

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, **including those taking place outside District school campuses.**

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.~~" **Use 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.~~" **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.~~" **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, ethnicity, national origin, disability, sexual orientation, and gender identity or expression. 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.

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.

Factors to Consider in Evaluating Conduct

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

- Is the conduct related to race, color, religion, sex, ethnicity, national origin, disability, sexual orientation, 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 Ffactors listed above is required to find that harassment, intimidation, or bullying has occurred.

Taking into consideration the Ffactors 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 **may** include 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.

Federal law, under Title IX, imposes limitations on school district discipline pertaining to certain allegations of sexual harassment. See Policy ACAA and Regulation ACAA-R for more information.

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 **may** include 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 legal 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)/legal guardian(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,~~ **or bullying behavior** as well as any witnesses, and, when and to the extent deemed appropriate, parent(s)/legal guardian(s) of students involved in the matter.

A student with a disability who receives special education services or Section 504 accommodations and is the target of violence, harassment, intimidation, or bullying will be referred by the principal or principal's designee to the special education or Section 504 case manager if there is evidence the violence, harassment, intimidation, or bullying has affected the student's receipt of **a Free Appropriate Public Education** (FAPE).

The case manager will promptly convene the IEP or Section 504 team to determine whether, and to what extent, as a result of the effects of violence, harassment, intimidation or bullying:

- The student's needs have changed such that the IEP or 504 plan is no longer designed to provide ~~free appropriate public education~~ (FAPE); and
- Additional or different services, if any, that are needed to ensure that the student continues to receive FAPE.

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, **Discipline Matrix**.

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, along with their parent(s)/legal guardian(s)**, 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 their parents/legal guardians), 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, **harassment, intimidation or bullying behavior** (and/or their parents/legal guardians), 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 their parents/legal guardians) 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.