

STUDENTS

Bullying, Harassment, and Intimidation Prevention

The policy of the Board of Trustees of Missoula County Public Schools is to provide students and staff with a school environment free from bullying, harassment, and intimidation. Missoula County Public School District will not tolerate bullying, harassment, or intimidation in any form at school or school-sponsored activities and events, including off-campus events, school buses, any event related to school business, or, through the use of electronic communications, that substantially and materially disrupts the orderly operations of the District.

Bullying is any harassment, intimidation, hazing, or threatening, insulting, or demeaning gesture or physical contact, including any intentional written, verbal, or electronic communication or threat directed against a student that is persistent, severe, or repeated and that:

- causes a student physical harm, damages a student's property, or places a student in reasonable fear of harm to the student or the student's property;
- creates a hostile environment by interfering with or denying a student's access to an educational opportunity or benefit; or
- substantially and materially disrupts the orderly operation of a school.

Bullying also includes acts of hazing associated with athletics or school-sponsored organizations or groups. 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.

The District prohibits bullying for any reason, including but not limited to, race, color, religion, creed, national origin, gender, sexual orientation, gender identity, culture, social origin or condition, economic condition, political affiliation, mental, physical or sensory disability, or actual or potential marital or parental status.

Harassment, intimidation and bullying can take many forms - verbal, written, electronic, visual, physical and psychological - and is often, but not always, associated with race, ethnicity, religion, gender, sexual orientation, socioeconomic status or physical differences.

~~A person, who cites, aides, coerces or directs others to commit acts of bullying, harassment, or intimidation will be held responsible to the same extent as the person who commits the act.~~

No person, including a district employee or agent, or student, shall bully, harass, haze or intimidate another based on the provisions of applicable local, state and federal laws and regulations that prohibit discrimination or any other reason. It is the policy of the board to comply with all nondiscrimination laws.

Complaints of bullying, harassment, intimidation and hazing will be handled as described below and as set forth in the applicable grievance procedure. The District shall use reasonable measures to inform staff members and students that the District will not tolerate bullying, harassment or intimidation, by including appropriate language in school handbooks.

Sexual Harassment Prohibited

Sexual harassment of students is prohibited. Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- (3) "Sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

~~Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or~~

~~Has the purpose or effect of:~~

- ~~• substantially interfering with a student's educational environment;~~
- ~~• creating an intimidating, hostile, or offensive educational environment;~~
- ~~• depriving a student of educational aid, benefits, services, or treatment; or~~
- ~~• making submission to or rejection of such conduct the basis for academic decisions affecting a student.~~

~~The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities. Sexual harassment includes sexual violence, which are physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual or other disability. Sexually violent acts could include rape, sexual assault, sexual battery, and sexual coercion.~~

Reporting

- ~~1. The District encourages students who believe they are being subjected to bullying, harassment, or intimidation and students who have first hand knowledge of such bullying, harassment, or intimidation, to report the matter promptly to their teacher, counselor, bus driver, coach, principal, or any responsible adult who is not involved in the alleged bullying, harassment, or intimidation. Reports of further bullying, harassment, or intimidation should continue to be made to the initial administrator receiving this information.~~
- ~~2. The District encourages staff who believe they are being subjected to bullying, harassment, or intimidation by anyone to report the matter promptly to the administration.~~
- ~~3. Any adult school employee, adult volunteer, district contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of bullying, harassment, or intimidation shall report it in accordance with procedures developed under this policy.~~

Students, who believe they are victims of bullying, harassment, or intimidation, regardless of the reason, or have witnessed bullying, harassment, or intimidation, regardless of the reason, are encouraged to discuss the matter with their teacher, counselor, bus driver, coach, principal, or any responsible adult who is not involved in the alleged bullying, harassment, or intimidation. Students who believe they are victims of sexual harassment are encouraged to discuss the matter, including the formal complaint process, with the Title IX Coordinator. Students who believe they are victims of harassment based upon a disability are encouraged to report the matter to the Section 504 Coordinator

or Principal. Students may choose to report to a person of the student's same sex if alleging a violation of Title IX. Complaints will be kept confidential to the extent possible given the need to investigate.

Any adult school employee, adult volunteer, district contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of bullying, harassment, or intimidation shall report it in accordance with procedures developed under this policy. Any adult school employee who has notice of sexual harassment or allegations of sexual harassment shall make a report to the District's Title IX Coordinator.

Formal complaints alleging sexual harassment shall be addressed through the District's Title IX Grievance Procedures. Complaints alleging disability discrimination or harassment shall be addressed through the District's Section 504 [and ADA if applicable] Grievance Procedures. All other complaints alleging bullying, discrimination, or harassment shall be addressed through the District's Uniform Grievance Procedure.

The Title IX Coordinator, Section 504 [and ADA if applicable], and/or administrator are responsible for taking the following actions in conformance with the applicable grievance procedure:

1. Taking prompt action to investigate/report complaints of harassment, intimidation and bullying.
2. Promptly notifying the complainants and respondents and their parents/guardians regarding the outcome;
3. Taking supportive or remedial measures to ensure continued access to the District's programs or activities while the grievance process is pending; and
4. Taking disciplinary action as appropriate and any other actions appropriate to address the harassment, intimidation, and bullying.

In the event that a staff member or administrator knows or reasonably believes that the alleged behavior constitutes criminal activity or child abuse or neglect, the staff member or administrator shall report such activity to law enforcement and/or the Department of Public Health and Human Services. Nothing herein prohibits other individuals from reporting complaints to law enforcement. If it is determined that the alleged harassment, intimidation, or bullying did not occur at school or school-related activity or does not materially or substantially disrupt the orderly operation of the District, an administrator shall refer the matter, as appropriate, to other persons or entities with appropriate jurisdiction, including but not limited to law enforcement or the Department of Public Health and Human Services.

Responsibilities

~~Each Administrator is responsible for maintaining a work environment and/or educational environment free of bullying, harassment, and intimidation. The Administrator shall take appropriate actions to ensure the School District's Bullying, Harassment, and Intimidation policy and procedures are enforced. Complaints alleging sex discrimination or harassment shall be addressed through the District's Title IX Grievance Procedures. Complaints alleging disability discrimination or harassment shall be addressed through the District's Section 504 and ADA Grievance Procedures. All other complaints alleging bullying, discrimination, harassment, or intimidation shall be addressed through the District's Uniform Grievance Procedure.~~

~~These actions include, at a minimum:~~

- ~~1. Providing notification of the District's Title IX Grievance Procedures, Section 504 and ADA Grievance Procedures, and Uniform Grievance Procedure and in the Student and Staff handbooks of the rights and responsibilities of students and staff regarding bullying, harassment, and intimidation.~~

- ~~2. Acquainting new employees in the School District with this policy.~~
- ~~3. Taking prompt action to investigate/report complaints of bullying, harassment, and intimidation.~~
- ~~4. Promptly notifying the alleged victims and alleged perpetrators and their parents/guardians regarding the outcome of the report and investigation;~~
- ~~5. Taking appropriate disciplinary action.~~
- ~~6. Instructing employees and students regarding the procedures for reporting bullying, harassment, and intimidation within the educational setting.~~

~~In the event that a staff member or administrator knows or reasonably believes that the alleged behavior constitutes criminal activity or child abuse or neglect, the staff member or administrator shall report such activity to law enforcement and/or the Department of Public Health and Human Services. Nothing herein prohibits other individuals from reporting complaints to law enforcement. If it is determined that the alleged bullying, harassment, or intimidation did not occur at school or school-related activity or does not materially or substantially disrupt the orderly operation of the District, an administrator shall refer the matter, as appropriate, to other persons or entities with appropriate jurisdiction, including but not limited to law enforcement or the Department of Public Health and Human Services.~~

Consequences

~~Any **District employee person who is determined, after an investigation, to have** engaged in bullying, harassment, and intimidation **of a student, regardless of the reason**, in the school setting shall **will** be subject to disciplinary action **up to and including discharge**. Any student **who is determined, after an investigation, to have** engaged in bullying, harassment, and intimidation, **regardless of the reason**, shall **will** be subject to disciplinary action, **including but not limited to, suspension and expulsion consistent with the District's discipline policy** up to and including expulsion. Any staff member who engages in bullying, harassment, and intimidation shall be subject to disciplinary action up to and including dismissal. **Any person making a knowingly false accusation regarding bullying, harassment and intimidation, regardless of the reason, will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.**~~

~~Any staff member who permits bullying, harassment, or intimidation of students or staff shall be subject to disciplinary action up to and including dismissal. Any staff member who receives complaints of bullying, harassment, and intimidation and does not act promptly or does not forward the complaint to the staff member's supervisor shall be disciplined appropriately.~~

Retaliation and reprisal against any person who reports an act of harassment, intimidation or bullying or participates in an investigation under this policy is prohibited. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with district policy.

Retaliation and Reprisal

~~Missoula County Public Schools prohibits retaliation and reprisal against any person who reports an act of bullying, harassment, or intimidation. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with district policy. Individuals who intentionally fabricate allegations of bullying, harassment, or intimidation shall be subject to disciplinary action.~~

Legal References:	Art. X, Sec. 1, § 20-5-207 – 210, MCA	Montana Constitution Bully-Free Montana Act (revised by House <u>Bill 450</u>)
	§ 49-2-307, MCA	<u>Discrimination in education (revised by House Bill 361)</u>
	§§ 49-3-101, et seq., MCA	Montana Human Rights Act
	20 U.S.C. § 1681, et seq.	Title IX of the Educational Amendments
	42 USC § 12111 et seq.	Americans with Disabilities Act
	29 USC § 791 et seq.	Rehabilitation Act of 1973
	28 CFR Part 35	
	34 CFR Parts 104, 106	
	10.55.701, ARM	Board of Trustees
	10.55.719, ARM	Student Protection Procedures
	<u>10.55.801, ARM</u>	<u>School Climate</u>

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