

Sun Valley Academy

Student Harassment and Bullying

STUDENT HARASSMENT AND BULLYING

SVA prohibits harassment and bullying (through social media/cyber, electronic (email/text), and in person) of any student on school grounds or while the student is traveling to or from school. SVA Administration will investigate any and all reports of harassment/bullying and will take disciplinary or other appropriate action against any student or SVA employee who is found to have violated this policy.

“Harassment” means any abusive conduct that is directed at one or more students because of the student’s actual or perceived race, color, national origin, religion, sex (including gender identity, sexual orientation, marital status, or pregnancy), or disability and that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the student’s ability to participate in or benefit from the services, activities, or opportunities offered by the school.

“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 when the reporter honestly believes harassment 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. 1 of 2 JFD – Cont’d.

- “Bullying” may be verbal, physical, or relational.
 - o Verbal bullying includes teasing, name-calling, taunting, and threatening.
 - o Physical bullying includes hitting or kicking, tripping or pushing, spitting, and taking the victim’s property.
 - o 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 a school or its programs.

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.

Student misconduct that does not rise to the level of “bullying” or “harassment” may nevertheless violate SVA’s Information & Guidelines for student behavior. Likewise, employee misconduct that does not rise to the level of “bullying” or “harassment” may nevertheless violate 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, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act.

The Principal 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.

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PROCEDURES FOR NOTICE, REPORTING, AND INVESTIGATION OF HARASSMENT AND BULLYING OF STUDENTS

1. Notice

SVA 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 SVA'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 or bullying.

2. Reporting

A. Students. SVA 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. All reports of harassment must be recorded on a Harassment Report form [JFD-R-F(1)] or its equivalent in SVA's Student Information System. All reports of bullying must be recorded on a Bullying Report form [JFD-R-F(2)], except for minor social conflicts between students that have been fully resolved and recorded as a disciplinary matter by the school, but that were clearly mischaracterized as 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 SVA's student bullying and harassment pamphlet.) 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 Governing Board Policy JHG and SVA's Child Abuse Reporting Protocol.

The principal will promptly forward Harassment or Bullying Reports 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.

3. 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 SVA's Student Information System or on a Harassment or Bullying Report form [JFD-R-F(1) or (2)].

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 and will record the report on the Harassment Report form or the Bullying Report form.

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 5 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 must use the "preponderance of the evidence" standard to decide whether the victim was harassed or bullied. This means that a finding of harassment or bullying is required if, based on the evidence, the claim is more probably true than not true. The investigator's findings will be entered on the appropriate report form JFD-R-F(1) or (2).
- E. Disciplinary and Remedial Action.** If the investigator finds that harassment or bullying occurred, disciplinary action and remedial action must be taken. The actions taken must be reasonably calculated to prevent further acts of harassment or bullying. If harassment or bullying occurred, the administrator should consult with the area assistant superintendent regarding appropriate discipline and remedial action.

Regardless of the outcome of the investigation of harassment or bullying, the investigator may take remedial action to support the victim or avoid risk of further conflicts and may take disciplinary action in response to other forms of misconduct that are determined to have occurred.

- F. 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(1) or (2) 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 investigator has completed a Harassment Report

or a Bullying Report, the investigator must provide the offended student or parent a copy of the Notice of Appeal Rights: Complaint of Discrimination/Harassment Based On Race, Color, National Origin, Religion, Sex, Or Disability [JFD-R-F(3)] or Notice Of Appeal Rights: Bullying Complaint [JFD-R-F(4)].

If the offended student is a student with disabilities who has a Section 504 plan or individualized education program (IEP) and the investigator finds that the offended student is a victim of harassment or bullying and there have been any adverse changes in the student's academic performance or behavior, 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 ensure that the student receives a free appropriate public education (FAPE).

- G. Recordkeeping.** A Harassment or Bullying Report form, or its electronic equivalent in the Student Information System, will be maintained by the school 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

An investigation of employee-to-student harassment or bullying will be conducted by an assistant superintendent or designee. All procedures regarding informal resolution, investigation, timeframe, findings, disciplinary and remedial action, and notification of the offended student are the same as for an investigation of a report of student-to-student harassment or bullying.

7. Appeal

- A. Offended Student.** If an offended student is not satisfied with the results of an investigation, the student may submit an appeal by delivering a written notice by personal delivery, U.S. mail, or email message to the Associate Superintendent. A request for appeal must be submitted within 10 school days after receipt of the Notice of Appeal Rights. A request for appeal submitted after the 10-day period will be declined.

The Associate Superintendent or a designee may review the appeal and issue a decision within 10 school days unless the Associate Superintendent notifies the student of the need for additional time. Alternatively, the Associate Superintendent may refer the appeal for an investigation or hearing by an independent hearing officer selected from a list of hearing officers approved by the Governing Board.

If the Associate Superintendent or designee issues a decision, the student will receive a copy of the Notice of Appeal Rights and may submit to the Associate Superintendent a

request for investigation or hearing by an independent hearing officer within 5 school days after the student receives the decision. If the student does not submit a timely appeal of the decision of the Associate Superintendent or designee, the decision will be final.

If at any time an independent hearing officer is used, the hearing officer will offer the student the choice of two options for resolution of the appeal:

- An independent investigation conducted by the hearing officer, who will privately interview witnesses and issue a written report of findings and a resolution; or
- An independent hearing conducted by the hearing officer, who will allow the student to be represented by an attorney at the student's/parents' cost, allow sworn witnesses to be questioned by the parties, and issue a written report of findings and a resolution.

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.

8. 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 SVA.

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

CROSS REF.: JHG – Child Abuse

FORMS: JFD-R-F(1) – Harassment Report JFD-R-F(1)S – Harassment Report (Spanish Version) JFD-R-F(2) – Bullying Report JFD-R-F(2)S – Bullying Report (Spanish Version) JFD-R-F(3) – Notice of Appeal Rights: Complaint of Discrimination/Harassment Based on Race, Color, National Origin, Religion, Sex or Disability JFD-R-F(3)S – Notice of Appeal Rights: Complaint of Discrimination/Harassment Based on Race, Color, National Origin, Religion, Sex or Disability (Spanish Version) JFD-R-F(4) – Notice of Appeal Rights: Bullying Complaint JFD-R-F(4)S – Notice of Appeal Rights: Bullying Complaint (Spanish Version) Student Bullying and Harassment Pamphlet Student Bullying and Harassment Pamphlet (Spanish Version)