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Student Handbook

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### III. Code of Conduct, Page 4

#### Harassment

Any practice by a group or an individual that detains, embarrasses, or degrades a member of the College community, endangers his/her health, jeopardizes his/her safety, or interferes with class attendance or the pursuit of education or work responsibilities and which occurs on College-owned or controlled property or while the violator is attending or participating in a College-sponsored event or activity is prohibited. Use of College Internet addresses or College technology to harass is also prohibited on and off campus. Furthermore, the Idaho Criminal Code has designated malicious harassment as a serious act punishable by the State. Lewis-Clark State College supports Idaho authorities and will not tolerate harassment in any form. Specific Idaho law is listed below.

**Idaho Criminal Code: 18-7902. Malicious harassment defined.** Prohibited. It shall be unlawful for any person, maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry or national origin to:

- a) cause physical injury to another person; or
- b) damage, destroy, or deface any real or personal property of another person; or
- c) threaten, by word or act, to do the acts prohibited if there is reasonable cause to believe that any of the acts described in subsections a) and b) of this section will occur.

For purposes of this section, "deface" shall include, but not be limited to cross-burnings or the placing of any word or symbol commonly associated with racial, religious or ethnic terrorism on the property of another person without his or her permission.

**Idaho Criminal Code: 18-7903. Penalties—Criminal and Civil**

- a) Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed five (5) years or by fine not exceeding five thousand dollars (\$5,000) or by both.
- b) In addition to the criminal penalty provided in subsection (a) of this section, there is hereby created a civil cause for action for malicious harassment. A person may be liable to a victim of malicious harassment for both special and general damages, including but not limited to damages for emotional distress, reasonable attorney fees and costs, and punitive damages.
- c) The penalties provided in this section for malicious harassment do not preclude

victims from seeking any other remedies, criminal or civil, otherwise available under law.

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