

Policy Name:	BULLYING, INTIMIDATION, HAZING AND HARASSMENT PREVENTION		
Effective Date:	1/1/2022	Replaces Policy Dated:	7/1/2015
Department:	Company Wide - ALL	Reference No.	CR I
Approved By:	Senior Leadership Team		

PURPOSE

Intermountain is committed to providing a safe, accepting, and positive therapeutic environment conducive to, and necessary for optimal healing. Like other disruptive behaviors, bullying, intimidation, hazing, and harassment negatively impact the therapeutic environment and is not tolerated. Clients and staff are strictly prohibited from taking any action that could be interpreted as bullying, intimidation, hazing, or harassment, or retaliation for reporting such action. This policy complies with applicable laws and regulations with regards to the Administrative Rules of Montana for a Youth Care Facility, the California Sexual/Bullying Harassment Prevention rules for schools, Illinois Compiled Statutes Bullying Prevention rules for schools, Washington Discrimination Prohibition code, and meets Council on Accreditation Standards.

SCOPE

This policy applies to all Intermountain staff, board members, volunteers, and clients to provide clients a safe, non-hostile therapeutic environment.

POLICY

1. All clients have the right to heal and live in an atmosphere free of intimidation, hostility, and offensiveness. Intermountain provides clients with an environment free from bullying, intimidation, hazing, or harassment and does not tolerate these actions in any form.
2. Discrimination, harassment, intimidation, and bullying based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, creed, immigration status, religion, sexual orientation, military status, or association with a person or group with one or more of these actual or perceived characteristics is **prohibited**.
3. Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying or harassment. This list is meant to be illustrative and non-exhaustive.
4. This policy applies to all acts related to Intermountain activity or attendance occurring within Intermountain's jurisdiction.

5. Clients who believe they are being subjected to bullying, intimidation, hazing, or harassment by anyone connected with Intermountain are encouraged to report the matter promptly to their provider, teacher, or any Intermountain employee.
6. If a client reports bullying, intimidation, hazing, or harassment to an Intermountain staff:
 - a. Staff immediately notifies their supervisor, who notifies the Quality Assurance Director.
 - b. Steps are taken to listen to the reporting client and enact a plan quickly to ensure safety or remedy.
7. If Intermountain staff witness an act of discrimination, bullying, intimidation, hazing, or harassment, they are to take immediate steps to intervene when safe to do so.
 - a. Training on how to intervene and how to process a complaint of bullying, intimidation, hazing, or harassment is covered during new staff orientation when discussing a client's rights and expectations.
8. Staff failure to intervene, report, or enact a remedial plan in response to bullying, intimidation, hazing, or harassment is a violation of policy and may result in disciplinary action by Intermountain, up to and including termination of employment following the procedures outlined in the Discipline and Termination of Employment policy.
9. Development of this policy is based on engagement with a range of stakeholders, including donors, clients, and parent/legal guardian(s).

PROCEDURE

1. Intermountain staff reviews this policy with the client, and the client is required to sign the form.
 - a. In addition, clients are taught what to do if they witness bullying, intimidation, hazing, or harassment during their orientation to the program as part of the Client's Rights & Expectations.
 - b. This policy is reviewed by the client's parent/legal guardian(s) if applicable. Parent/legal guardian(s) are required to sign the policy form.
2. This policy is translated if needed.
3. The Day Treatment Program includes teaching students about bullying, intimidation, hazing, or harassment within their regular curriculum and work.
4. This policy is posted:
 - a. Where other policies, rules, or standards of conduct are posted for Intermountain clients, or common areas of client activity.
 - b. Prominently on Intermountain's website.
 - c. Within any/all client handbooks.
5. This policy is required to be distributed annually to parent/legal guardian(s), clients, and Intermountain personnel, including new employees when hired.
6. The responsible officer for ensuring compliance of the policy is the Quality Assurance Director. The responsible officer:
 - a. Attends at least one training class based on the model policy and procedure prohibiting harassment, intimidation, and bullying which includes materials related to hazing and transgender guidelines.

- b. Receives copies of all formal and informal complaints relating to bullying, intimidation, hazing, or harassment.
7. To report bullying or sexual harassment:
 - a. Call – Roxanne Wallis, Quality Assurance Director at 406-457-4772 or email qualityassurance@intermountain.org
 - b. Anonymous reports are also accepted
 8. The identity of a complainant alleging discrimination, bullying, intimidation, hazing, or harassment remains confidential, as appropriate.
 9. Reprisal or retaliation is **prohibited** against any person who reports an act of bullying, intimidation, hazing, or harassment.
 - a. A client’s act of reprisal or retaliation is treated as bullying or harassment for purposes of determining any consequences or other appropriate remedial actions.
 10. A client is not punished for reporting bullying, intimidation, hazing, or harassment or supplying information, even if Intermountain’s investigation concludes that no bullying or harassment occurred.
 - a. Making a false accusation or providing knowingly false information is treated as bullying for purposes of determining any consequences or other appropriate remedial actions.
 11. All reports of bullying, intimidation, hazing, or harassment is documented per complaints or grievance procedure and addressed by program directors. Program directors are responsible for the following:
 - a. Ensure all investigations are initiated promptly, but no later than two workdays after the report was received.
 - b. Assign an investigator(s) of Intermountain personnel with knowledge, experience, and training on bullying and harassment prevention to work with the responsible officer.
 - i. The designated investigator(s) determines whether bullying, intimidation, hazing, or harassment has occurred by interviewing the aggressor(s), the victim(s), the reporter, known bystanders, and other witnesses.
 - ii. Any interviewees are informed that information given is kept as confidential as possible, but disclosure may be necessary.
 - iii. Previous reports involving the same individuals is taken into consideration.
 - c. Make all reasonable efforts to complete the investigation within five (5) workdays after the report was received taking into consideration additional relevant information received during the investigation about the reported incident.
 - d. Notify Senior Leadership Team about the reported incident of bullying, intimidation, hazing, or harassment within one working day.
 - e. Notify parents/legal guardians of the clients who are parties to the investigation.
 - i. Parents/legal guardians are to have an opportunity to meet with the program director or designee to discuss the investigation in a manner that complies with federal and state laws and rules governing client privacy rights.
 - ii. The discussion covers information about the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying, intimidation, hazing, or harassment.

- iii. The program director discusses, as appropriate, the availability of social work services, counseling, psychological services, other interventions, and restorative measures.
 - f. Keep a written record of each reported incident including: the written report, investigatory steps and information, conclusive findings, referral to other entities, and disciplinary and/or remedial action taken.
12. The investigation determines whether the act is within the permissible scope of Intermountain's jurisdiction. If instances of bullying and intimidation rise to the level of a possible criminal offense, the Quality Assurance Director or their designee immediately notifies the police.
13. The appeals process afforded to the complainant on the case of disagreement with the resolution of a complaint are addressed through the Complaints to Intermountain policy and Grievance Procedure Form.
14. The program director takes all necessary steps to protect the victim from further bullying, intimidation, hazing, or harassment incidents.
 - a. Protection includes but is not limited to:
 - i. Changing the aggressor's seat or therapeutic location, transportation route, and/or counseling sessions.
 - ii. Identifying a staff member to act as a supervisor for the aggressor. If an escort is appropriate, the aggressor – not the victim – is escorted.
15. Interventions taken to address bullying, intimidation, hazing, or harassment by a client may include, but are not limited to:
 - a. Social work services
 - b. Restorative measures
 - c. Social-emotional skill building
 - d. Counseling and psychological services
 - e. Community-based services
16. Interventions to address bullying, intimidation, hazing, or harassment by a staff member follow Intermountain's Discipline and Termination of Employment policy.
17. The program director or other designated staff provides the victim with information regarding services that are available within Intermountain's milieu and within the community, such as counseling, support services, and other programs.
18. The program director or other designated staff follows up with the victim of any bullying, intimidation, hazing, or harassment to ensure that the negative behavior has stopped.
19. Quality Assurance evaluates the process to assess the outcomes and effectiveness of the Bullying, Intimidation, Hazing, and Harassment Prevention policy every two years that includes, but is not limited to, factors such as:
 - a. The frequency of victimization
 - b. Client, staff, and caregiver's observations of safety at Intermountain
 - c. Identification of areas of the organization where bullying occurs
 - d. The types of bullying that are common or occurring
 - e. Bystander intervention or participation

- f. The information developed as part of the evaluation process is posted on the Intermountain website. If the website is not available, the information is provided to administrators, Senior Leadership Team, Intermountain personnel, parents/legal guardians, and clients.
20. The program director or designee fully implements this policy, including without limitation, the following:
- a. Complaints to Intermountain Policy - A client may use this policy to complain about bullying or sexual harassment.
 - b. Grievance Procedure form - A client may use this procedure to complain about bullying or sexual harassment and appeal the resolution of complaint.
 - c. Intermountain Internet and Email Acceptable Use Policy - This policy states that the use of Intermountain's electronic networks is limited to a legitimate business use.
 - d. Intermountain Client Internet Acceptable Use Policy - This policy states that Residential clients are to use the internet with a chaperone.
 - e. Anti-Harassment & Non-Discrimination Policy - This policy prohibits Intermountain employees and volunteers from discrimination and harassment in the workplace.
 - f. Discipline and Termination of Employment policy - Used to discipline or terminate staff found to have bullied or harassed a client.
 - g. Whistle Blower Protection Policy - This policy provides an avenue for an employee to raise concerns and reassurance that they are protected from reprisals or victimization for whistle blowing.

DEFINITIONS

Bullying or Intimidation:

Includes "cyber-bullying" and means any severe or pervasive physical or verbal act or conduct, including communications made in writing or an "electronic act", directed toward a client or clients that has or can be reasonably predicted to have the effect of one or more of the following: (1) placing the client or clients in reasonable fear of harm to the client's or clients' person or property; (2) causing a substantially detrimental effect on the client's or clients' physical or mental health; (3) substantially interfering with the client's or clients' treatment; or (4) substantially interfering with the client's or clients' ability to participate in or benefit from the services, activities, or privileges provided by Intermountain.

Hazing:

means an act against a client or coercing a client into behavior that creates risk of harm to a client for the client to be initiated into, or affiliated with a client activity, team, club or organization, or for any other purpose.

Harassment:

includes sexual harassment, is unlawful and consists of, but is not limited to, oral, written, or an "electronic act" in the form of repeated and unwelcomed jokes, slurs, comments, visual images, or innuendos based on a protected class and is sufficiently severe, persistent, or pervasive that it limits or denies a client's ability to participate in or benefit Intermountain's offerings, including any educational program or activity (i.e., creates a hostile environment). Even mutually agreeable behavior, or behavior accepted between two or more people, can be offensive to others; for this reason, it is not tolerated in the organization. Conditions of harassment are also met when Intermountain, upon notice, fails to take prompt and appropriate action to investigate or fails to take prompt and effective steps

reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Sexual Harassment: Sex discrimination within the meaning of Title VII of the Civil Rights Act of 1964 and the Montana Human Rights Act: (1) Unwelcome sexual advances, requests for favors and other verbal or physical contact of a sexual nature; or when conduct of a sexual nature creates an intimidating, hostile, or offensive environment. An intimidating, hostile or offensive environment includes sexually oriented jokes, innuendoes, obscenities, pictures or any action with a sexual connotation that makes a client feel uncomfortable in Intermountain's environment or that affects the Intermountain environment, whether or not sexual in connotation, that is directed toward a client based on the client's sex. (2) Conduct of a sexual nature that is prohibited according to Montana State Law.

Cyber Bullying: means bullying through the use of an "electronic act"

Electronic Act: means the creation or transmission originated on or off Intermountain property by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager including, but not limited to, any of the following:

(1) A message, text, sound, video, or image.

(2) A post on a social network Internet Web site, including, but not limited to: (a) Posting to or creating a burn page. "Burn page" means an Internet Web site created for the purpose of having one or more of the effects listed in bullying definition (b) Creating a credible impersonation of another actual client for the purpose of having one or more of the effects listed in bullying definition. "Credible impersonation" means to knowingly and without consent impersonate a client for the purpose of bullying the client and such that another client would reasonably believe, or has reasonably believed, that the client was or is the client who was impersonated.

(3) Creating a false profile for the purpose of having one or more of the effects listed in definition of bullying. "False profile" means a profile of a fictitious client or a profile using the likeness or attributes of an actual client other than the client who created the false profile.

Gender and Gender Expression: "Gender" means sex and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

Retaliation: means an intentional act or communication intended: (1) as retribution against a person who has reported an incidence of bullying, harassment, or intimidation; or (2) to improperly influence the reporting, investigation, or discipline that results from an incidence of bullying, harassment, or intimidation.

Restorative Measures: means a continuum of Intermountain alternatives to termination of services, that: (1) are adapted to the particular needs of Intermountain and the community, (2) contribute to maintaining Intermountain safety, (3) protect the integrity of a positive and productive healing climate, (4) teach clients the personal and interpersonal skills they need to be successful within the therapeutic environment of Intermountain and society, (5) serve to build and restore relationships among clients, families, the organization, and communities, and (6) reduce the likelihood of future disruption by balancing accountability with an understanding of clients' behavioral health needs in order to keep clients in the service of Intermountain.

OTHER POLICIES & FORMS RELATED

Client's Rights and Expectations Form
Grievance Procedure Form
Complaints to Intermountain Policy
Intermountain Internet and Email Acceptable Use Policy
Intermountain Client Internet Acceptable Use
Anti-Harassment & Non-Discrimination
Discipline and Termination of Employment policy
Whistle Blower Protection Policy

REFERENCES & CITATIONS

ARMS 37.97.147; 37.97.154; 37.97.159, ARM 10.55.719
Illinois Compiled Statues 105 ILCS 5/27-23.7
California Code of Regulations Chapter 2 of Division 1 of Title 5
Revised Code of Washington 28A.642, RCW 28A.600.477, RCW 28A.600.480, WAC 392-190-0555
COA CR 1.01; 1.02