

MESA UNIFIED SCHOOL DISTRICT	TOPIC: Student Harassment and Bullying
GOVERNING BOARD POLICY	DISTRICT CODE: JFD

STUDENT HARASSMENT AND BULLYING

The district prohibits harassment and bullying of any student on school grounds, in 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 means any hostile or degrading act inflicted because of the student victim’s actual or perceived race, color, national origin, religion, sex (including gender identity, sexual orientation, marital status, or pregnancy), or disability.

“Harassment” 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
- 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; or
- The conduct substantially interferes with or will substantially interfere with a student’s educational benefits, opportunities, or performance; or
- The conduct substantially interferes with or will substantially interfere with a student’s physical or psychological well-being, or creates an intimidating or hostile educational environment.

“Harassment” includes retaliation, which means any adverse action taken against a student for reporting a complaint of harassment or bullying when the reporter honestly believes harassment or 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.

“Bullying” means any aggressive, intentional behavior carried out by a person or group repeatedly and over time against a victim who cannot easily defend himself or herself.

- “Bullying” requires an observed or perceived imbalance of power — such as physical strength, access to embarrassing information, or popularity — between the bully and victim.

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- “Bullying” may be verbal, physical, or relational.
 - Verbal bullying includes teasing, name-calling, taunting, and threatening.
 - Physical bullying includes hitting or kicking, tripping or pushing, spitting, and taking the victim’s property.
 - Relational bullying includes attempts to damage the victim’s relationships or reputation by excluding, spreading rumors, or defamation.
- “Bullying” includes cyberbullying, which means any act of bullying committed by use of electronic technology or electronic communication devices, including social networking and other Internet communications that occur on school property or at a school-sponsored event; substantially interferes with a student’s education; threatens the overall educational environment; or substantially disrupts the operation of school.

It is not “bullying” when:

- Two students of similar age, strength, and size fight or quarrel with each other.
- A student provokes another into a verbal or physical confrontation.
- A student acts aggressively toward another student in the absence of an imbalance of power.
- A teacher or administrator responds to a student’s misconduct with appropriate disciplinary action.
- A teacher or administrator responds to a student’s poor performance with appropriate criticism.

Conduct that does not rise to the level of “bullying” may nevertheless violate the district’s *Information & Guidelines* for student behavior or policies regarding employee professional conduct. In such cases, disciplinary action is appropriate.

This policy will be interpreted and applied so as to comply with state and federal legal requirements, including without limitation, the Arizona Revised Statute §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

Revised: May 26, 2015

MESA UNIFIED SCHOOL DISTRICT	TOPIC: Student Harassment and Bullying
ADMINISTRATIVE REGULATION	DISTRICT CODE: JFD-R

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 or bullying, to report such incidents. Students and their parents should report an incident to any teacher, counselor/student advisor, or school administrator.

B. Employees. A school employee who witnesses, overhears, or receives a report, formal or informal, written or oral, of harassment or bullying of a student at school or a school bus stop, in a school vehicle 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 or bullying of a student is subject to disciplinary action pursuant to Governing Board Policy GCPD or GDPD.

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

D. Privacy. Reports of harassment or bullying 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 all personally 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 create a written record of what was reported and maintain it. Reports of harassment and bullying must be recorded in the district’s Student Information System or on a Harassment or Bullying Report (form JFD-R-F), except for minor social conflicts between students that have been fully addressed and recorded as a disciplinary matter by the school, but clearly mischaracterized as harassment or bullying by the reporter.

Upon receipt of a report of harassment or bullying, the principal or designee will give to the offended student written information about the rights, protections, and services available to students who are alleged victims of harassment or bullying. (See the district’s student bullying notice.) The written information need not be provided when the report concerns a minor social conflict between students that has been fully addressed and recorded as a disciplinary matter by the school, but clearly mischaracterized as harassment or bullying by the reporter.

Reports of harassment or bullying that create a reasonable belief that a student is a victim of child abuse must be immediately reported to the police or Department of Child Safety in accordance with district policy JHG and the district’s Child Abuse Reporting Protocol.

The principal will promptly forward reports of harassment or 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 or 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 or bullying by meeting with the offended student and the offending student individually or together. The principal will communicate with the parents of the students regarding the allegations and efforts to achieve an informal resolution. 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 in the district’s Student Information System or on a Harassment or Bullying Report (form JFD-R-F).

If informal resolution cannot be achieved, or if the offended student or parents remain dissatisfied with the informal resolution, the principal will advise the student or parents that the student may request a formal investigation of the report.

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

- A. Investigator.** The principal or a designee will conduct an investigation upon receipt of a report alleging student-to-student harassment or bullying 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 or bullying occurred or did not occur, or that the evidence is inconclusive. The investigator’s findings will be entered on report form JFD-R-F.

E. Notification of Offended Student. Upon completion of the investigation, the investigator will promptly notify the offended student and his or her parent of the investigator’s findings and what disciplinary and remedial action, if any, will be pursued against the offending student. A copy of the completed report form JFD-R-F may be disclosed to the offended student or offending student, provided that all student names other than the name of the recipient are redacted.

If the offended student is a student with disabilities who has a Section 504 plan or individualized education program (IEP) and the investigator (or principal) finds that the offended student is a victim of harassment or bullying or other misconduct that may interfere with the offended student’s right to FAPE, the school will schedule a Section 504 team meeting or an IEP meeting to review what accommodations or services, if any, may be needed to respond to the student’s or parent’s concerns about harassment or bullying. If a meeting is requested, the school will promptly schedule and conduct the meeting.

F. Recordkeeping. A written record of any complaints of harassment or bullying and their 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 as an education record 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 or Bullying

A. Investigator. The assistant superintendent or a designee will conduct an investigation upon receipt of a report alleging employee-to-student harassment or bullying that cannot be resolved with informal resolution. Ordinarily, the investigator will be an 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 or bullying occurred or did not occur, or that the evidence is inconclusive. The investigator’s findings will be entered on report form JFD-R-F.

E. Notification of Offended Student. Upon completion of the investigation, the investigator will promptly notify the offended student and his or her parent of the investigator’s findings and what disciplinary and remedial action, if any, will be pursued against the offending employee.

- F. Recordkeeping.** A written record of any complaints of harassment or bullying and their resolution will be maintained by the assistant superintendent.

7. Disciplinary and Remedial Action

When the district determines that harassment or bullying has occurred, the district will take disciplinary or remedial action as appropriate in order to ensure that further harassment or bullying 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 or employee if the investigator finds that the evidence is inconclusive.

8. Appeal

- A. Offended Student.** If an offended student 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 offended student 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 may review the matter and issue a final decision or, alternatively, refer the matter for an investigation or hearing conducted by an independent hearing officer selected from a list of hearing officers approved by the Governing Board.

If an independent hearing officer will be used, the student or student’s parent will be allowed to choose between either of two alternatives:

- An independent investigation that will be conducted by the hearing officer, who will privately interview witnesses and submit a written report of findings and recommendations; or
- An independent hearing conducted by the hearing officer, who will allow sworn witnesses to be questioned by the parties and will submit a written report of findings and recommendations.

The Associate Superintendent will complete a review of the appeal and issue a final decision within ten school days after the appeal is received or after the independent hearing officer submits the written report of findings and recommendations, whichever is later.

- B. Offending Student or Employee.** 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 or 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 or bullying will be subject to disciplinary or other appropriate action.

Adopted: May 23, 2006

Revised: June 22, 2011
July 20, 2011
September 9, 2014
June 17, 2015

Michael B. Cowan
Superintendent

CROSS REF.: JHG – Child Abuse

FORMS: JFD-R-F – Harassment or Bullying Report
JFD-R-F(S) – Harassment or Bullying Report (Spanish Version)
Student Bullying Notice
Student Bullying Notice (Spanish Version)