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3 **STUDENTS**

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5 Bullying/Harassment/Intimidation/Hazing

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7 The Board will strive to provide a positive and productive learning and working environment. Bullying,  
8 harassment, intimidation, or hazing, by students, staff, or third parties, is strictly prohibited and shall not  
9 be tolerated.

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11 Definitions

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- 13 1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors,  
14 service contractors or others engaged in District business, such as employees of businesses or  
15 organizations participating in cooperative work programs with the District, and others not directly  
16 subject to District control at inter-district and intra-District athletic competitions or other school  
17 events.
  - 18 2. “District” includes District facilities, District premises, and non-District property if the student or  
19 employee is at any District-sponsored, District-approved, or District-related activity or function,  
20 such as field trips or athletic events, where students are under the control of the District or where  
21 the employee is engaged in District business.
  - 22 3. “Hazing” includes but is not limited to any act that recklessly or intentionally endangers the  
23 mental or physical health or safety of a student for the purpose of initiation or as a condition or  
24 precondition of attaining membership in or affiliation with any District-sponsored activity or  
25 grade-level attainment, including but not limited to forced consumption of any drink, alcoholic  
26 beverage, drug, or controlled substance, forced exposure to the elements, forced prolonged  
27 exclusion from social contact, sleep deprivation, or any other forced activity that could adversely  
28 affect the mental or physical health or safety of a student; requires, encourages, authorizes, or  
29 permits another to be subject to wearing or carrying any obscene or physically burdensome  
30 article, assignment of pranks to be performed, or other such activities intended to degrade or  
31 humiliate.
  - 32 4. "Bullying" means any harassment, intimidation, hazing, stalking, humiliation, or threatening,  
33 insulting, or demeaning gesture or physical contact, or destruction of property, including any  
34 intentional written, verbal, or electronic communication (“cyberbullying”) or threat directed  
35 against a student that is persistent, severe, or repeated, and that substantially interferes with a  
36 student’s educational benefits, opportunities, or performance, that takes place on or immediately  
37 adjacent to school grounds, at any school-sponsored activity, on school-provided transportation,  
38 at any official school bus stop, or anywhere conduct may reasonably be considered to be a threat  
39 or an attempted intimidation of a student or staff member or an interference with school purposes  
40 or an educational function, and that has the effect of:
    - 41 a. Physically harming a student or damaging a student’s property;
    - 42 b. Knowingly placing a student in reasonable fear of physical harm to the student or  
43 damage to the student’s property;
    - 44 c. Creating a hostile educational environment, or;
    - 45 d. Substantially and materially disrupts the orderly operation of a school.

46 The above list is meant to be illustrative and non-exhaustive.
  - 47  
48 5. “Electronic communication device” means any mode of electronic communication,  
49 including but not limited to computers, cell phones, PDAs, or the internet.

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3 Reporting  
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5 All complaints about behavior that may violate this policy shall be promptly investigated. Any  
6 student, employee, or third party who has knowledge of conduct in violation of this policy or feels he/she  
7 has been a victim of hazing, harassment, intimidation, or bullying in violation of this policy is encouraged  
8 to immediately report his/her concerns to the building principal or the District Administrator, who have  
9 overall responsibility for such investigations. A student may also report concerns to a teacher or  
10 counselor, who will be responsible for notifying the appropriate District official. Complaints against the  
11 building principal shall be filed with the Superintendent. Complaints against the Superintendent or  
12 District Administrator shall be filed with the Board. Complaints can be made in person, or by the  
13 following contact methods:  
14

15 By Mail:

16 Attn: Principal | District Administrator | Board,  
17 1750 Ray of Hope Lane  
18 Billings, MT 59106-3599,  
19

20 By phone: (406) 656-2198  
21

22 Electronic contact form: <https://ya.ybgr.org/contact>  
23  
24

25 Investigations  
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27 YA will make all reasonable efforts to complete investigations within 10 school days after the date of the  
28 report was received. The actual amount of time may vary depending on the scope of the complaint, parties  
29 involved, and other factors in the investigation process. Additional persons may be involved with the  
30 investigation as deemed necessary by the district. Appropriate school administration will be notified  
31 within 1 business days of receipt of the report. Investigations will follow any applicable state and federal  
32 laws. Parents/guardians who are parties to the investigation will be afforded an opportunity to discuss the  
33 investigation, findings, and actions following the investigation.  
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35 If a report is found to be outside the jurisdiction of the district the person(s) making the report will be  
36 notified and district will provide information about services within the community for counseling, support  
37 services, and/or other programs.  
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39 Interventions  
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41 In response to bullying, the district may take actions including but not limited to:

- 42 a. Referral to school therapist or psychologist for services
- 43 b. Referral to community-based services
- 44 c. School counseling  
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46 Assessment  
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48 Reports of bullying will be tracked and reported in monthly review of performance indicators. Analysis  
49 will include at a minimum: frequency, locations, types of incidents, bystander interventions or  
50 participation, and community observations. Trends may be identified in order to try and target specific  
51 interventions or changes to policy or procedures. This data will be made available upon request.

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4 Exhaustion of administrative remedies

5 A person alleging violation of any form of harassment, intimidation, hazing, or threatening, insulting, or  
6 demeaning gesture or physical contact, including any intentional written, verbal, or electronic  
7 communication, as stated above, may seek redress under any available law, either civil or criminal, after  
8 exhausting all administrative remedies. Bullying is contrary to Montana Code Annotated (State Law) 20-  
9 5-208.

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11 Responsibilities

12 The District Administrator shall be responsible for ensuring notice of this policy is provided to students,  
13 staff, and third parties and for the development of administrative regulations, including reporting and  
14 investigative procedures, as needed.

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16 When an employee has actual knowledge that behavior in violation of this policy is sexual harassment,  
17 the employee must contact the Title IX Coordinator. The Title IX sexual harassment grievance process  
18 will be followed, if applicable, prior to imposing any discipline that cannot be imposed without resolution  
19 of the Title IX process.

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21 Consequences

22 Students whose behavior is found to be in violation of this policy will be subject to discipline up to and  
23 including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to  
24 discipline up to and including dismissal. Third parties whose behavior is found to be in violation of this  
25 policy shall be subject to appropriate sanctions as determined and imposed by the District Administrator  
26 or the Board. Individuals may also be referred to law enforcement officials.

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28 Retaliation and Reprisal

29 Retaliation is prohibited against any person who reports or is thought to have reported a violation, files a  
30 complaint, or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a  
31 serious violation of Board policy, whether or not a complaint is substantiated. False charges shall also be  
32 regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

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34 Cross Reference:       3225   Sexual Harassment  
35                           3225   Sexual Harassment Grievance Procedure  
36                           3225F  Harassment Reporting/Intake Form for Students

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38 Legal Reference:       § 20-5-207, MCA       “Bully-Free Montana Act”  
39                           § 20-5-208, MCA       Definition  
40                           § 20-50-209, MCA     Bullying of student prohibited  
41                           § 20-5-210, MCA     Enforcement – exhaustion of administrative remedies  
42                           10.55.701(2)(f), ARM  Board of Trustees  
43                           10.55.719, ARM       Student Protection Procedures  
44                           10.55.801(1)(d), ARM  School Climate

45 Policy History:

46 Adopted on: 9/21/2003

47 Reviewed on:

48 Revised on: 5/19/2014, 6/15/2015, 10/28/2020, 1/19/2022