

## **JICK**

### **STUDENT VIOLENCE / HARASSMENT / INTIMIDATION / BULLYING**

The Governing Board believes it is the right of every student to be educated in a positive, safe, caring, and respectful learning environment. The Board further believes a school environment inclusive of these traits maximizes student achievement, fosters student personal growth, and helps students build a sense of community that promotes positive participation as members of society.

The District, in partnership with parents, guardians, and students, shall establish and maintain a school environment based on these beliefs. The District shall identify and implement age-appropriate programs designed to instill in students the values of positive interpersonal relationships, mutual respect, and appropriate conflict resolution.

To assist in achieving a school environment based on the beliefs of the Governing Board, bullying, as set out in this policy and accompanying regulation, student harassment, intimidation and bullying are prohibited on school property, on school buses, at school bus stops, and at school sponsored events and activities. Cyber harassment, intimidation and bullying are also prohibited.

Distinction between harassment, intimidation and bullying may be found in Regulation JICK.

The Superintendent shall establish procedures for the dissemination of information to students, parents, and guardians concerning this policy and accompanying regulation, incident reporting, support services (proactive and reactive) and student rights. Information will be provided to students, parents and guardians as follows:

- During the first week of each school year.
- To each incoming student during the school year at the time of the student's registration.
- In classrooms and in common areas of the school.
- Be summarized in the student handbook and on the District website.

The Superintendent shall establish procedures for the dissemination of information to District employees concerning this policy and accompanying regulation, including preventative measures, incident reporting, support services to students and students' rights. Information will be provided to staff members at the beginning of each instructional year and on the first day of employment for new employees.

The Superintendent shall also establish procedures designed to protect the health and safety of students who are harmed as the result of harassment, intimidation, or bullying. These will include, when appropriate, procedures for contacting emergency medical services, law enforcement agencies, or both.

Adopted: June 13, 2017

LEGAL REF.:

A.R.S.

[13-1202](#)

[13-1203](#)

[13-1204](#)

[13-2321](#)

[13-2916](#)

[13-2921](#)

[13-3506.01](#)

[15-341](#)

A.A.C.

[R7-2-1308](#)

CROSS REF.:

[IJNDB](#) - Use of Technology Resources in Instruction

[JI](#) - Student Rights and Responsibilities

[JIC](#) - Student Conduct

[JII](#) - Student Concerns, Complaints and Grievances

[JK](#) - Student Discipline

[JKD](#) - Student Suspension

[JKDA](#) - Removal of Students from School-Sponsored Activities

[JKE](#) - Expulsion of Students

[JR](#) - Student Records

# JICK-R

## REGULATION

### **STUDENT VIOLENCE / HARASSMENT / INTIMIDATION / BULLYING**

#### **Prohibited Conduct**

Student violence, harassment, intimidation, and bullying are prohibited on school property, in school buses, and at school-sponsored events and activities.

Cyber harassment, intimidation and bullying includes any act of harassment, intimidation or bullying committed by use of electronic technology or electronic communication including by cell phone, social networking, and other internet communications. Cyber harassment, intimidation and bullying is prohibited on school computers, networks, forums, mailing lists or other District-owned property as well as on an individual's personal electronic media and equipment. See District Policy IJNDB titled "Uses of Technology Resources in Instruction."

Disciplinary action may result from student harassment, intimidation or bullying that occurs outside of the school and the school day when such conduct results in substantial negative physical, mental, or emotional impact on the victim at school or interferes with the authority of the school system to maintain order.

A student may be disciplined for conduct that is harassment, intimidation or bullying under Exhibit JK-E, "Discipline Matrix." Student conduct that is not harassment, intimidation or bullying may still be in violation of some other section of the Discipline Matrix.

This regulation covers student conduct. Student complaints concerning a school employee's conduct should be made pursuant to policy documents JII, JII-R and JII-EA, "Student Concerns, Complaints, and Grievances."

#### **Distinctions between Harassment, Intimidation, and Bullying**

Harassment, intimidation, and bullying often involve similar conduct, but there are some distinctions.

*Harassment:* Harassment is based on state and federal legally protected categories such as an individual's race, color, religion, sex, sexual orientation, ethnicity, national origin or disability. In some cases, conduct can be deemed harassment even though the conduct is not directed at a particular student or group of students. Harassment is often a form of unlawful discrimination that violates an individual's civil rights. Sexual harassment may also be a violation of Title IX of the Education Amendments Act.

*Bullying:* Bullying focuses on an imbalance of power between the student or students accused of bullying and the student or students who are the victims of the bullying. For example, bullying may be based on one or more of the following factors or criteria--economic status, physical size, social status, or personal appearance.

*Intimidation:* Intimidation involves threats, by word or conduct, to physically harm another person or harm or steal another person's property.

## **Factors to Consider in Evaluating Conduct**

In determining whether conduct is harassment, intimidation or bullying, the following "Factors" should be considered:

- Is the conduct related to race, color, religion, sex, ethnicity, national origin, disability, sexual preference, gender identity or expression, cultural background, economic status, physical size, personal appearance, social status or some other factor or criteria that causes a real or perceived imbalance of power in favor of the student accused of harassment, intimidation or bullying?
- Does the conduct at issue involve either a series of incidents or a single serious incident?
- Has a student's ability to participate in school been significantly impacted? Has the student been physically injured or emotionally harmed or has his or her property been damaged? Has a student been placed in continuing fear of personal harm or damage to property?

Absent unusual circumstances, a combination of the Factors listed above is required to find that harassment, intimidation, or bullying has occurred.

Taking into consideration the Factors referenced above, harassment, intimidation or bullying may include, but not be limited to, the following conduct:

- Unwelcome, offensive, or derogatory verbal or written comments. Examples may include comments, jokes, sexual innuendoes, name calling, use of slang that others find offensive, or rumor spreading. Note that conduct does not have to reference a specific person.
- Calling attention to physical or sexual characteristics in a negative or embarrassing manner.
- Displaying or threatening to display on school property or on the internet or through social media nude or sexual pictures, cartoons, graphics, or calendars including portrayal of one or more students in an unflattering manner.
- Social exclusion, ostracism, hazing, or stalking
- Unwelcome physical contact such as touching, pushing, hitting, kicking, shoving, or spitting
- Extortion
- Threats of harm to a person or property
- Damage to or theft of personal property

- Physical harm or violence

Conduct that is harassment, intimidation, or bullying may be verbal, written or physical, and/or include use of the internet and social media. Such conduct may occur directly or through another person.

*Prohibited sexual harassment* includes unsolicited and unwelcome contact that has sexual overtones. This includes:

- Written contact such as sexually suggestive or obscene letters, notes, electronic messages or invitations.
- Verbal contact such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender specific traits, sexual propositions, and threats to disclose information.
- Physical contact such as touching, pinching, brushing up against another's body, impeding or blocking movement, assault.
- Visual contact such as leering or staring at another's body, gesturing, displaying sexually suggestive objects, pictures, cartoons, posters, or magazines.

In some cases, conduct can be deemed harassment, intimidation or bullying even though the conduct is not directed at a particular group of students.

Harassment also includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome.

Harassing conduct that is non-sexually oriented is also prohibited. Such conduct may include actions, words, jokes, or comments based on an individual's disability, race, national origin, religion, or other legally protected characteristics.

### **Reporting Incidents to School**

A student who is experiencing harassment, intimidation or bullying or who believes another student is experiencing such conduct should report the situation to the principal or another school employee, preferably a school administrator or counselor. A parent or guardian may also report harassment, intimidation or bullying to the principal or another school employee, preferably a school administrator.

A school employee who becomes aware of or suspects a student is the victim of conduct covered by this regulation shall notify the principal or designated school administrator not later than the next school day following the day the school employee becomes aware of or suspects that harassment, intimidation or bullying has occurred. Within one (1) day of any verbal report, a school employee shall make a detailed written description of the incident and any other relevant information to the principal on forms provided by the school. Should the principal be the employee who observes, is informed of or suspects a student is experiencing harassment, intimidation or bullying, the principal shall document the incident or concern in writing.

Failure of any employee to report a suspected case of harassment, intimidation or bullying may result in disciplinary action against the employee.

## Investigation by Principal

The principal or principal's designee shall investigate all reports of harassment, intimidation or bullying. Parameters of the investigation shall include:

- As soon as reasonably possible following receipt of a report of harassment, intimidation or bullying, the principal or principal's designee shall provide to the alleged victim of harassment, intimidation or bullying a written copy of student rights, protections and support services available to the student and shall notify that student's parent(s) of the report.
- The principal or designee shall initiate an investigation of complaints of harassment, intimidation or bullying as soon as reasonably possible, but not later than two (2) school days after the administration's receipt of a report of harassment, intimidation or bullying.
- The investigation will be comprehensive given the circumstances presented, as determined by the principal or principal's designee.
- Such investigation shall include meeting with the student or staff person who reported the concern and the student or students who have allegedly been victimized by the harassment, intimidation or bullying.
- The investigation shall also include meeting with the student or students accused of engaging in the harassing, bullying or intimidating behavior as well as any witnesses, and, when and to the extent deemed appropriate, parents of students involved in the matter.

Should the principal or principal's designee determine that harassment, intimidation or bullying has occurred, appropriate discipline will be administered pursuant to the Discipline Matrix, Exhibit JK-E.

Regardless of the outcome of the investigation, the principal or principal's designee will meet with the student or students who are alleged to be or who are found to be victims of the harassment, intimidation or bullying to review the findings, outcome and any final determinations of the investigation. Depending on the circumstances, the discussion at each such meeting may or may not include a description of specific disciplinary sanctions imposed. See Section below titled "Confidentiality of Investigation and FERPA."

In addition to discipline, the principal will also take prompt and effective steps reasonably calculated to end any harassment, intimidation or bullying, eliminate any hostile environment and its effects, prevent retaliation and prevent the misconduct from reoccurring. The steps to be implemented will be determined by the principal or principal's designee and will depend on the facts and circumstances of each situation. Such steps may include, but are not limited to:

- In any meeting with a victim of harassment, intimidation or bullying (and/or his or her parents), determine the student's primary concerns and explain what steps the school will take to address the situation
- In any meeting with a student who engaged in harassing, bullying or intimidating behavior (and/or his or her parents), explain that the behavior will not be tolerated and

the consequences of any continued misconduct;

- Assign one (1) or more staff members to monitor, for a reasonable period of time, the victim or victims and the student or students who engaged in the misconduct to ensure it does not continue.

### **Confidentiality of Investigation and FERPA**

In investigating a complaint of harassment, intimidation or bullying, the principal or principal's designee will maintain confidentiality to the extent reasonably possible.

In any meeting with a victim or alleged victim (and/or his or her parents) of harassment, intimidation or bullying, the Family Educational Rights and Privacy Act (FERPA) does not prevent the District from disclosing, in general, the outcome of an investigation. This means that the District can disclose whether or not harassment, intimidation or bullying was or was not substantiated by the investigation. FERPA also does not prevent the District from disclosing to a victim consequences imposed on a student to the extent the consequences directly relate to the victim.

FERPA does not allow disclosure of disciplinary sanctions that do not directly relate to the victim.

### **Retaliation Prohibited**

Retaliation against a student or school employee based on 1) the reporting of a suspected incident of harassment, intimidation or bullying, and/or 2) the student or employee's involvement in an investigation is prohibited.

### **Documentation**

Each investigation of harassment, intimidation or bullying will be documented by the principal or principal's designee. Documentation will be maintained by the District for at least six (6) years.

In the event the District must report incidents to persons other than school officials or law enforcement, all individually identifiable information shall be redacted.

### **Submitting False Reports**

Knowingly submitting a false report and/or knowingly providing false information in an investigation concerning harassment, intimidation or bullying is prohibited. A student who violates these requirements may be subject to discipline up to and including suspension or expulsion.

### **Contacting Emergency Medical Services and Law Enforcement**

Emergency medical services shall be contacted, if appropriate, when a student has been physically harmed. Law enforcement authorities shall be notified any time District officials have a reasonable belief that a notification of an incident of harassment, intimidation or bullying is required by law.





If there is anyone who could provide more information regarding this complaint, please list name(s), address(es), and telephone number(s).

Name	Address	Telephone Number
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_____	_____	_____
_____	_____	_____
_____	_____	_____

**The projected solution:**

Indicate what you think can and should be done to solve the problem. Be as specific as possible.

_____
_____
_____
_____
_____
_____
_____
_____
_____

I certify this information is correct to the best of my knowledge.

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

Document received by \_\_\_\_\_ Date \_\_\_\_\_

Investigating official \_\_\_\_\_ Date \_\_\_\_\_

# JICK-EB

## EXHIBIT

### **STUDENT VIOLENCE / HARASSMENT / INTIMIDATION / BULLYING**

**(To be displayed in school buildings  
and in student handbooks)**

The Governing Board of the Catalina Foothills School District believes it is the right of every student to be educated in a positive, safe, caring, and respectful learning environment. The Governing Board further believes a school environment that is inclusive of these traits maximizes student achievement, fosters student personal growth, and helps a student build a sense of community that promotes positive participation as citizens in society.

To assist in achieving a school environment based on the beliefs of the Governing Board, harassment, intimidation and bullying in any form will not be tolerated.

#### **Prohibited Conduct**

Student harassment, intimidation and bullying are prohibited on school property, in school buses, and at school-sponsored events and activities.

Cyber harassment, intimidation and bullying are also prohibited. This includes any act of harassment, intimidation or bullying committed by use of electronic technology or electronic communication including by cell phone, social networking and other internet communications. Cyber harassment, intimidation and bullying is prohibited on school computers, networks, forums, mailing lists or other District owned property as well as on an individual's personal electronic media and equipment.

Disciplinary action may result from student harassment, intimidation or bullying that occurs outside of the school and the school day when such conduct results in a substantial negative physical, mental or emotional impact on the victim at school or interferes with the authority of the school system to maintain order.

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*Bullying:* Bullying focuses on an imbalance of power between the student or students accused of bullying and the student or students who are the victims of the bullying. For example, bullying may be based on one or more of the following factors or criteria--economic status, physical size or personal appearance.

*Intimidation:* Intimidation involves threats, by word or conduct, to physically harm another person or harm or steal another person's property.

## **Factors to Consider**

In determining whether conduct is harassment, intimidation or bullying, the following "Factors" should be considered:

- Is the conduct related to race, color, religion, sex, ethnicity, national origin, disability, sexual preference, gender identity, cultural background, economic status, physical size, personal appearance social status or some other factor or criteria that causes a real or perceived imbalance of power in favor of the student accused of harassment, intimidation or bullying?
- Does the conduct at issue involve either a series of incidents or a single serious incident?
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Absent unusual circumstances, a combination of the Factors listed above is required to find that harassment, intimidation or bullying has occurred.

Taking into consideration the Factors referenced above, harassment, intimidation or bullying may include, but not be limited to, the following conduct:

- Unwelcome or derogatory verbal or written comments, photographs or graphics, including name calling or rumor spreading
- Social exclusion, ostracism, hazing, or stalking
- Unwelcome physical contact such as touching, pushing, hitting, kicking, shoving, or spitting
- Extortion
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- Damage to or theft of personal property
- Physical harm or violence

Conduct that is harassment, intimidation or bullying may be verbal, written or physical, and/or include use of the internet and social media. Such conduct may occur directly or through another person.

## **Reporting**

A student who is experiencing harassment, intimidation or bullying or who believes another student is experiencing such conduct should report the situation to a school employee, preferably a school administrator or counselor. School personnel are to maintain appropriate confidentiality of the reported information.

## **Retaliation**

Reprisal by any student directed toward a student or employee related to the reporting of a case or a suspected case of bullying shall not be tolerated, and the individual(s) will be subject to the disciplines set out in applicable District policies and administrative regulations.

## **Discipline**

Students found to be bullying others will be disciplined up to and including suspension or expulsion from school.

## **Submitting False Report**

Knowingly submitting a false report under Policy JICK or this exhibit shall subject the student to discipline up to and including suspension or expulsion. Where disciplinary action is necessary pursuant to any part of this policy, relevant District policies shall be followed.

## **Contacting Emergency Medical Services and Law Enforcement**

Emergency medical services shall be contacted, if appropriate, when a student has been physically harmed. Law enforcement authorities shall be notified any time District officials have a reasonable belief that a notification of an incident of harassment, intimidation or bullying is required by law.