of harassment based upon a disability are encouraged to report the matter to the
20 Section 504 Coordinator or Principal. Students may choose to report to a person of the student's
21 same sex if alleging a violation of Title IX. Complaints will be kept confidential to the extent
22 possible given the need to investigate.

23 Any adult school employee, adult volunteer, district contractor or agent who witnesses,
24 overhears or receives a report, formal or informal, written or oral, of bullying, harassment, or
25 intimidation shall report it in accordance with procedures developed under this policy. Any adult
26 school employee who has notice of sexual harassment or allegations of sexual harassment shall
27 make a report to the District’s Title IX Coordinator.

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

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

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

Consequences

Any District employee who is determined, after an investigation, to have engaged in bullying, harassment and intimidation of a student, regardless of the reason, will be subject to disciplinary action up to and including discharge. Any student who is determined, after an investigation, to have engaged in bullying, harassment and intimidation, regardless of the reason, will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the District's discipline policy. Any person making a knowingly false accusation regarding bullying, harassment and intimidation, regardless of the reason, will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

Retaliation and reprisal against any person who reports an act of harassment, intimidation or bullying or participates in an investigation under this policy is prohibited. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with district policy.

Cross References:	1700	Uniform Grievance Protocol Title IX Grievance Procedure Section 504 Grievance Procedure
Legal References:	§ 20-5-207, MCA § 49-2-307, MCA § 49-3-201, MCA et seq 20 U.S.C § 1681 et seq 34 C.F.R. Part 106 10.55.701, ARM 10.55.719, ARM 10.55.801, ARM	Bully-Free Montana Act Discrimination in education Governmental Code of Fair Practices Title IX Nondiscrimination on the Basis of Sex in Education Board of Trustees Student Protection Procedures School Climate

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Policy History:

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