

# Model School District Policy Bullying, Harassment, Intimidation and Hazing of Student

## Purpose

The following Model District Policy provided by the Montana Office of Public Instruction is to be used as a guide for districts in the development, implementation and enforcement of their own policies and procedures pursuant to the new administrative rule, 10.55.719 *Student Protection Procedures* (eff. 7/1/2013). Nothing in the model policy language prohibits school districts from including additional provisions or adopting a more or less comprehensive version of the models provided.

School districts are not required to adopt these models, the provision of which is meant to exemplify effective school policies and enforcement procedures for the topic areas covered. The Montana Office of Public Instruction is not responsible for implementation or enforcement of any models adopted. If a school district in Montana wishes to adopt all or part of the Model Policies provided by OPI, that school district assumes liability for the implementation and enforcement of such policies. The Office of Public Instruction encourages school districts to develop policy content and format locally, in collaboration with local interest groups, and not based solely on the models provided herein.

## District Policy Statement

The \_\_\_\_\_ School District is committed to providing a safe, productive and positive learning environment at all grade levels. A safe and accepting school environment is conducive to, and necessary for optimal academic achievement. Like other disruptive behaviors, bullying, harassment, intimidation and hazing negatively impact the learning environment.

Bullying, harassment, intimidating and hazing behaviors will not be tolerated at any grade level. Students and staff are strictly prohibited from taking any action that could be interpreted as bullying, intimidation, harassment, hazing, or retaliation for reporting such action.

### I. Definitions

- A. "Bullying, harassment or intimidation" means any threatening, insulting, or demeaning gesture or physical conduct, including any intentional written, verbal, or electronic communication or threat directed against a student or students regardless of the underlying reason for such conduct that:
  - 1. causes a student physical or mental harm, damages a student's property or places a student in reasonable fear of harm to the student or the student's property;
  - 2. is sufficiently severe, pervasive or persistent as to interfere with or limit a student's ability to participate in or benefit from access to educational opportunity or benefit; and/or
  - 3. substantially disrupts the orderly operation of the school.
- B. "Electronic Communication" is defined in § 45-8-213, MCA, and includes any communication by any electronic device or other means, including but not limited to text messaging, sexting, email, or use of social networking.
- C. "Hazing" means an act against a student or coercing a student into behavior that creates risk of harm to a person in order for the student to be initiated into, or affiliated with a student activity, team, club or organization, or for any other purpose.
- D. "Retaliation" means an act or communication intended:
  - 1. as retribution against a person who has reported an incidence of bullying, harassment, or intimidation; or
  - 2. to improperly influence the reporting, investigation, or discipline that results from an incident of bullying, harassment or intimidation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, coercion, discrimination, harassment, or negative social contact toward a complainant, or any complainant's or witnesses' relatives, friends or associates.
- E. "Sexting" means sending sexually explicit messages or photographs, primarily between mobile phones, such as sending a

text message with a sexual image.

- F. “Staff member” includes but is not limited to teachers, specialists, coaches, administrators, board members, custodians, and any others employed or authorized by the superintendent, school board, or district.
- G. “Designated Investigator” is the principal of the school, a staff member or independent investigator appointed by the superintendent, principal, or person responsible for receiving and investigating reports of bullying, harassment, or intimidation. [NOTE: “Designated Investigator” may appropriately be the district’s designated Title IX coordinator.]
- H. “Persistent” may consist of repeated acts against a single student or isolated acts directed against a student or a number of different students.

## II. Prohibitions

- A. No school student or staff member will engage in any of the following:
  - 1. Bullying, harassment, intimidation or hazing of a student;
  - 2. Retaliation against a student or staff member for reporting an incident of bullying, harassment, intimidation or hazing, or for participating as a witness in the investigation of such an incident; or
  - 3. Coercion of another person to commit bullying, harassment, intimidation, or hazing.
- B. Bullying, harassment, intimidation, hazing and retaliation is strictly prohibited:
  - 1. in a classroom or any other location on school premises, including without limitation, property used by the school for school purposes but not owned by the school (e.g. a parking lot or venue for school athletic activities or competition);
  - 2. during any school sponsored or related program, activity, or function where the school is responsible for the student, including on a school bus or other school-related vehicle; or
  - 3. through the use of electronic communication as defined in § 45-8-213, MCA, regardless of when or where it occurs, that substantially disrupts the orderly operation of the school or any school sponsored or related program, activity, or function where the school is responsible for the student.

## III. Consequences

- A. If a student or staff member is found to have committed one of the above-prohibited behaviors, consequences may follow, up to and including expulsion or termination from employment. Such action is meant not only to discipline the offending student or staff member, but also to protect the targeted student(s) from future aggression or retaliation. Consequences may be implemented after reporting, investigation, and determination that a prohibited act has been committed.
- B. Depending on the age of the students involved and severity of the infraction, disciplinary and remedial actions for students may include, but is not limited to one or more of the following:
  - 1. Parental notification
  - 2. Loss of privilege(s), including participating in school activities
  - 3. Parent conference
  - 4. Reassignment of seats

5. Reassignment of classes
6. Reassignment to another mode of transportation
7. Escort of the perpetrator
8. Completion of apology letter and acknowledgement of behavior
9. Referral to, or appointments with school counselor or other professionals
10. Payment for damaged property
11. Detention
12. Suspension (in-school or out-of-school)
13. Referral to law enforcement
14. Expulsion

Any student disciplined will be afforded due process in accordance with district policies.

- C. Depending on the severity of the offense, disciplinary and remedial actions for school staff is subject to and commensurate with the district's personnel policies and collective bargaining agreements as applicable, and may include:

1. Verbal warning
2. Written warning
3. Suspension with or without pay
4. Referral to law enforcement
5. Termination of employment

#### IV. Intervention

All staff members shall intervene when witnessing potentially bullying, harassing, intimidating or retaliatory behavior. If the staff member witnesses or receives a report of unresolved bullying, harassment, intimidation or hazing the staff member will report the matter as provided for in this policy.

- A. If it is determined that staff was aware of bullying, intimidation, harassment, hazing or retaliation and did nothing to intervene, the staff member will be subject to discipline or other remedial action.

#### V. Reporting

Students who feel they have been subjected to bullying, harassment, intimidation, hazing or retaliation, or other students, parents, staff, or other community members who believe they have witnessed such treatment of a student may report the incident either in writing (via Incident Reporting Form) or verbally. Reports may be made to any staff member. Failure to use the designated form will not cause the complaint to be dismissed so long as the written report provides sufficient detail for action by the school.

- A. Any staff member who becomes aware of bullying, harassment, intimidation, hazing or retaliation should attempt to resolve the matter immediately. When staff is made aware of unresolved incidents they shall fill out, or assist the student in filling out an Incident Reporting Form and submit it to the principal (unless the principal is the subject of the complaint) within 48 hours of the incident.

- C. If the principal is the subject of the complaint, the report should be submitted to the District Superintendent.
- D. Anonymous reports containing adequate detail to investigate will be investigated.
- E. Incident Reporting Forms are available on the school district website, included in the student handbook and available in each school's main office.

## VI. Investigatory Process

- A. All investigations should be initiated promptly, but no later than two school days after the Incident Report has been completed and filed with the school administration.
- B. The designated investigator will determine whether bullying, harassment, intimidation, hazing or retaliation has occurred by interviewing the aggressor(s), the targeted student(s), the reporter, and known bystanders and other witnesses. Previous incident reports involving the same students should also be taken into consideration.
- C. Any interviewees should be informed that information given will be kept as confidential as possible in accordance with student due process rights, but that disclosure may be necessary.
- D. The investigation should be performed and concluded within five school days of receipt of a report. Upon conclusion, if it is found that bullying, harassment, intimidation, hazing or retaliation has occurred parents of the targeted student(s) and the aggressor(s) shall be notified immediately by a school administrator.
- E. The school administration will determine whether another entity has jurisdiction over the incident. If instances of bullying harassment, intimidation, hazing or retaliation rise to the level of a possible criminal offense, a school administrator shall immediately notify law enforcement.
- F. The school principal, in conjunction with the counselor or other appropriate staff, shall determine and implement appropriate consequences, which may include discipline and/or remedial action for the aggressor and the targeted student(s). The aggressor will be informed that retaliation is strictly prohibited and will be met with similar or additional consequences.
- G. The school administration shall take all necessary steps to protect a n y targeted student(s) from further bullying, harassment, intimidation or hazing incidents. This can include but is not limited to changing the aggressor's seat, transportation route, or classes and identifying a staff member to act as a supervisor for the aggressor. If an escort is appropriate, the aggressor – not the targeted student(s) – should be escorted.
- H. A school administrator will follow up with the targeted student of any bullying, harassment, intimidation, hazing or retaliation to ensure that the negative behavior has stopped.
- I. A written record will be kept of each reported incident, including the written report, investigatory steps and information, conclusive findings, referral to other entities (e.g. law enforcement) and disciplinary and/or remedial action taken.

## VII. Notification and Training

- A. This policy and any related procedures will be included in student handbooks for all grade levels and prominently posted on the district's webpage.
- B. Reporting form(s) will be readily available to staff members, students, and parents, including on-line on the district's website. [Include live links here or at end of policy.]

- C. Staff and students will be educated on the policy and procedures, including: recognizing inappropriate behaviors; using appropriate intervention and remediation; and possible consequences and discipline.

## **REFERENCES:**

ARM 10.55.701