

STUDENTS

Harassment, Intimidation, and Bullying 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 harassment, intimidation and bullying. Missoula County Public School District will not tolerate harassment, intimidation or bullying 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.

Harassment, Intimidation and Bullying include: Any gesture, threat, visual depiction, written or electronic communication, or verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived attribute such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity, culture, social origin or condition, political affiliation, mental, physical or sensory disability, or by any other characteristic or for any other reason, that a reasonable person knows or should have known:

- (a) will have the effect of causing the person emotional or physical harm or damaging the person's property; or
- (b) will place a person in reasonable fear of physical harm; or
- (c) will demean any person or group of people in such a way as to disrupt or interfere with the school's educational mission, access to any educational opportunity or benefit, or the ability of a staff member to perform the essential functions of the staff member's job.

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

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:

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 harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, to report the matter promptly to their teacher, counselor, bus driver, coach, principal, or any responsible adult who is not involved in the alleged harassment, intimidation or bullying. Reports of further harassment should continue to be made to the initial administrator receiving this information.
2. The District encourages staff who believe they are being subjected to harassment, intimidation, or bullying 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 harassment, intimidation or bullying shall report it in accordance with procedures developed under this policy.

Responsibilities

Each Administrator is responsible for maintaining a work environment and/or educational environment free of harassment, intimidation and bullying. The Administrator shall take appropriate actions to ensure the School District's Harassment, Intimidation and Bullying 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 discrimination or harassment 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 harassment, intimidation and bullying.
2. Acquainting new employees in the School District with this policy.
3. Taking prompt action to investigate/report complaints of harassment, intimidation and bullying.

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 harassment, intimidation and bullying 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. 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.

Consequences

Any person who engages in harassment, intimidation and bullying in the school setting shall be subject to disciplinary action. Any student who engages in harassment, intimidation and bullying shall be subject to disciplinary action up to and including expulsion. Any staff member who engages in harassment, intimidation and bullying shall be subject to disciplinary action up to and including dismissal.

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

Retaliation and Reprisal

Missoula County Public Schools prohibits retaliation and reprisal against any person who reports an act of harassment, intimidation or bullying. 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 harassment, intimidation or bullying shall be subject to disciplinary action.

| | | |
|------------------|------|--|
| Cross Reference: | 3215 | Uniform Grievance Procedure Title IX Grievance Procedures Section 504 and ADA Grievance Procedures |
|------------------|------|--|

| | | |
|-------------------|--|---|
| Legal References: | Art. X, Sec. 1, §§ 49-3-101, et seq., MCA 20 U.S.C. § 1681, et seq. 42 USC § 12111 et seq. 29 USC § 791 et seq. 28 CFR Part 35 34 CFR Parts 104, 106 10.55.701, ARM 10.55.719, ARM | Montana Constitution Montana Human Rights Act Title IX of the Educational Amendments Americans with Disabilities Act Rehabilitation Act of 1973 Board of Trustees Student Protection Procedures |
|-------------------|--|---|

Policy History:

First reading at PN&P Committee meeting on June 25, 2008

Approved first reading on July 8, 2008

Posted for Public Comment until August 20, 2008

Second Reading at PN&P Committee meeting on August 27, 2008

Adopted on: September 9, 2008

Minor revision to PN&P Committee for review and discussion on November 19, 2008

Approved on: February 10, 2009

Revised at PN&P Committee on February 29, 2012 and posted for public comment.

Approved on: April 10, 2012

Revised at PN&P Committee on August 28, 2013 and posted for public comment.

Approved on: October 8, 2013