STUDENT HARASSMENT AND BULLYING

The district prohibits harassment and bullying of any student on school grounds, on a school vehicle, at a school bus stop, at a school-sponsored activity or while the student is traveling to or from school. The district will provide notice of this policy to students and district employees, investigate all reports of harassment and bullying, and take disciplinary or other appropriate action against any student or district employee who is found to have violated this policy.

“Harassment and bullying” means any severe or persistent physical or psychological abuse of a student by means of physical threats or assaults, verbal threats or insults, or other hostile or degrading acts.

“Harassment and bullying” includes any hostile or degrading act inflicted because of the student victim’s actual or perceived race, ethnicity, religion, gender, sexual orientation or disability regardless of whether the act itself is severe or persistent.

“Harassment and bullying” includes sexual harassment, which means any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature made by a school employee to a student or by a student to another student when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of a student's education, academic status or progress; or
- Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student; or
- The conduct (1) substantially interferes with or will substantially interfere with a student’s educational benefits, opportunities or performance, or a student's physical or psychological well-being; or (2) creates an intimidating or hostile educational environment; or
- Submission to or rejection of such conduct by a student is used as the basis for evaluating the student's performance within a course of study or other school-related activity.

“Harassment and bullying” includes retaliation, which means any adverse action, taken against a student for reporting a complaint of harassment and bullying when the reporter honestly believes harassment and bullying has occurred or is occurring, or for participating in or cooperating with an investigation. Adverse action includes any form of intimidation, reprisal or harassment such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action in the case of students.

This policy will be interpreted and applied so as to comply with state and federal legal requirements, including without limitation, the Arizona Revised Statutes §15-341, the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

The Superintendent is authorized and directed to adopt administrative regulations for the implementation of this policy, including without limitation, procedures for the investigation of reports of harassment and bullying.

Adopted: May 23, 2006
PROCEDURES FOR NOTICE, REPORTING, AND INVESTIGATION OF HARASSMENT AND BULLYING OF STUDENTS

1. Notice

The district will use its Information & Guidelines for student behavior to provide notice of this policy and encourage students to report harassment and bullying. Principals or their designees will review the district’s policy against harassment and bullying with students at the start of each school year and distribute written information about rights, protections, and services available to students who are alleged victims of harassment.

2. Reporting

A. Students. The district will encourage students and parents of students who are harassed or bullied, or who have first-hand knowledge of harassment and bullying, to report such incidents. Students and their parents should report an incident to any teacher, guidance counselor, or school administrator.

B. Employees. A school employee who witnesses, overhears, or receives a report, formal or informal, written or oral, of harassment of a student at school or a school bus stop, on a school bus or while traveling to or from school, or during school-sponsored activities must immediately report it to the principal or the employee’s supervisor. An employee’s report will be documented in writing. An employee who fails to report harassment of a student is subject to disciplinary action pursuant to district policy GCPD or GDPD.

C. Alternative Reporting. A student, parent, or employee may report harassment to any administrator or supervisor to whom the student or employee feels comfortable making the report. A report of harassment may always be made to the Superintendent or, if necessary, the Governing Board President.

D. Privacy. Reports of harassment will be kept confidential to the extent possible, given the need to investigate and act on investigative results. No report will be disclosed to a person other than a school official or law enforcement agent unless the individually identifiable information has been redacted.

3. Response

A. Principal. The principal or designee is primarily responsible for receiving oral or written reports of harassment and bullying. The principal may request, but may not insist upon, a written report. If the report was given verbally, the principal will promptly reduce it to written form and maintain it as a record. All reports of harassment and bullying must be made on a Harassment or Bullying Report form JFD-R-F.
Upon receipt of a report of harassment, the principal or designee will give to the alleged victim written information about the rights, protections, and services available to students who are alleged victims of harassment. (See Form 91-20-37 ESD –Keep your school free of harassment, intimidation and bullying.)

Reports of harassment and bullying that create a reasonable belief that a student is a victim of child abuse must be immediately reported to the police or Child Protective Services in accordance with district policy JHG and the district’s child abuse reporting protocol.

The principal will promptly forward reports of harassment and bullying that allege inappropriate conduct by a district employee or retaliation to the appropriate assistant superintendent.

B. Assistant Superintendent. The assistant superintendent or designee is primarily responsible for the investigation of reports of employee-to-student harassment and bullying. The assistant superintendent, in consultation with the principal, will determine whether to place the accused district employee on administrative leave.

4. Informal Resolution

The principal may attempt to informally resolve a report of student-to-student harassment and bullying by meeting with the offended student and the offending student individually or together. The principal will promptly contact parents of the offended and offending students and inform them of the allegations. At the conclusion of attempts to achieve informal resolution, the principal will advise the offended student or his or her parent that the student may request a formal investigation of the report. If it appears to the principal that the offended student’s concerns have been successfully resolved, the principal will document the informal resolution and maintain it as a record.

5. Formal Investigation of Student-to-Student Harassment and Bullying

A. Investigator. The principal or a designee will conduct an investigation upon receipt of a report alleging student-to-student harassment that cannot be resolved with informal resolution. Ordinarily, the principal will conduct the investigation; however, a designee may be assigned, whenever necessary or appropriate, to expedite the investigation or remove a concern for bias or conflict of interest.

B. Investigation. The investigator will interview the offended and offending students and any other persons who may have knowledge of the circumstances giving rise to the report and may use other methods and documentation. Witnesses will be advised to keep their statements and knowledge of the matter confidential.

C. Timeframe. The investigator will complete the investigation as soon as practicable. If the investigation will require more than five school days, the investigator will contact the offended student’s parents to inform them of the progress of the investigation.

D. Findings. Upon completion of the investigation, the investigator will decide whether harassment and bullying occurred or did not occur, or that the evidence is inconclusive. The investigator’s findings will be entered on form JFD-R-F.

E. Notification of Alleged Victim. Upon completion of the investigation, the investigator will promptly notify the victim and the victim’s parent of his or her findings and what disciplinary and remedial action, if any, will be pursued against the alleged perpetrator.
F. **Record Keeping.** A written record of any complaints of harassment and bullying and its resolution will be maintained by the principal for a period of at least six years. A record of harassment or bullying will not be maintained in the file of the offending student unless the investigator finds that the offending student harassed or bullied the offended student.

6. **Formal Investigation of Employee-to-Student Harassment**

A. **Investigator.** The assistant superintendent or a designee will conduct an investigation upon receipt of a report alleging employee-to-student harassment that cannot be resolved with informal resolution. Ordinarily, the investigator will be the assistant superintendent; however, a designee may be assigned whenever necessary or appropriate to expedite the investigation or remove a concern for bias or conflict of interest.

B. **Investigation.** The investigator will interview the offended student and offending employee and any other persons who may have knowledge of the circumstances giving rise to the report and may use other methods and documentation. Witnesses will be advised to keep their statements and knowledge of the matter confidential.

C. **Timeframe.** The investigator will complete the investigation as soon as practicable. If the investigation will require more than five school days, the investigator will contact the offended student’s parents to inform them of the progress of the investigation.

D. **Findings.** Upon completion of the investigation, the investigator will decide whether harassment and bullying occurred or did not occur, or that the evidence is inconclusive. The investigator’s findings will be entered on form JFD-R-F.

E. **Notification of Alleged Victim.** Upon completion of the investigation, the investigator will promptly notify the victim and the victim’s parent of his or her findings and what disciplinary and remedial action, if any, will be pursued against the alleged perpetrator.

F. **Record Keeping.** A written record of any complaints of harassment and bullying and its resolution will be maintained by the Assistant superintendent.

7. **Disciplinary and Remedial Action**

When the district determines that harassment and bullying have occurred, the district will take disciplinary or remedial action as appropriate in order to ensure that further harassment does not occur. Disciplinary action for violation of this policy will be taken in accordance with applicable district policy governing discipline of students or employees. The investigator may take remedial action to prevent further tensions between the offended student and the offending student if the investigator finds that the evidence is inconclusive.

8. **Appeal**

A. **Alleged Victim.** If an alleged victim is not satisfied with the results of an investigation, the student may appeal the matter to the appropriate assistant superintendent within five school days after the student or the student’s parent is informed of the result of the investigation. The assistant superintendent will review the investigation and decision and any relevant documents or statement submitted by the offended student. Based on this information, the assistant superintendent will issue a decision to affirm, reverse, or modify the original decision within five school days.
The alleged victim may appeal the assistant superintendent’s decision to the associate superintendent within five school days after the student or student’s parent is informed of the assistant superintendent’s decision. The associate superintendent will review the matter and issue a final decision within five school days.

B. Alleged Harasser. A person who receives disciplinary action as a result of a violation of this policy may appeal the determination and disciplinary action in accordance with the applicable district policy governing discipline of students or employees.

9. Retaliation and False Reporting

A. Retaliation. Any person who retaliates against an employee or student who reports, testifies, assists, or participates in an investigation or hearing relating to a harassment and bullying report will be subject to appropriate action and/or discipline by the school district.

B. False Reporting. Any person who knowingly makes a false report of harassment and bullying will be subject to disciplinary or other appropriate action.

Adopted: May 23, 2006
Revised: June 22, 2011
    July 20, 2011

Michael B. Cowan
Superintendent

CROSS REF.: JHG – Child Abuse

FORM: JFD-R-F – Harassment or Bullying Report
      Form 91-20-37 ESD – Keep your school free of harassment, intimidation and bullying.