

BULLYING, HARASSMENT, AND INTIMIDATION

The Bonneville Joint School District No. 93 Board of Trustees is committed to maintaining an educational environment that protects and promotes the opportunity for students, employees, and third parties to participate or work in a safe, supportive atmosphere that promotes equal opportunities, free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. Therefore, acts of bullying, harassment, or intimidation in any form by students, employees, or third parties, are strictly prohibited.

Prohibited Actions

Any actions by students, employees, or third parties that are determined to be bullying, harassment, or intimidation in any form, including but not limited to cyberbullying or hazing as defined in this policy, and sexual harassment, as defined in Sexual Harassment (Title IX) #3085, are prohibited. Such actions may include but are not limited to:

1. Those occurring on any school premises or at any school sponsored activity, regardless of location;
2. Actions using district-owned devices, networks, or platforms, regardless of physical location, and
3. Actions occurring at locations outside of those listed above that can be reasonably expected to limit the rights of other students, employees, or third-parties at school or that effectively limit their access to the educational program of District 93.

Expectations for Conduct of Students, Employees, and Third-Parties

While at school or school-sponsored activities, students, employees, and third-parties are expected to:

1. Treat each other with civility and respect by demonstrating proper regard for the rights and welfare of others;
2. **Not** engage in behavior that is harmful to another person or the property of another person or that creates a fear of harm to another person.

Students' age, cognitive development, and disabilities shall be considered when determining reasonable expectations for students.

Notification, Training, and Prevention

1. Information about the Bullying, Harassment, and Intimidation Policy #4301 shall be available to students, school employees, and third parties on the District's website.

- a. All new employees shall receive information about this policy including the location of the policy on the District website as part of their orientation program.
2. Students will be provided with information about responding to, preventing, and reporting bullying, harassment, and intimidation at least once annually in a format that is appropriate to the student's grade level.
 - a. This information should include the definitions in this policy, methods of reporting violations of this policy, and potential disciplinary actions,
 - b. This information may be provided through assemblies, classroom instruction, or other opportunities decided by each school's principal and leadership team.
 - c. Information about this policy should also be included in the student handbook in student-friendly language.
3. All employees shall participate in training on responding to, preventing, and reporting bullying, harassment, and intimidation on an annual basis at a minimum. This training shall include the notification that all employees are responsible employees who have mandatory duty to report and intervene in incidents of bullying, harassment and intimidation, in any form.

Intervention

District employees are expected to intervene or facilitate intervention on behalf of students facing bullying, harassment, or intimidation in any form. Interventions shall attempt to:

1. Correct the problem behavior;
2. Prevent another occurrence of the problem;
3. Protect and provide support for the targeted students, employees, or third parties of the act;
4. Prevent retaliation against the targeted students, employees, or third parties; and
5. Take corrective action for documented systemic problems related to bullying, harassment, or intimidation.
6. District employees who fail to take reasonable actions to intervene on behalf of students facing bullying, harassment, or intimidation will face disciplinary action up to and including dismissal.

Reporting

1. District employees who have knowledge of acts of bullying, harassment, or intimidation shall report the incident to their school principal or assistant principal, their supervisor, or other District level official as soon as possible. Absent extraordinary circumstances, reports must be made by the end of the next school day. Employees should make reports by completing Form 4301F Harassment and Bullying Reporting (www.d93.org/4301F).

District employees who fail to report acts of bullying, harassment, or intimidation may face disciplinary action up to and including dismissal.

2. Students or third-parties who have knowledge that an individual has been affected by an act or acts of bullying, harassment, or intimidation, should report the incident promptly. Such reports may be submitted by a targeted individual, a friend, a parent, or guardian of a targeted individual, a witness, or parent or guardian of a witness, or any other individual with knowledge of bullying, harassment, or intimidation.

Reports may be made in one of the following ways:

- a. Electronically through email, reporting forms provided on the District website, or other methods provided by the District,
 - b. By informing a district or school official as defined in this policy, including a teacher, a school counselor, a school nurse, a principal or assistant principal, or other administrator.
 - c. By providing a written statement to a district or school official as defined in this policy. Form 4301F Harassment and Bullying Reporting Form (www.d93.org/4301F) is provided to help reporters provide a complete account of the incident.
 - d. By calling the District 93 Office of Social and Emotional Learning and Support at (208) 552-8480.
3. A parent or guardian signature is not required for a student to report acts of bullying, harassment, or intimidation. During the investigation a parent or guardian may be asked to sign statements made by their student as an acknowledgement of the investigation.

False Reports

1. False reporting is knowingly providing false information or reporting details of an event that an individual has no knowledge of. False accusations of a violation of Board policy, including the student code of conduct, will be considered an act of intimidation or harassment. Individuals found to have deliberately filed a report to

falsely accuse another of violating this policy will be subject to disciplinary action as described in the Discipline section of this policy below.

Action upon Receiving a Report

1. School or district officials, as defined in this policy, who receive a report of bullying, harassment, or intimidation shall report the matter to their school principal, assistant principal, other supervisor, or District-level administrator as soon as possible. Absent extraordinary circumstances, reports must be made by the end of the next school day. If the behavior involves sexual behavior or harassment, the report must be made to the District Title IX Coordinator.
 - a. If the report involves the principal/designee or supervisor/designee, District employees shall immediately report the matter to the Superintendent/designee.
 - b. If the report involves the Superintendent/designee, District employees shall immediately report the matter to the Chairperson of the Board of Trustees.
2. The District official receiving the report shall complete a [Report Response Form 4301LF2](#) to document the reported incident. All reports will be logged within the District reporting system to assure appropriate intervention, investigation, and reporting. This response form, at a minimum, shall include the following:
 - a. Names, if known, of those individuals targeted by the behavior, and those individuals reported to be responsible for the behavior,
 - b. Names of witnesses of the behavior, if known,
 - c. Locations of the incident or incidents,
 - d. Evidence of the incident, including video surveillance footage, or other recordings of the incident, if available.
 - e. Supportive measures provided to those individuals targeted by the behavior. These measures cannot be disciplinary actions against the reported individuals until an investigation into the incident is completed and a decision regarding responsibility is made.

Confidentiality

1. Because of the possible sensitive nature of the allegations, any investigation of reported bullying, harassment, and intimidation shall be conducted, to the extent possible, and within legal constraints, to protect the privacy of the reporter, victim, and those accused of the behavior.

2. The District official receiving the report shall notify parents/guardians of any report involving their child. Students will be allowed to give input on how their parents/guardians are notified, including whether or not they wish to be present during the notification.
3. In instances where the allegation involves suspected child abuse or harm to others, the District or school official shall report the case to the proper authorities as required by law. In instances where there is evidence of harm to self, appropriate actions will be taken to ensure the safety of the student, employee, or third party.

Investigation

1. Absent extraordinary circumstances, an investigation into the reported behavior will commence by the end of the following school day.
2. The investigator(s) shall remain impartial, and in no case shall an investigator be alleged to have participated in the reported behavior.
3. Absent extraordinary circumstances, the investigation shall be completed within ten (10) working days after receipt of the report of behavior in violation of this policy.
4. Investigations should include the following documentation if available:
 - a. Interviews of the targeted individuals,
 - b. Interviews of the individuals reported to be responsible for the actions,
 - c. Interviews of witnesses to the reported behavior,
 - d. Any other material evidence, including video surveillance footage, or other recordings of the incident, if available.
5. All parties to the report shall be provided the opportunity to submit evidence and names of witnesses relevant to the incident.
6. The investigator shall complete a summary report of the process and findings of the investigation.

Notification of Findings

The District official conducting the investigation shall:

1. Provide the reporter and/or parents/guardians with the summary report of the process and findings of the investigation, the determination of responsibility for the reported behavior, and whether disciplinary action will be taken. However, as stated in the Employees / Student / District Files section below, specific details of

disciplinary actions against employees or students must remain confidential as a record in an employee's personnel files or a student's academic file;

2. Forward a copy of the notification letter, together with any other documentation related to the incident, including disciplinary action taken or recommended, to the Superintendent / designee; and,
3. Within two weeks of concluding the investigation (excluding extended school holidays), follow up with the individuals targeted by bullying, harassment or intimidation to ensure preventive actions and supportive measures have been effective.

Grievance Procedure

1. If the reporter is not satisfied with the decision, he/she may appeal the findings as per procedures outlined in [Board Policy #4110: Public Complaints and Grievances](#) Level 3 and/or Level 4 as appropriate.
2. For incidents related to educational programs and services, reporters may directly send complaints to the U.S. Department of Education, Office for Civil Rights.
3. For incidents related to employment, reporters may directly send complaints to the Idaho Department of Commerce and Labor, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Employees / Student / District Files

1. A copy of all bullying, harassment, and intimidation reports and documentation, including those reporting hazing and cyberbullying, shall be considered an academic record, pursuant to [Board Policy #3600 Student Records](#), or a personnel record, pursuant to Board Policy #5500 Personnel Records, and maintained as a confidential file in the District Office. Records of sexual harassment reports and documentation will be maintained as identified in Policy #3085 Sexual Harassment (Title IX).
2. If evidence is sufficient to support the allegations, a copy of the findings and disciplinary action shall be placed in the appropriate employees file or student permanent record. District and school officials may not disclose specific disciplinary actions taken except to those authorized to access those files.
3. If there is insufficient evidence to support the allegations, no report of the allegation shall be placed in an accused employee's record or in an accused student's permanent record, but will be maintained in a separate file as stated in paragraph 1 of this section.

Retaliation

1. Retaliation against any person, who reports, is thought to have reported, or who otherwise participates in an investigation will be considered a form of bullying, harassment, and/or intimidation subject to the provisions of this policy.
2. Any individual who is found to have engaged in retaliatory actions against a student, employee or third party who has reported or been a witness to a reported incident of bullying, harassment or intimidation shall be subject to disciplinary action as described in the Discipline section of this policy. Retaliation is considered an escalation of the original behavior and will result in graduated disciplinary action.

Discipline

1. Students, employees, or third parties who violate this policy will be subject to school disciplinary action. Decisions regarding appropriate discipline shall be impartial. Actions that may constitute a violation of state or federal law will also be reported to law enforcement authorities by school authorities.
2. When determining disciplinary actions, the severity and pervasiveness of the behavior, as well as the age, cognitive developmental level, disabilities, and intent of the parties shall be considered.
3. Students whose behavior is found to be in violation of this policy will be subject to discipline consistent with the Code of Student Conduct. Graduated consequences for students who commit acts of bullying, harassment, and intimidation shall include a series of measures proportional to the act(s) committed and appropriate to the severity of the violation as determined by the school principal, Superintendent, or Board of Trustees. Graduated consequences should include, but are not limited to:
 - a. Meeting with the school counselor,
 - b. Meeting with the school principal and student's parents or guardian,
 - c. Restricted or suspended participation in extracurricular activities,
 - d. Detention, suspension or assignment to special programs,
 - e. Change of placement in classes or schools, and/or
 - f. Expulsion from school.
4. Employees whose behavior is found to be in violation of this policy will be subject to discipline proportional to the act(s) committed and appropriate to the severity of the violation as determined by the school principal, Superintendent, or Board

of Trustees. Disciplinary actions for employees should include, but are not limited to:

- a. Formal letters of reprimand,
 - b. Suspension,
 - c. Termination of employment,
 - d. Reporting to the Professional Standards Commission, and/or
 - e. Referral to law enforcement.
5. Third-parties as defined in this policy, which includes parents and guardians of students, whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent and ratified by the Board of Trustees. Sanctions for third parties include, but are not limited to:
- a. Change of children's placement in classes or schools,
 - b. Restricted access to school premises and/or activities,
 - c. Temporary removal from school premises,
 - d. Extended removal and banishment from school premises, and/or
 - e. Referral to law enforcement,
 - f. Restriction or suspension of child's participation in extracurricular activities.
6. Disciplinary actions shall increase in severity for all individuals whose actions repeatedly violate this policy.

REPORTING AND DISSEMINATION OF INFORMATION

The District will ensure information about bullying, harassment, and intimidation is shared at least annually with all students, employees and parents. This information will include the definitions in this policy, methods of reporting, and potential disciplinary measures.

Reports of non-identifying information related to incidents of harassment, intimidation, and bullying will be provided to the Board of Trustees and the State Department of Education annually in the manner and form requested. These reports will include, at a minimum, the total number of bullying incidents in the district, broken down by:

1. Grade level,

2. Gender, and
3. Repeat offenders.

DEFINITIONS

Bullying: Bullying is unwanted and intentional aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. It is not considered bullying when two individuals with no perceived power imbalance fight, have an argument, or disagree.

Bullying may take one or more of the following forms:

1. Verbal bullying, including written language, which includes, but is not limited to:
 - Malicious teasing*
 - Name-calling
 - Inappropriate sexual comments
 - Taunting
 - Threatening to injure or an individual or damage their property (defined below as intimidation)
2. Social bullying, also referred to as relational bullying, involves intentionally harming someone's reputation or relationships. Social bullying includes, but is not limited to:
 - Intentionally excluding an individual,
 - Telling others to not be friends with an individual,
 - Spreading rumors about an individual,
 - Intentionally embarrassing an individual.
3. Physical bullying involves injuring an individual or damaging their property. Physical bullying includes, but is not limited to:
 - Hitting, kicking, or otherwise,
 - Spitting,
 - Tripping,
 - Taking or breaking or otherwise damaging another individual's property,
 - Obscene gestures or derogatory language.

Other acts that create a hostile educational environment may also be considered bullying. Bullying is further defined under Idaho Code §18-917A as any unwelcome and intentional gesture, or any intentional written, verbal or physical act or threat that has the effect of harming an individual or putting an individual in fear of harm, or damages an individual's property or puts an individual in fear of damage to his or her property, and that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive environment for students, school employees, or third-parties.

* Playful teasing between relatively equal individuals is generally not considered to be bullying.

Cyberbullying and Cyber Harassment: Acts of bullying or harassment that use technology to send or post messages, images, or text that has the effect of bullying, harassing, or intimidating another individual as defined in this policy.

1. Students, employees, or third parties who use a district-owned device or network to engage in cyberbullying shall be subject to the provisions of this policy during or after school hours.
2. Cyber bullying or harassment that originates from a personal device not connected to the District network that is reported to school officials will be subject to the provisions of this policy if the conduct is determined to have disrupted the educational process.

District and School Officials: include, but are not limited to, teacher, school counselor, school nurse, principal, assistant principal, and administrator.

Harassment: Any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, electronic, or physical nature based on the actual or perceived age, race, religion, color, national origin, spoken language, disability, marital status, sexual orientation, gender identify, physical characteristic, cultural background, socioeconomic status, or geographic location. Harassment of a sexual nature, or based on actual or perceived sexual orientation or gender identity, including sexual assault, will be handled according to Policy #3085 Sexual Harassment (Title IX).

Specific actions that constitute harassment may include, but are not limited to;

1. Physical acts (i.e. aggression or assault, battery, damage to property, intimidation, vandalism, implied or overt threats of violence),
2. Verbal acts (i.e. demeaning jokes, bullying, taunting, hazing, intimidation, hate speech, slurs, derogatory nicknaming, innuendoes, or other negative remarks),
3. Visual acts (i.e. graffiti, slogans or visual displays such as cartoons or posters depicting derogatory sentiments), or
4. Criminal acts (acts in violation of Idaho Criminal Code, Idaho Human Rights Commission Code, or United States Code).

Hazing: A form of bullying that consists of actions that recklessly or intentionally endanger the mental health, physical health, or safety of students, school employees, or third parties for initiation or as a condition or precondition of attaining membership in, or affiliation with, any District-sponsored activity or grade level attainment such as but not limited to:

1. Forced consumption of any drink, alcoholic beverage, drug, or controlled substance;

2. Forced exposure to the elements;
3. Requiring total or substantial nudity on the part of the person;
4. Requiring, encouraging, authorizing or permitting another to be subject to wearing or carrying any obscene or physically burdensome article;
5. Physical assaults upon the person;
6. Offensive physical contact with the person;
7. Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests;
8. Transportation and abandonment of the person;
9. Forced prolonged exclusion from social contact;
10. Confinement to unreasonably small, unventilated, unsanitary, or unlighted areas;
11. Sleep deprivation;
12. Assignment of pranks to be performed;
13. Any forced activity that could adversely affect the mental or physical health or safety of students, school employees, or third parties; or
14. Any other activities intended to degrade or humiliate.

The term hazing, as defined, does not include customary athletic events/activities or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any group or organization.

Any activity described in this definition shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

Intimidation: A form of bullying that places another individual in reasonable fear of harm to his or her person or of damage to his or her property. Such acts include, but are not limited to, any threat or act intended to:

1. Tamper, substantially damage, or interfere with another’s property,
2. Cause substantial inconvenience,
3. Subject another to offensive physical contact,
4. Inflict serious physical injury or cause reasonable fear of imminent physical harm.

On any school premises or at any school sponsored activity, regardless of location: shall include, but not be limited to buildings, facilities, and grounds on the school campus, school buses or at any official school bus stop, school parking areas; and the location of any school sponsored activity. This includes instances in which the conduct occurs off the school premises but impacts a school related activity.

Third Parties: include, but are not limited to, coaches, school volunteers, parents and 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 interscholastic events, extracurricular athletic completions, or other school events.

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Cross References:

- [Gender Identity and Sexual Orientation #3281](#)
- [Sexual Harassment \(Title IX\) #3085](#)
- [Student Records #3600](#)
- [Public Complaints and Grievances #4110](#)
- [Conduct on School Property #4300](#)
- [Disruption of School Operations #4325](#)
- [Assault and/or Battery #4380](#)
- [Personal Conduct #5240](#)
- [Reporting Abuse, Abandonment or Neglect #5260](#)

Legal References:

- 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 §33-1631 Requirements for Harassment, Intimidation, and Bullying Information and Professional Development
- Idaho Code §67-5909 Acts Prohibited
- IDAPA 08.02.02.111 Bullying, Harassment And Intimidation Prevention And Response
- IDAPA 08.02.03.160 Safe Environment and Discipline

18 USC §249 Hate crime acts

20 USC §1681, et seq. Title IX of the Education Amendments of 1972

34 CFR Part 106 Nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from federal financial assistance