

**Policy 3295: Hazing, Harassment, Intimidation, Bullying, Cyberbullying** 

Status: ADOPTED

Original Adopted Date: 05/08/2017 | Last Revised Date: 12/11/2023 | Last Reviewed Date: 12/11/2023

The Caldwell School District Board of Trustees is committed to maintaining an educational environment that protects and promotes dignity, individual worth, and mutual respect for each individual, and is free from harassment. Each student, employee, or visitor deserves the opportunity to participate or work in a safe, supportive atmosphere that promotes equal opportunities, free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive.

It shall be a violation of this policy for any District student, employee, or visitor to bully, haze, or harass another individual through any means, including technology, while on any District premises or at any District sponsored activity, class or program, regardless of location. Those who violate this policy may be subject to disciplinary action and/or referral to law enforcement where appropriate.

## SECTION 1. DEFINITIONS

**1.1 Bullying:** an ongoing and deliberate misuse of power in relationships through repeated verbal, physical and/or social behavior that causes physical, social and/or psychological harm. Bullying is not a single episode of social rejection or dislike, single episode acts of nastiness or spite, random acts of aggression or intimidation.

**1.2 Cyber Bullying:** includes, but is not limited to the following misuses of technology: harassing, teasing, intimidating, threatening, or terrorizing another person by sending or posting inappropriate and hurtful email messages, social media, instant messages, text messages, digital pictures or images, or website postings, including blogs through District devices and networks and the internet, accessed either on campus or off campus, during or after school hours, or through any private electronic device sent or received when the student is present at school.

In the situation that cyberbullying originated from a non-school device, but has been brought to the attention of school officials, any disciplinary actions shall be based on whether the conduct is determined to be reasonably expected to materially and substantially interfere with or disrupt the educational environment of the school or impinge on the rights of other students at school and/or in violation of District policy or state law. The Administration shall, at their discretion, contact local law enforcement.

**1.3 Harassment:** any intentional gesture, or any intentional written, verbal or physical act or threat by an individual that:

a. a reasonable person under the circumstances should know that the actions will have the effect of:

Harm to a person

Damage to a person's property

Placing a person in reasonable fear of harm to their own self; or mutual arguments, disagreements or fights

Placing a person in reasonable fear of damage to their property

b. is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment.

**1.4 Hazing:** any humiliating, potentially dangerous, or illegal activity expected of a student in order to belong to a group, regardless of their willingness to participate.

**1.5 Intimidation:** includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin, gender identity and expression, or sexual orientation.

**1.6 Emergency Suspension:** occurs with any of the above types of suspension when, because of the circumstances, and because it is necessary to protect the health and safety of all students, a student is suspended without first receiving an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons.

**1.7 Emergency Removal:** an immediate removal from a particular education or athletic program or facility taken by the principal or designee specifically related to a pending investigation of student misconduct. Education services will

continue whether remotely, or through a placement in another facility, and the student will not be subject to the limitations of procedures for temporary suspensions. An emergency removal shall not continue past the conclusion of the underlying investigation.

**1.8 Third Parties:** include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District and others not directly subject to District control at inter-district and intra-district athletic competitions or other school events.

## SECTION 2. DISCIPLINARY ACTION

**2.1** A student whose behavior is found to be in violation of this policy will be subject to disciplinary action, which may include graduated consequences, up to and including expulsion, consistent with the Board's policy on student discipline. The privilege to participate in athletic or extracurricular activities may be limited or removed.

**2.2** Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or Board.

**2.3** Students or third parties may also be referred to law enforcement officials.

## SECTION 3. NOTIFICATION

**3.1** Information on the District's bullying policy and relevant procedures shall be provided in writing at the beginning of each school year to school personnel, parents, and students in the District and included in student handbooks. Information provided to students shall be provided in a manner appropriate to the student's age, grade, and level of academic achievement.

## SECTION 4. PROCEDURES

**4.1** The Superintendent is directed to develop administrative procedures to implement this policy. Procedures shall include reporting and investigative procedures, and provisions to ensure notice of this policy is provided to students, teachers, and third parties.

## SECTION 5. REPORTING

**5.1** The District shall annually report bullying incidents to, and in the manner and on the form provided by, the State Department of Education.

**5.2** The Board shall review this policy annually.

### 3295 Exhibit A - Complaint Form

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#### Supporting Documents

 [3295 Exhibit A - Complaint Form](#)

#### CFR - Code of Federal Regulations References

34 CFR § Part 106

#### Description

[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#)

#### Idaho Code § References

18-917

[Hazing](#)

18-917A

[Student Harassment - Intimidation - Bullying](#)

33-1631

[Requirements for Harassment, Intimidation, and Bullying Information and Professional Development](#)

33-205

[Denial of School Attendance](#)

**Idaho Code § References**

33-512

67-5909

**USC - United States Code References**

20 USC § 1681, et seq.

**IDAPA References**

08.02.03.160

**Cross References**

3085

3225

3285

3330

5265

**Description**

[Governance of Schools](#)

[Commission on Human Rights - Acts Prohibited](#)

**Description**

[Title IX of the Education Amendments](#)

**Description**

[Safe Environment and Discipline](#)

**Description**

[Sexual Harassment, Discrimination and Retaliation](#)

[Student Organizations and Student Enrichment Clubs: Equal Access](#)

[Relationship Abuse and Sexual Assault Prevention and Response](#)

[Student Discipline](#)

[Employee Responsibilities Regarding Student Harassment, Intimidation, and Bullying](#)

COMPLAINT FORM

School: \_\_\_\_\_ Date: \_\_\_\_\_

Student's/Complainant's Name \_\_\_\_\_  
*(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. We assure you that we'll use our best efforts to keep your report confidential.)*

Who was responsible for the incident(s)? \_\_\_\_\_

Describe the incident(s): \_\_\_\_\_

Date(s), time(s), and place(s) the incident(s) occurred: \_\_\_\_\_

Were other individuals involved in the incident(s)? \_\_\_\_ yes \_\_\_\_ no

If so, name the individual(s) and explain their roles: \_\_\_\_\_

Did anyone witness the incident(s)? \_\_\_\_ yes \_\_\_\_ no

If so, name the witnesses: \_\_\_\_\_

Is there any evidence of the incident(s) (i.e. letters, photos) \_\_\_\_\_yes \_\_\_\_\_no

If so, please describe: \_\_\_\_\_  
\_\_\_\_\_

Did you take any action in response to the incident? \_\_\_\_\_yes \_\_\_\_\_no

If yes, what action did you take: \_\_\_\_\_  
\_\_\_\_\_

Were there any prior incidents? \_\_\_\_\_ yes \_\_\_\_\_ no

If so, describe any prior incidents: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of complainant: \_\_\_\_\_

Signature of parents/legal guardian: \_\_\_\_\_