

1 Joint School District No. 2, Meridian
2 Meridian Technical Charter High School, Inc. has adopted West Ada's (Joint School District No. 2) policy.
3 STUDENT PERSONNEL

4
5 Series 500

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7 Policy Title Student Harassment/Relationship Abuse Code No. 502.70
8

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 promotes
12 equal opportunities and that is free from all forms of discrimination and conduct that can be
13 considered harassing, coercive or disruptive.

14
15 Students attending district schools are:

- 16
17 A. 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, religious
19 beliefs, ethnic background or disability.
20
21 B. Prohibited from sexually harassing other students; and
22
23 C. Required to report, to the school principal or designee, harassment of which the student
24 becomes aware.
25

26 This policy applies to all conduct on the district's premises and at school-sponsored events,
27 conduct during transportation to and from school and school-sponsored events, and to
28 conduct off the district's premises that has an adverse affect upon a student's educational
29 environment.
30

31 DEFINITION OF HARASSMENT

32

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

- 38 A. Has the purpose or effect of creating an intimidating or hostile environment.
39
40 B. Unreasonably interferes with an individual's educational performance.
41
42 C. Otherwise adversely affects an individual's educational opportunities.
43

44 Harassment includes, but is not limited to:

- 45
46 A. Physical acts of aggression or assault, damage to property, or intimidation and implied
47 or overt threats of violence motivated by the victim's sex, race, color, national origin,
48 age, religious beliefs, ethnic background or disability.
49

- 50 B. Demeaning racial jokes, taunting, slurs and derogatory “nicknames,” innuendos, or
51 other negative remarks relating to the victim’s sex, race, color, national origin, age,
52 religious beliefs, ethnic background or disability;
- 53
- 54 C. Graffiti and/or slogans or visual displays such as cartoons or posters depicting slurs or
55 derogatory sentiments related to the victim’s sex, race, color, national origin, age,
56 religious beliefs, ethnic background or disability; and
- 57
- 58 D. Criminal offenses directed at persons because of their sex, race, color, national origin,
59 age, religious beliefs, ethnic background or disability.
- 60

61 Harassment also includes an act of retaliation taken against (1) any person bringing a
62 complaint of harassment, (2) any person assisting another person in bringing a complaint of
63 harassment, or (3) any person participating in an investigation of an act of harassment.

64
65 DEFINITION OF SEXUAL HARASSMENT

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67 Sexual harassment, which includes acts of sexual violence, is a form of misconduct that
68 undermines the student’s relationship with educators and with other students. The sexual
69 harassment of students, including sexual violence, interferes with students’ right to receive
70 an education free from discrimination and, in the case of sexual violence, is a crime. No
71 student, male or female, should be subject to unasked for and unwelcome sexual overtures
72 or conduct, either verbal or physical. Sexual harassment refers to sexual overtures or
73 conduct that is unwelcome, personally offensive, and affecting morale, thereby interfering
74 with a student’s ability to study or 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 physical
78 conduct of a sexual nature when:

- 79
- 80 A. Submission to such conduct is made either explicitly or implicitly a term of condition of
81 an individual’s participation in the educational process;
- 82
- 83 B. 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 C. Such conduct has the purpose or effect of unreasonably interfering with an individual’s
87 education, or creating an intimidating, hostile or offensive educational environment.
- 88

89 Examples of sexual harassment include, but are not limited to, the following:

- 90
- 91 1. Verbal statements of a sexual or abusive nature, including requests or demands
92 for sexual activity, sexual jokes, and obscene comments, etc.;
- 93
- 94 2. Sexually motivated or inappropriate touching, unwelcome physical contact, or
95 pinching;
- 96
- 97 3. Sexual behavior or communications, accompanied by implied or overt threats
98 concerning an individual’s education;
- 99

100 4. Unwelcome behavior or communications directed at an individual because of
101 his/her gender; and

102
103 5. Stalking or unwelcome, sexually motivated attention.
104

105 DEFINITION OF STUDENT RELATIONSHIP ABUSE

106 Student relationship abuse is a form of prohibited harassment. Student relationship abuse
107 is defined as the use of physical, sexual, verbal, emotional, or technological abuse by a
108 person to harm, threaten, intimidate, or control another person in a relationship of a
109 romantic or intimate nature, regardless of whether that relationship is continuing or has
110 concluded or the number of interactions between the individuals involved. Abusive
111 behavior is the intentional use of physical, sexual, verbal, or emotional abuse against a peer
112 or dating partner, including harassment, sexual harassment, adolescent relationship abuse,
113 sexual assault, or using technology.

114
115 DEFINITION OF SEXTING

116 Sexting is the distribution of sexually-explicit or sexually-suggestive images using an
117 electronic device.

118
119 A. Students engaged in sexting are subject to:

- 120 1. Notification of parents
- 121 2. Notification of police
- 122 3. Other appropriate disciplinary action

123 B. Any form of harassment related to sexting is strictly forbidden.
124

125 REPORTING PROCEDURES

126
127 A. Any student, and/or parents of a student who believe the student is being harassed or is
128 the victim of relationship abuse, should immediately report the situation to school
129 personnel.
130

131 B. Any district employee who receives a report of harassment from a student, becomes
132 aware that a student is being subjected to harassment, or relationship abuse, or in good
133 faith believes that a student is being subjected to harassment, or relationship abuse, is
134 required to report the matter to the building principal immediately. In the event the
135 complaint involves the principal, the matter must be immediately reported to the
136 superintendent.
137

138 C. Any district employee who witnesses harassment or relationship abuse of a student
139 should take immediate, appropriate action to intervene to stop the harassment or
140 abuse.
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142 D. Any student who becomes aware that a fellow student is being subjected to harassment
143 or relationship abuse should immediately report the incident to a counselor, teacher, or
144 the principal.
145
146
147
148

149 INVESTIGATION

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151 When a report of harassment or relationship abuse is received by the principal or the
152 superintendent, immediate steps will be taken to do the following:

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154 A. Obtain a written statement from the complainant regarding the allegations;

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156 B. Obtain a written statement from the accused;

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158 C. Obtain written statements from witnesses, if any; and

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160 D. Prepare a written report detailing the investigation.

161

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

167

168 DISCIPLINARY ACTION

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

174

175 If the allegation of harassment or relationship abuse is against a student and there is
176 sufficient evidence to support the allegations, disciplinary action, up to and including
177 expulsion, may be taken against the offender.

178

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

183

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

187

188 In the event the harassment or relationship abuse involves violence or other conduct which
189 could be reasonably considered to be criminal in nature, the principal/superintendent will
190 refer the matter to the local law enforcement agency.

191

192 PROTECTION AGAINST RETALIATION

193

194 No retaliation will be taken by this district or by any of its employees or students against a
195 student who reports harassment or relationship abuse in good faith. Any person found to
196 have retaliated against another individual for reporting an incident of harassment or
197 relationship abuse may be subject to the same disciplinary action provided for harassment

198 offenders. Those persons who assist or participate in an investigation of harassment or
199 relationship abuse are also protected from retaliation under this policy.

200

201 CONFIDENTIALITY

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203 Any investigation will be conducted, to the maximum extent possible, in a manner that
204 protects the privacy of both the complainant and the accused. However, if it is suspected
205 that child abuse or a crime has occurred, this information will be reported to the proper
206 authorities as required by state law.

207

208 RECORD OF ALLEGATIONS

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210 This district will keep and maintain a written record, including, but not limited to, witness
211 statements, investigative reports and correspondence, from the date any allegation of
212 harassment or relationship abuse is reported to district personnel. The information in the
213 written record will also include the action taken by the district in response to each
214 allegation. The written record will be kept in the district's administrative offices and will
215 not, at any time, be purged by district personnel.

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222 Date of Revision:

223 12/10/01; 01/25/12; 5/31/14

224

225

Legal Reference: Code of Idaho

16-1619

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