



Idaho Statutes

TITLE 18
CRIMES AND PUNISHMENTS
CHAPTER 9
ASSAULT AND BATTERY

18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

- (i) Harming a student; or
- (ii) Damaging a student's property; or
- (iii) Placing a student in reasonable fear of harm to his or her person; or
- (iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

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STUDENTS

3295

Hazing, Harassment, Intimidation, Bullying, Menacing

The Board is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing or bullying by students, staff or third parties is strictly prohibited and shall not be tolerated in the district.

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 superintendent or Board.

Individuals may also be referred to law enforcement officials. Staff will be reported to Teacher Standards and Practices Commission.

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.

Cross Reference: 3210 Uniform Grievance Procedure

Legal References: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments
34 CFR Part 106
I.C. § 67-5909 Acts Prohibited

Policy History:

Adopted on:

Revised on:

STUDENTS

3295P

Hazing, Harassment, Intimidation, Bullying, Menacing

The following definitions and procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying and menacing.

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 interdistrict and intradistrict athletic competitions or other school events.
2. "District" includes district facilities, district premises and nondistrict 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 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 or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, [sexual orientation, physical characteristic, cultural background, socioeconomic status or geographic location].
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:
 - 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.

6. "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 injury on the basis of race, color, religion, national origin or sexual orientation.
7. "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 injury.

Retaliation/False Charges

Retaliation against any person who reports, 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.

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 in confidence.

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.

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.

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, bullying or menacing in violation of this policy [shall] [is encouraged to] immediately report his/her concerns.

All complaints will be promptly investigated in accordance with the following procedures:

- Step I Any hazing, harassment, intimidation, bullying or menacing information (complaints, rumors, etc.) shall be presented to the building principal or superintendent. Complaints against the building principal shall be filed with the superintendent. Information may be presented anonymously. 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.

- Step II** The district official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within [five] 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 the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.]
- Step III** If the complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within [10] working days after receipt of the Step II 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 [10] working days.
- Step IV** If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within [10] working days after receipt of the Step III decision. The Board shall, within [20] working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within [10] working days following completion of the hearing.

Direct complaints related to educational programs and services may be made to the U.S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Idaho Department of Commerce & Labor, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

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, intimidation, bullying or menacing complaints and documentation will be maintained as a confidential file in the district office.

Cross Reference: 3210

Uniform Grievance Procedure

Legal References: 20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments

34 CFR Part 106
I.C. § 67-5909 Acts Prohibited

Policy History:

Adopted on:

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_____ School District

STUDENTS

3295F

Hazing, Harassment, Intimidation, Bullying, Menacing

HARASSMENT COMPLAINT FORM

School _____ Date _____

Student's/Complainant's Name _____

(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). _____

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, please describe. _____