

1 Joint School District No. 2, Meridian

2  
3 STUDENT PERSONNEL

4  
5 Series 500

6  
7 Policy Title Student Harassment

Code No. 502.70

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9  
10 It is the policy of this district to maintain a learning environment that is free from  
11 harassment. Each student has the right to attend school in an atmosphere that  
12 promotes equal opportunities and that is free from all forms of discrimination and  
13 conduct that can be considered harassing, coercive or disruptive.

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15 Students attending district schools are:

- 16  
17 1. Prohibited from engaging in any conduct which could reasonably be construed as  
18 constituting harassment on the basis of sex, race, color, national origin, age,  
19 religious beliefs, ethnic background or disability.  
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21 2. Prohibited from sexually harassing other students; and  
22  
23 3. Required to report, to the school principal or designee, harassment of which the  
24 student becomes aware.  
25

26 This policy applies to all conduct on the district's premises and at school-sponsored  
27 events, conduct during transportation to and from school and school-sponsored events,  
28 and to conduct off the district's premises that has an adverse affect upon a student's  
29 educational environment.  
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31 DEFINITION OF HARASSMENT

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33 Harassment is defined to include verbal, written, graphic or physical conduct relating to  
34 an individual's sex, race, color, national origin, age, religious beliefs, ethnic background  
35 or disability that is sufficiently severe, pervasive, or persistent so as to interfere with or  
36 limit the ability of an individual to participate in or benefit from the district's programs  
37 that:  
38

- 39 1. Has the purpose or effect of creating an intimidating or hostile environment.  
40  
41 2. Unreasonably interferes with an individual's educational performance.  
42  
43 3. Otherwise adversely affects an individual's educational opportunities.  
44

45 Harassment includes, but is not limited to:

- 46  
47 1. Physical acts of aggression or assault, damage to property, or intimidation and  
48 implied or overt threats of violence motivated by the victim's sex, race, color,  
49 national origin, age, religious beliefs, ethnic background or disability.  
50

- 51 2. Demeaning racial jokes, taunting, slurs and derogatory “nicknames,” innuendos,  
52 or other negative remarks relating to the victim’s sex, race, color, national origin,  
53 age, religious beliefs, ethnic background or disability;  
54
- 55 3. Graffiti and/or slogans or visual displays such as cartoons or posters depicting  
56 slurs or derogatory sentiments related to the victim’s sex, race, color, national  
57 origin, age, religious beliefs, ethnic background or disability; and  
58
- 59 4. Criminal offenses directed at persons because of their sex, race, color, national  
60 origin, age, religious beliefs, ethnic background or disability.  
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62 Harassment also includes an act of retaliation taken against (1) any person bringing a  
63 complaint of harassment, (2) any person assisting another person in bringing a  
64 complaint of harassment, or (3) any person participating in an investigation of an act of  
65 harassment.  
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#### 67 DEFINITION OF SEXUAL HARASSMENT 68

69 Sexual harassment is a form of misconduct that undermines the student’s relationship  
70 with educators and with other students. No student, male or female, should be subject  
71 to unasked for and unwelcome sexual overtures or conduct, either verbal or physical.  
72 Sexual harassment refers to sexual overtures or conduct that is unwelcome, personally  
73 offensive, and affecting morale, thereby interfering with a student’s ability to study or  
74 participate in school activities.  
75

76 Sexual harassment is a form of misconduct that includes unwelcome sexual advances,  
77 requests for sexual favors, sexually motivated physical conduct or other verbal or  
78 physical conduct of a sexual nature when:  
79

- 80 1. Submission to such conduct is made either explicitly or implicitly a term of  
81 condition of an individual’s participation in the educational process;  
82
- 83 2. Submission to or rejection of such conduct by an individual is used as a factor for  
84 educational decisions affecting the individual; or  
85
- 86 3. Such conduct has the purpose or effect of unreasonably interfering with an  
87 individual’s education, or creating an intimidating, hostile or offensive educational  
88 environment.  
89

90 Examples of sexual harassment include, but are not limited to, the following:  
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92 Verbal statements of a sexual or abusive nature, including requests or demands  
93 for sexual activity, sexual jokes, and obscene comments, etc.;

94 Sexually motivated or inappropriate touching, unwelcome physical contact, or  
95 pinching;  
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97 Sexual behavior or communications, accompanied by implied or overt threats  
98 concerning an individual’s education;  
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101 Unwelcome behavior or communications directed at an individual because of  
102 his/her gender; and

103  
104 Stalking or unwelcome, sexually motivated attention.

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#### 106 REPORTING PROCEDURES

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108 1. Any student, and/or parents of a student who believe the student is being  
109 harassed should immediately report the situation to school personnel.

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111 2. Any district employee who receives a report of harassment from a student,  
112 becomes aware that a student is being subjected to harassment, or in good faith  
113 believes that a student is being subjected to harassment, is required to report the  
114 matter to the building principal immediately. In the event the complaint involves  
115 the principal, the matter must be immediately reported to the superintendent.

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117 3. Any district employee who witnesses harassment of a student should take  
118 immediate, appropriate action to intervene to stop the harassment.

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120 4. Any student who becomes aware that a fellow student is being subjected to  
121 harassment should immediately report the incident to a counselor, teacher, or the  
122 principal.

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#### 124 INVESTIGATION

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126 When a report of harassment is received by the principal or the superintendent,  
127 immediate steps will be taken to do the following:

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129 1. Obtain a written statement from the complainant regarding the allegations;

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131 2. Obtain a written statement from the accused;

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133 3. Obtain written statements from witnesses, if any; and

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135 4. Prepare a written report detailing the investigation.

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137 An investigator may be appointed to conduct the investigation, or the principal or  
138 superintendent may conduct the investigation. The investigation should be completed  
139 within ten (10) workdays. In the event the complaint involves a principal, superintendent  
140 or board members an independent investigation will be completed by an individual or  
141 individuals not employed by the school district and appointed by the board of trustees.

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#### 143 DISCIPLINARY ACTION

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145 If the allegation of harassment involves a teacher or other school employee, the principal  
146 will submit the report of the investigation to the superintendent. If there is sufficient  
147 evidence to support the allegations, disciplinary action, up to and including dismissal,  
148 may be taken against the offender.

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150

151 If the allegation of harassment is against a student and there is sufficient evidence to  
152 support the allegations, disciplinary action, up to and including expulsion, may be taken  
153 against the offender.

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155 If there is insufficient evidence to support the allegations, no record will be made of the  
156 allegations in the complaining student's permanent record. No record of the allegations  
157 will be placed in the accused employee's personnel record or in an accused student's  
158 permanent record if insufficient evidence supports the allegations.

159

160 In the event the investigation discloses that the complaining student has falsely accused  
161 another individual of harassment knowingly or in a malicious manner, the complaining  
162 student may be subject to disciplinary action, up to and including expulsion.

163

164 In the event the harassment involves violent or other conduct which could be reasonably  
165 considered to be criminal in nature, the principal/superintendent will refer the matter to  
166 the local law enforcement agency.

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#### 168 PROTECTION AGAINST RETALIATION

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170 No retaliation will be taken by this district or by any of its employees or students against  
171 a student who reports harassment in good faith. Any person found to have retaliated  
172 against another individual for reporting an incident of harassment may be subject to the  
173 same disciplinary action provided for harassment offenders. Those persons who assist  
174 or participate in an investigation of harassment are also protected from retaliation under  
175 this policy.

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#### 177 CONFIDENTIALITY

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179 Any investigation will be conducted, to the maximum extent possible, in a manner that  
180 protects the privacy of both the complainant and the accused. However, if it is  
181 suspected that child abuse has occurred, such abuse will be reported to the proper  
182 authorities as required by state law.

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#### 184 RECORD OF ALLEGATIONS

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186 This district will keep and maintain a written record, including, but not limited to, witness  
187 statements, investigative reports and correspondence, from the date any allegation of  
188 harassment is reported to district personnel. The information in the written record will  
189 also include the action taken by the district in response to each allegation. The written  
190 record will be kept in the district's administrative offices and will not, at any the, be  
191 purged by district personnel.

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198 Date of Revision:

199 12/10/01

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Legal Reference: Code of Idaho

16-1619