

JICK—Student Crime and Violence/Harassment

Reporting

All school employees shall report unlawful activities including sexual misconduct and violent acts. Failure to report may constitute grounds for dismissal. The School will hold harmless any employee who makes such a report in good faith.

Crime and Violence

Any unlawful or violent act is absolutely prohibited on school property or during school-related activities. An "unlawful or violent act" means any of the following:

- Possession or use of a deadly weapon;
- Possession, sale or use of any controlled substance;
- Aggravated assault;
- Simple assault upon any school employee;
- Rape;
- Sexual battery;
- Murder;
- Kidnapping;
- Fondling, touching, handling, etc. of a child for lustful purposes;
- Any violent act.

A "violent act" is one that results in or is an attempt to cause death or physical harm of another person.

"School property" includes any school building, bus, campus, grounds, recreational area, athletic field or other property owned, used or operated by the School.

"School-related activities" are any events, trips, extra-curricular activities, or any other activity that is school sponsored.

A student may be subject to automatic suspension and recommendation of expulsion by the Administrator when there exists reasonable grounds to believe that a student has committed an unlawful or violent act on school property, during school-related activities or otherwise when the commission of the unlawful or violent act has or threatens a disruptive effect on the educational process or threatens the safety of the student or others. Such suspension pending expulsion shall take effect immediately subject to the procedures of due process stated in Policy JIA.

Any student who possesses any controlled substance, a knife, handgun, other firearm or any other instrument considered being dangerous and capable of causing bodily harm or who commits a violent act on school property may be subject to automatic expulsion by the Administrator. Such expulsion shall take effect immediately subject to the constitutional rights of due process, which shall include the student's right to appeal to the Board of Directors.

Harassment

Students are:

- Prohibited from engaging in any conduct which could reasonably be construed as constituting harassment on the basis of sex, race, color, national origin, age, religious beliefs, ethnic background, or disability;
- Prohibited from sexually harassing other students; and
- Required to report, to the school ~~principal~~Administrator or designee, harassment of which the student becomes aware.

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

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

- Has the purpose or effect of creating an intimidating or hostile environment.
- Unreasonably interferes with an individual's educational performance.
- Otherwise adversely affects an individual's educational opportunities.

Harassment includes, but is not limited to:

- Physical acts of aggression or assault, damage to property, or intimidation and implied or overt threats of violence motivated by the victim's sex, race, color, national origin, age, religious beliefs, ethnic background, or disability;
- Demeaning jokes, taunting, slurs, and derogatory "nicknames," innuendos, or other negative remarks relating to the victim's sex, race, color, national origin, age, religious beliefs, ethnic background, or disability;
- Graffiti and/or slogans or visual displays such as cartoons or posters depicting slurs or derogatory sentiments related to the victim's sex, race, color, national origin, age, religious beliefs, ethnic background, or disability; and
- Criminal offenses directed at persons because of their sex, race, color, national origin, age, religious beliefs, ethnic background, or disability;
- Harassment also includes an act of retaliation taken against:
 - any person bringing a complaint of harassment;
 - any person assisting another person in bringing a complaint of harassment; or,
 - any person participating in an investigation of an act of harassment.

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

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's participation in the educational process;
- Submission to or rejection of such conduct by an individual is used as a factor for educational decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

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

1. Unwelcome verbal statements of a sexual or abusive nature, including requests or demands for sexual activity, sexual jokes, and obscene comments, etc.;
2. Unwelcome, sexually motivated or inappropriate touching, pinching, or other physical contact;
3. Unwelcome sexual behavior or communications, accompanied by implied or overt threats concerning an individual's education;
4. Unwelcome behavior or communications directed at an individual because of his/her gender; and
5. Stalking or unwelcome, sexually motivated attention.

Reporting Procedures

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

Any School employee who receives a report of harassment from a student, becomes aware that a student is being subjected to harassment, or in good faith believes that a student is being subjected to harassment, is required to report the matter to the Administrator immediately. In the event the complaint involves the Administrator, the matter must be immediately reported to the Board Chairperson.

Any School employee who witnesses harassment of a student shall take immediate, appropriate action to intervene to stop the harassment.

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

Disciplinary Action

If the allegation of harassment involves a teacher or other school employee, the Administrator will submit the report of the investigation to the Board Chairperson. If there is sufficient evidence to support the allegation, disciplinary action, up to and including dismissal, may be taken against the offender.

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

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

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

In the event the harassment involves violence or other conduct which could be reasonably considered to be criminal in nature, the Administrator will refer the matter to the local law enforcement agency.

Protection Against Retaliation

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

Confidentiality

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

Record of Allegations

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

- References*
- Idaho Code §16-1619*
 - Title IX of the Education Amendments of 1972*
 - Franklin v. Gwinnett Co. Pubic Schools, 112 S. Ct. 1028 (1992)*
 - Gebser v. Lago Vista Independent School District, 118 S. Ct. 1989 (1998)*
 - Davis v. Monroe County Board of Education, 119 S. Ct. 1661 (1999)*