

Document ID HB070117	Title <b>Desert Heights Charter Schools Harassment and Bullying Policy</b>	Print Date July 10, 2017
Revision 1	Prepared By Cynthia Jordan and Beth Gue	Date Prepared July 5, 2017
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	Approved By Desert Heights Charter Schools Governing Board	Date Approved 07/11/2017

## Purpose

Desert Heights Charter Schools are committed to ensuring equal access to education and to promoting educational excellence throughout the district. Desert Heights Charter Schools are committed to a safe educational environment for all students that is free from harassment, intimidation or bullying per [ARS15-341](#) (37).

## Additional Authority

- [ARS13-2921](#) Harassment; classification; definition
- [ARS15-341](#) General Powers and Duties; immunity; delegation
- [SB1354](#) Senate Bill schools; bullying policy; definition
- [36](#) Office of Civil Rights *Protecting Students from Harassment*

## Scope

Desert Heights Charter Schools Harassment and Bullying Policy applies to all students within the district on school grounds, on school property, on school buses, at school bus stops, at school-sponsored events and activities and through the use of electronic technology or electronic communication on school computers, networks, forums and mailing lists.

## Responsible Party

Principal grades K-4  
Dean of Discipline grades 5-12

### I. Policy Statement

The Harassment and Bullying Policy is intended to serve all students at Desert Heights Charter Schools for the purposes of reporting violations of harassment or bullying including acts of retaliation. This policy is not intended for the reporting of other disciplinary infractions.

### II. Procedure

Persons believing that they have been the victim of discrimination, retaliation, bullying or harassment have the right to file a complaint of such action with a staff member of the school. The school official is required to complete an intake form and forward the completed document to the school's discipline official.

The accusation must be made within thirty (30) calendar days of the time the individual knew or should have known that there were grounds for the Harassment or Bullying.

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Desert Heights Charter Schools will take strong responsive action when a false report of harassment, intimidation, bullying or retaliation occurs. Federal law also prohibits retaliation against persons who report discrimination, including harassment, or participate in related proceedings. [36](#)

Staff is required to keep names of targets of harassment and perpetrators and witnesses of harassment held in strict confidence, except as release is necessary to investigate specific incidents.

DHPA (Grades 5-12) Courtney Martin      Dean of Students  
DHCS (Grades K-4) Katherine Miller      Principal

The discipline official will investigate the reported incident and may use the following methods including but not limited to the following while conducting a thorough review of the accusation.

1. Interviews
  - a. Student(s)
  - b. Faculty
2. Technology review
3. The disciplinary official will provide initial notification of the alleged incident to parent/guardian within 48 hours.
4. Investigation will be completed within 10 school days and parent/guardian will be notified in writing of the Local Education Agency's response to the investigation.
5. The schools discipline official will complete an investigation and record all findings within the student management system
6. An incident may require that a police report be filed and/or is a reportable offense to Arizona Department of Education.
7. When regulating the conduct of students to prevent or address discrimination, the school will formulate, interpret, and apply its rules so as to protect constitutional rights. In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Federal civil rights laws are intended to protect students from discrimination, not to regulate the content of speech.

### III. Definitions

#### ➤ Harassment, Intimidation or Bullying

Harassment is conduct that is directed at a specific person and that would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct in fact seriously alarms, annoys or harasses the person. [ARS13-2921](#) Harassment is any intentionally written message or image — including those that are electronically transmitted — verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation including gender expression or identity, mental or physical disability or other distinguishing characteristics, when an act:

- Physically harms a student or damages the student's property;
- Has the effect of substantially interfering with a student's education;
- Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
- Has the effect of substantially disrupting the orderly operation of the school.

Behaviors/Expressions Harassment, intimidation or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, hazing, threats or other written, oral, physical, or electronically transmitted messages or images.

Although no federal law directly addresses bullying, in some cases, bullying overlaps with discriminatory harassment when it is based on race, national origin, color, sex, age, disability, or religion. When bullying and harassment overlap, federally-funded schools (including colleges and universities) have an obligation to resolve the harassment. When the situation is not adequately resolved, the U.S. Department of Education's Office for Civil Rights and the U.S. Department of Justice's Civil Rights Division may be able to help.

In some cases, bullying overlaps with discriminatory harassment which is covered under federal civil rights laws enforced by the U.S. Department of Education (ED) and the U.S. Department of Justice (DOJ). No matter what label is used (e.g., bullying, hazing, teasing), schools are obligated by these laws to address this conduct.

## Types of Harassment

1. Race
2. Color
3. National origin
4. Ethnicity
5. Sex
6. Sexual Orientation
7. Disability
8. Religion
9. Retaliation

### ➤ Intimidation

Intimidation bullying refers to any gesture and implied overt threats that interferes or disrupts a child's freedom to coexist with peers. The intimidation can be on the basis of race, nationality, origin, gender, color, sexual orientation, or any form of physical, mental or sensory disability per [ARS13-2921](#)

### ➤ Bullying

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.

In 2005, the Arizona legislature promulgated its first bullying law. The law requires schools to create general policies to prohibit students from harassing, intimidating, and bullying other students while on school grounds. The law also called for a formal investigation of bullying incidents and disciplinary procedures for those students who violated the policy. In spring 2011, the Arizona legislature enacted a new bullying law designed to increase the accountability of school officials and impose stricter mandates on how schools address incidents of school-based bullying – both in person and online.

In order to be considered bullying, the behavior must be aggressive and include:

- An Imbalance of Power: Kids who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- Repetition: Bullying behaviors happen more than once or have the potential to happen more than once.
- Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.

## Types of Bullying

1. Verbal bullying is saying or writing mean things. Verbal bullying includes:
  - a) Teasing
  - b) Name-calling
  - c) Inappropriate sexual comments
  - d) Taunting
  - e) Threatening to cause harm
2. Social bullying, sometimes referred to as relational bullying, involves hurting someone's reputation or relationships. Social bullying includes:
  - a) Leaving someone out on purpose
  - b) Telling other children not to be friends with someone
  - c) Spreading rumors about someone
  - d) Embarrassing someone in public

3. Physical bullying involves hurting a person's body or possessions. Physical bullying includes:
  - a) Hitting/kicking/pinching
  - b) Spitting
  - c) Tripping/pushing
  - d) Taking or breaking someone's things
  - e) Making mean or rude hand gestures
  
4. Cyber Bullying is bullying that takes place using electronic technology. Cyber Bullying includes:
  - a) Cyberbullying includes bullying through the misuse of technology.
  - b) Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites
  - c) Mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles.

➤ **Retaliation**

A student may not harass or otherwise "retaliate" against an individual for filing a complaint of discrimination, participating in an appeal or grievance proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, religion, ancestry, national origin, gender, sexual orientation including gender expression or identity, mental or physical disability or other distinguishing characteristics also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an appeal or grievance proceeding.

➤ **Confidentiality**

All documents specific to the incident will be maintained in the student information system under the student's discipline record.

## Appeal Process

Persons believing that they have been the victim of discrimination, retaliation, bullying or harassment have the right to file a complaint of such action with Civil Rights Coordinator. The Civil Rights Coordinator will make a copy of this policy available to all students.

### **Grievance Coordinator**

Mark Jiles, President

602-896-2900

### **Alternative Grievance Coordinator**

Governing Board

[schoolboard@dhschools.org](mailto:schoolboard@dhschools.org)

### General Grievance Procedure

Students, employees, and parents may present a complaint or grievance regarding a violation of their constitutional rights, equal access to programs, discrimination, harassment, or personal safety provided that:

- A. The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this school,
- B. The procedure shall not apply to any matter for which the method of review is prescribed by law, or the Governing Board is without authority to act. A complaint/grievance may be raised regarding one or more of the following:

- Violation of the individual's constitutional rights;
- Denial of an equal opportunity to participate in any program or activity for which the individual qualifies;
- Discriminatory treatment on the basis of race, color, religion, sex, sexual orientation, age, national origin, or disability
- Harassment of the individual by another person
- Concern for the individual's personal safety due to retaliation.

The accusation must be made within thirty (30) calendar days of the time the individual knew or should have known that there were grounds for the complaint/grievance. The complaint/grievance shall be made only to the Grievance Coordinator or Alternative

Grievance Coordinator, as identified in the Governing Board's policy against Discrimination Retaliation and Harassment. If the Grievance Coordinator and the Alternative Grievance Coordinator are included in the complaint grievance, or if one is included and the other unavailable, the complaint/grievance shall be transmitted directly to the Governing Board, which will appoint a Board member to act as a second Alternative Grievance Coordinator.

The particulars of the complaint/grievance must be submitted in writing to the school and should be addressed to the Grievance Coordinator in order for the complaint/grievance to be reviewed. The individual should sign and date the complaint/grievance; however, unsigned complaints/grievances are to be processed in the same manner as signed complaint/grievance. All individuals handling the complaint/grievance shall preserve the confidentiality of the subject, disclosing it only to the appropriate school personnel or as otherwise required by law.

The Superintendent shall determine any question concerning whether the complaint/grievance falls within this policy. A complaint/grievance may be withdrawn at any time. Once withdrawn, the process cannot be reopened if the resubmission is longer than thirty (30) calendar days from the date of the occurrence of the alleged incident. [PARA] Retaliatory or intimidating acts against any individual who has made a complaint under this policy and its corresponding regulations, or against an individual who has testified, assisted or participated in any manner in an investigation relating to a complaint or grievance, are specifically prohibited and constitute grounds for a separate complaint. Disposition of all complaints/grievances shall be reported to the principal as the compliance officer for discrimination. The principal will determine if the policies of the District have been appropriately implemented and will make such reports and/or referrals to the Governing Board as may be necessary.

#### IV. Related Policies, Procedures, Guidelines

1. [Student Handbook](#)
2. Civil Rights Policy (provide link)
3. [Charter School Students](#)