

STUDENTS

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.

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, 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 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 a school.
5. "Electronic communication device" means any mode of electronic communication, including but not limited to computers, cell phones, PDAs, or the internet.

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3 Reporting

4 All complaints about behavior that may violate this policy shall be promptly investigated. Any
5 student, employee, or third party who has knowledge of conduct in violation of this policy or feels he/she
6 has been a victim of hazing, harassment, intimidation, or bullying in violation of this policy is encouraged
7 to immediately report his/her concerns to the building principal or the District Administrator, who have
8 overall responsibility for such investigations. A student may also report concerns to a teacher or
9 counselor, who will be responsible for notifying the appropriate District official. Complaints against the
10 building principal shall be filed with the Superintendent. Complaints against the Superintendent or
11 District Administrator shall be filed with the Board.

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

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16 Exhaustion of administrative remedies

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

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22 Responsibilities

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

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

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32 Consequences

33 Students whose behavior is found to be in violation of this policy will be subject to discipline up to and
34 including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to
35 discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this
36 policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator
37 or the Board. Individuals may also be referred to law enforcement officials.

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39 Retaliation and Reprisal

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

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45 Cross Reference: 3225 Sexual Harassment
46 3225 Sexual Harassment Grievance Procedure
47 3225F Harassment Reporting/Intake Form for Students

48
49 Legal Reference: § 20-5-207, MCA “Bully-Free Montana Act”
50 § 20-5-208, MCA Definition
51 § 20-50-209, MCA Bullying of student prohibited

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§ 20-5-210, MCA Enforcement – exhaustion of administrative remedies
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:

Adopted on: 07/05/05
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