Billings School District 2

STUDENTS

Harassment, Intimidation, and Bullying

The District is committed to providing a safe, productive and positive learning environment for all students 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, hazing and retaliation negatively impact the learning environment.

Harassment, intimidation, bullying, hazing, and retaliation are behaviors that 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.

Definitions

A. "Harassment," "intimidation" and "bullying" 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. "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.

C. "Retaliation" means an act or communication intended:

1. as retribution against a person who has reported an incidence of bullying, harassment, intimidation, hazing or other prohibited discrimination; or

2. to improperly influence the reporting, investigation, or discipline that results from an incident of bullying, harassment, intimidation, hazing or other prohibited discrimination.

Retaliation includes, but is not limited to, any form of intimidation, reprisal, coercion, discrimination, harassment, or social contact toward a complainant, or any complainant's or witnesses' relatives, friends, or associates. Generally speaking, retaliation is taking revenge

for a perceived wrong; in this context, it could include intimidation, teasing, seeking the sympathies of students, sarcasm, or even disingenuous apologies.

D. "Persistent" may consist of repeated acts against a single student or isolated acts directed against a student or a number of different students.

E. "HIB" means harassing, intimidating, bullying, hazing and/or retaliatory conduct that is prohibited by this District policy.

F. "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.

G. "Sexting" means sending sexually explicit messages or photographs by way of electronic communication, such as sending a text message with a sexual image.

H. "Staff Member" includes but is not limited to teachers, specialists, coaches, administrators, board members, volunteers, custodians, and any others employed or authorized by the superintendent, school board, or district.

I. "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.

Prohibitions

A. No student or staff member may engage in any of the following:

1. Bullying, intimidation, harassment, or hazing of a student;

2. Retaliation against a student or staff member for reporting an incident of harassment, bullying, 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, hazing or retaliation.

B. Harassment, bullying, intimidation, hazing and/or 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);

2. during any school 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, regardless of when or where it occurs, that disrupts the orderly operation of the school or any school-related

program, activity, or function where the school is responsible for the student.

Consequences

A. If a student or employee is found to have committed one of the above-prohibited behaviors, consequences shall 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 target from future aggression or retaliation. Consequences shall 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 taken by administration may include and 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 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 and may include:

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

D. No student may be subjected to an adverse disciplinary action for declining to: (a) identify their or any other persons' pronouns or (b) address a person by using a name other than the person's legal name or a derivative of the person's legal name or by using a pronoun or a title that is inconsistent with the person's sex.

Intervention

A. All staff members shall intervene when witnessing potential HIB. If the staff member witnesses such behavior or receives a report of unresolved HIB the staff member will report the matter as provided for in this policy.

B. If it is determined that staff was aware of HIB and did nothing to intervene, the staff member will be subject to discipline or other remedial action.

Reporting

A. Students who feel they have been subjected to HIB 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 employee. 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.

B. Any employee who becomes aware of HIB should attempt to resolve the matter immediately. When an employee 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 an administrator (unless the administrator is the subject of the complaint) within two school days of the incident.

C. If the principal is the subject of the complaint, the report should be submitted to the Executive Director of Human Resources, the Executive Director of School Leadership Support, or the Superintendent.

D. Anonymous reports containing adequate detail to investigate will be investigated.

E. Incident Reporting Forms are available on the District website, included in the student handbook, and available in each school's main office.

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 HIB has occurred by interviewing the aggressor(s), the target(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 HIB has occurred parents of the target(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 HIB rise to the level of a possible criminal offense, a school administrator shall immediately notify law enforcement.

F. The school administrator shall determine and implement appropriate consequences, which may include discipline and/or remedial action for the aggressor and the target. 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 the target from further HIB 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 target – should be escorted.

H. A school administrator will follow up with the target of any HIB to ensure that the negative behavior has stopped and not repeated.

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.

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.

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.

Cross References:

Number	Title
3210-F1	Form: Harassment/Intimidation/Bullying Incident Reporting Form
3200	Student Rights, Responsibilities, and Code of Conduct
3201	Student Freedom of Expression
3202	Student Publications
3203	Student Dress
3203-P1	Student Dress – Gang Activity or Association and Extracurricular Activities
3204	Searches and Seizures
3204-P1	Searches of Students and Their Property
3204-P2	Video Surveillance
3204-P3	Video Surveillance -- School Buses, Vehicles, School Buildings and Grounds
3205	District-Provided Access to Electronic Information, Services, and Networks for Students

Number	Title
3205-P1	District-Provided Access to Electronic Information, Services, and Networks for Students
3210	Harassment, Intimidation, and Bullying
3210-F1	Form: Billings Public Schools – Harassment/Intimidation/Bullying Incident Reporting Form
3220	Equal Educational Opportunity (use reporting Form 3210-F1)
3230	Non-Discrimination and Anti-Harassment and Title IX of the Education Amendments of 1972 (use reporting Form 3210-F other than for complaints regarding sexual harassment which should be submitted on 3230-F1)
3235	Student Drug and Chemical Use and Abuse
3240	Tobacco Free Schools
3250	Gun-Free Schools
3255	Bomb Threats and Threats of Hazardous Substances
6430	Development of Administrative Procedures
1700	Uniform Complaint Procedure

Legal References:

§ 20-5-101, MCA	Admittance of child to school
§ 20-5-102, MCA	Compulsory enrollment and excuses
§ 20-5-103, MCA	Compulsory attendance and excuses
§ 20-5-201, MCA	Duties and sanctions
§ 20-5-202, MCA	Suspension and expulsion
§ 20-4-302, MCA	Discipline and punishment of pupils – definition of corporal punishment

Tinker v. Des Moines Ind. Sch. Dist., 89 S.Ct. 733 (1969)

Policy History

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