

January 20, 2005

Re: SB 198, example policies

Dear Senator Kitzenberg,

I have prepared a complete copy of all the materials sent by school districts that responded to our request. In the packets delivered to the other committee members, I have omitted the information sent that does not speak to harassment and bullying.

As you can see from this sampling, not all policies are the same. Many policies provided to us are in fact the Title IX policies required by federal law. In my conversations with schools, many believe Title IX policies apply to all harassment. They do not. While they do a good job at addressing sexual harassment issues, their language is specific to harassment that creates a sexually-hostile environment. That is different than getting slammed into a locker for your race, religion, size and so on. A targeted student looking at a sexual harassment policy would not be able to determine if their school prohibits harassment for other reasons. Many school districts provided their Title IX policy as their only harassment policy. This means the district has no anti-harassment/bullying policy.

You can also determine from this sampling that there is wide variation of language, with some policies barely covering bullying because they are too vague. Those policies entitled "Hazing/Harassment/Intimidation/Bullying" vary greatly in language. Many lack a definition of what harassment is. Some do not prohibit retaliation for reporting harassment. Many do not enumerate categories. When they do enumerate categories, they are less inclusive than SB 198 and do not use the language of "actual or perceived" or "any other actual or perceived distinguishing characteristic."

Under many of these policies, how would students know what conduct is prohibited? Targeted student often question, is what's happening to me wrong or will my school help me? How would they know if their school will stand by them? Let's make it clear what bullying is and that retaliation for reporting it is prohibited. Let's give clear direction to teachers, administrators, and students about the scope of the policy, by enumerating categories. The US Supreme Court stated in the *Romer* case, "Enumeration is the essential device used to make the duty...concrete and to provide guidance for those who must comply."

Our analysis of the 39 district surveyed found that 19 had no specific harassment/bullying policy. This translates into 49% without a policy. Four districts had very comprehensive policies, which translates into 10% of those who responded.

Respectfully, I assert that all Montana students deserve anti-harassment and bullying policies that are consistent by using a uniform definition, prohibiting retaliation, and making clear the scope of the policy.

Sincerely,

Betty Kijewski
Youth Organizer

Cc: Senate Education Committee Members

SCHOOL/

SCHOOL DISTRICT

POLICIES FAXED

Title of policy is underline. Analysis listed below title.

Peerless

Sexual/harassment/intimidation and Hazing

This is a Title IX policy. No specific anti-harassment policy

KC Schools

Sexual/harassment/intimidation

Very limited Harassment Policy, No definition of what harassment is, no statements on 'actual or perceived', no enumeration of classes. Does not prohibit retaliations.

Beaverhead County

Hazing/Harassment/Intimidation/Bullying

Lack protection for 'social or economic status', 'language barrier', 'homeless status' and 'orientation.'

Fails to use 'actual or perceived' or 'or any other actual or perceived distinguishing characteristic.'

Belfry

Hazing/Harassment/Intimidation/Bullying

Lack protection for 'social or economic status', 'language barrier', 'homeless status' and 'orientation'

Fails to use 'actual or perceived' or 'or any other actual or perceived distinguishing characteristic.'

**MT School
Deaf/Blind**

Has two small paragraphs that speak to Harassment And Bullying. Does enumeration of classes, but not

'social or economic status, language barrier, or homeless status. Does not prohibit retaliations.

Whitefish

Hazing/Harassment/Intimidation/Bullying

Lacks protection for 'social or economic status', 'language barrier', 'homeless status' and 'orientation'. Fails to use 'actual or perceived' or 'or any other actual or perceived distinguishing characteristic.'

Box Elder

Fighting, Harassment...Discipline Policy

Paragraph that students will be sent home until Parent/Principal conference. Lack a definition of harassment, statement of prohibition, enumeration of categories, and no prohibition on retaliations.

Cut Bank

Hazing/Harassment/Intimidation/Bullying

Lack protection for 'social or economic status', 'language barrier', 'homeless status' and 'orientation'. Fails to use 'actual or perceived' or 'or any other actual or perceived distinguishing characteristic'

Drummond	<u>Hazing/Harassment/Intimidation/Bullying/Menacing</u> Reduced policy from those listed above with same title. Removed is the definition of 'hazing' 'harassment, intimidation or bullying' 'intimidation' and 'menacing.' No prohibition for retaliation, false reporting. No enumeration of classes.
Bigfork	<u>Hazing/Harassment/Intimidation/Bullying/Menacing</u> Expanded policy from other policies of the same title. Good policy
Willow Creek	<u>Hazing/Harassment/Intimidation/Bullying/Menacing</u> <i>Very limited Harassment Policy.</i> No definition of what harassment is, no statements on 'actual or perceived', no enumeration of classes. Does not prohibit retaliations.
Browning	<u>Sexual Harassment/Intimidation Policy- This Title IX policy</u> NO specific anti-harassment/bullying policy
Somers	<u>Hazing/Harassment/Intimidation/Bullying/Menacing</u> Very expanded policy from other policies of the same title. Good policy
Kalispell	<u>Sexual Harassment/Intimidation Policy-</u> <i>This Title IX policy</i> NO specific anti-harassment/bullying policy.
Moore	<u>Non-discrimination Policy, Uniform Grievances Procedure, Sexual Harassment/Intimidation Policy (Title IX) and Student Discipline.</u> NO specific anti-harassment/bullying policy.
Ronan	<u>Sexual Harassment/Intimidation Policy(Title IX)- Grievance Procedure- Harassment Reporting Form</u> <i>This Title IX policy</i> NO specific anti-harassment/bullying policy. High school handbook did at one time have a statement on Harassment.
Sun River	<u>Sexual Harassment/Intimidation Policy (Title IX), Hazing/Harassment/Intimidation/Bullying/Menacing, Student Discipline.</u> Very limited Harassment Policy. (COMMENTS) No definition of what harassment is, no statements on 'actual or perceived', no enumeration of classes. Does not prohibit retaliation.

Havre	<u>Students Rights and Responsibilities, Non-discrimination Policy, Sexual Harassment/Intimidation Policy (Title IX) and Grievance Procedure for Sexual Harassment, Student Behavior Management, DRAFT of Student Discipline.</u> NO specific anti-harassment/bullying policy. There is some similar language to what an anti-harassment policies would be in the Student Behavior Management policy.
Scobey	<u>Sexual Harassment/Intimidation Policy (Title IX),</u> NO specific anti-harassment/bullying policy.
Great Falls	<u>Sexual Harassment/Intimidation Policy (Title IX),</u> NO specific anti-harassment/bullying policy.
Three Forks	<u>Sexual Harassment/Intimidation Policy (Title IX), Hazing/Harassment/Intimidation/Bullying/Menacing</u> Very limited Harassment Policy (COMMENTS) No definition of what harassment is, no statements on 'actual or perceived', and no enumeration of classes. No prohibition for retaliations.
Ophir School Dist 2	<u>Sexual Harassment/Intimidation Policy (Title IX), Hazing/Harassment/Intimidation/Bullying/Menacing</u> Lacks protection for 'social or economic status,' 'language barrier,' 'homeless status' and 'orientation.' Does not use 'actual or perceived' or 'or any other actual or perceived characteristic.'"
Ryegate	<u>Sexual Harassment/Intimidation Policy (Title IX),</u> NO specific anti-harassment/bullying policy.
Bridger	<u>Sexual Harassment/Intimidation Policy (Title IX), Student Discipline Expectations and Procedures.</u> Student discipline speaks somewhat to violent or aggressive behavior. Does not define harassment, intimidation and bullying. No prohibition for retaliation, no enumerated classes. NO specific anti-harassment/bullying policy.
Hardin	<u>Students Rights and Responsibilities, Non-discrimination, Title IX, and Student Discipline.</u> NO specific anti-harassment/bullying policy.
Plevna	<u>Sexual Harassment/Sexual Discrimination</u> NO specific anti-harassment/bullying policy.

- Denton** Student to Student Harassment/Sexual Harassment-
(Comments)A well blended anti-harassment policy and Title IX. Good definitions, enumerate classes, outlines consequences, how to report. Did not see a prohibition for retaliation. Did not include 'social or economic status,' 'language barrier,' or 'homeless status.' Has a statement on stereotyped group characteristic or person's identification with a group
- Lincoln** Sexual Harassment/Intimidation of Students. (Title IX) and Non-Discrimination Policy. **NO specific anti-harassment/bullying policy.** Quite a statement from the Principal/Superintendent about bullying came with the fax
- Chester** Sexual Harassment/Intimidation Policy (Title IX), Hazing/Harassment/Intimidation/Bullying/Menacing
Very limited Harassment Policy. No definition of what harassment is, no statements on 'actual or perceived', and no enumeration of classes. No prohibition for retaliations.
- Fromberg** **Second reading was 1/10/05**
Hazing/Harassment/Intimidation/Bullying/Menacing
Lacks protection for 'social or economic status,' 'language barrier,' 'homeless status' and 'orientation.' Does not use 'actual or perceived' or 'or any other actual or perceived characteristic.'
- Troy** Student' Rights and Responsibilities, Non-discriminations, Uniform Grievance Procedure, Sexual Harassment/Intimidation of Students.(Title IX), Student Discipline. **NO specific anti-harassment/bullying policy.** There is some language that one would typically find in harassment policies in the Student Discipline.
- ~~Lewiston~~ Hazing/Harassment/Intimidation/Bullying/Menacing
Very limited Harassment Policy. No definition of what harassment is, no statements on 'actual or perceived', and no enumeration of classes. No prohibition for retaliations.
- Fergus** *Lewiston* Sexual Harassment/Intimidation of Students.(Title IX), Hazing/Harassment/Intimidation/Bullying/Menacing
Very limited Harassment Policy. No definition of what harassment is, no statements on 'actual or perceived', and no enumeration of classes. No prohibition for retaliations.

East Helena	<u>Threats and Harassment</u> Very detailed about examples of harassment, responsibility of staff and students, consequences and follow-up for both staff and students. No reference to enumerated classes, or 'actual or perceived' language.
Roberts	<u>Hazing Policy, Sexual Harassment Policy(Title IX), and Grievance.</u> NO specific anti-harassment/bullying policy.
Rocky Boy Schools	<u>Student Responsibility, Grievance, Student Discipline</u> NO specific anti-harassment/bullying policy. A reference in student discipline.
Geraldine Public	<u>Hazing/Harassment/Intimidation/Bullying/Menacing</u> Lacks protection for 'social or economic status,' 'language barrier,' 'homeless status' and 'orientation.' Does not use 'actual or perceived' or 'or any other actual or perceived characteristic.'
Red Lodge	<u>Sexual Harassment/Intimidation(Title IX)</u> NO specific anti-harassment/bullying policy.
Jordon	<u>Sexual Harassment/Intimidation(Title IX)</u> NO specific anti-harassment/bullying policy.
Billings	<u>Students Rights and Responsibilities, Equal Educations Opportunity, Sexual Harassment/Intimidation of Students(Title IX) Student Discipline, and Hazing Policies.</u> There is language in the Student Discipline policy about violence and threats. NO specific anti-harassment/bullying policy identified.