

Policy 3226: Bullying/Harassment/Intimidation/Hazing

Status: ADOPTED

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Bullying/Harassment/Intimidation/Hazing

The Board will strive to provide a positive and productive learning and working environment. Bullying, harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices ("cyberbullying").

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 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.
3. "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.
4. Bullying " means any harassment, intimidation, hazing, insulting or demeaning gesture or physical conduct, including any intentional written, verbal, or electronic communicating("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 takes 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 reasonably 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, and 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 school.
5. "Electronic communication device" means any mode of electronic communication,
including but not limited to computers, cell phones, PDAs Personal Digital Assistant (electronic handheld information device) , or the internet.

Reporting

All complaints about behavior that may violate this policy shall be promptly investigated. 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, intimidation, or bullying in violation of this policy is encouraged to immediately report his/her concerns to the Head Teacher, who has overall responsibility for such investigations. A student may also report concerns to a teacher or aide, who will be responsible for notifying the Head Teacher. Complaints against the Head Teacher shall be filed with the Board

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

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

When an employee has actual knowledge that behavior in violation of this policy is sexual harassment, the employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution of the Title IX process.

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 Head Teacher 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.

Administrative Rules of Montana References	Description
10.55.701	Board of Trustees
10.55.719	Student Protection Procedures

Administrative Rules of Montana References

10.55.801

Description

School Climate

Montana Code Annotated References

20-1-233

Description

Discrimination in Education

20-5-207, et seq

Bully Free Montana Act

20-7-118

Offsite Provision of Educational Services

Cross References

1700

Description[Uniform Complaint Procedure](#)

1700-NF(1)

[Uniform Complaint Procedure - Uniform Grievance Form](#)

3210

[Equal Educational Opportunity, Nondiscrimination and Sex Equity](#)

3225

[Sexual Harassment of Students](#)

3225-NF(1)

[Sexual Harassment of Students - Harassment Reporting Form for Students](#)

3300

[Suspension and Expulsion](#)

3310

[Student Discipline](#)

3310-P(1)

[Student Discipline - Discipline of Students With Disabilities](#)