

Harassment, Intimidation, Bullying, Cyber Bullying, Hate Speech and Malicious Harassment

**GUIDING PRINCIPLES**

No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation, bullying, cyber bullying, hate speech or malicious harassment against another student. This conduct is prohibited in all forms including, but not limited to, when such conduct is in relation to a student's race, color, religion, sex, gender, sexual orientation, national origin, genetic information, or disability. Such behaviors foster a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims, create conditions that negatively affect learning, and undermine the ability of students to achieve their full potential.

It is the policy of this district to maintain a safe school environment for all students while on school grounds; walking or busing directly to or from school; and attending district-sponsored activities, events, or functions on school premises or at other locations. Harassment, intimidation, bullying, cyber bullying, hate speech and malicious harassment are disruptive to a safe school environment and will not be tolerated.

The district encourages the implementation of school and community wide anti-bullying education and prevention programs.

Violations of this policy may result in discipline according to the procedures in 3330P, including, as applicable, student suspension or expulsion. Violators may also be subject to prosecution under applicable laws.

**DEFINITIONS**

**Harassment** –Includes any intentional verbal, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive such that the conduct creates an intimidating, threatening or abusive educational environment for a student. Hazing, as defined by Idaho Code § 18-917 will also be considered a form of harassment. The prohibition against hazing is hereby incorporated by reference into every Activity Contract. (Ref: 3400E Activity Contract)

**Intimidation** – To intentionally make someone fearful or to compel or deter them from acting by words or action sufficient to create a reasonable fear of harm to a person or their property.

**Bullying** – Characterized by the aggressor(s) repeatedly engaging in negative actions against another student in an attempt to exercise control, intimidate, harass or otherwise intended to harm another individual.

**Cyber Bullying** – Includes but is not limited to, using any electronic communication device to convey a message in any format (audio or video, text, graphics, photographs, or any combination thereof) that intimidates, harasses, or is otherwise intended to harm another individual.

**Hate Speech** – A verbal, written, graphic or electronic communication that carries no meaning other than the expression of hatred for some group defined in terms of race, ethnicity, national origin, gender, religion, sexual orientation, and the like, especially in circumstances in which the communication is likely to provoke violence or incite others to hatred.

**Malicious Harassment (Hate Crime)** – Malicious harassment is a crime that occurs when a person, maliciously and with specific intent to intimidate or harass another person, uses or threatens to use violence against a person, or to damage their property, because of that person’s race, color, religion, ancestry, or national origin.

## **PROHIBITED BEHAVIOR**

The district expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of others.

Students attending district schools are prohibited from engaging in the following behaviors:

1. Harassment, intimidation, bullying, cyber bullying, hate speech, and malicious harassment as defined above.
2. Conspiring with another individual to commit any act of harassment, intimidation, bullying, cyber bullying, hate speech or malicious harassment against another student; or perpetuating such conduct by spreading hurtful or demeaning material created by another person (e.g., forwarding offensive e-mails or text messages).
3. Retaliatory actions against another student for reporting an act of harassment, intimidation, bullying, cyber bullying, hate speech or malicious harassment.

## **COMPLAINTS**

Any person who believes they have been treated in a manner that is in violation of this policy may file a report as outlined in the associated procedure.

The school principal or designee shall be responsible for receiving complaints alleging student harassment, intimidation, bullying, cyber bullying, hate speech, and/or malicious harassment. Complaints will be documented and will be maintained as a confidential file in the District office.

## **NO RETALIATORY ACTION**

No individual who has filed a complaint, testified, assisted or participated in any matter in the investigation of a complaint will be intimidated, coerced or otherwise discriminated against.

#### ANNUAL REVIEW/REPORTING

The Board shall review this policy annually as required by IDAPA 08.02.03.160.  
The District shall annually report bullying incidents to, and in the manner and on the form provided by, the State Department of Education.

#### Cross Reference:

3290 Sexual Harassment/Intimidation of Students  
3330 Student Discipline  
3340 Corrective Actions  
5265 Employee Responsibilities Regarding Student Harassment, Intimidation and bullying

#### Legal References: Idaho Code Sections 18-917A, 33-512(6)

I.C. § 18-917 Hazing  
I.C. § 18-917A Student Harassment – Intimidation – Bullying  
I.C. § 18-7902 Malicious Harassment  
I.C. § 33-205 Denial of School Attendance  
I.C. § 33-512 Governance of Schools  
I.C. § 33-1631 Requirements for Harassment, Intimidation and Bullying  
Information and Professional Development  
I.C. § 67-5909 Acts Prohibited  
20 U.S.C. § 1681, et seq. Title IX of the Educational Amendments  
34 CFR Part 106  
I.D.A.P.A. 08.02.03.160 Safe Environment and Discipline  
Technology Taskforce: Final Taskforce Recommendations

#### Policy History:

Adopted on: 11/7/14

Revised on: 11/2/15, 12/3/18