

BULLYING

Bullying and Intimidation (Student-to-Student, Adult-to-Student)

This procedure applies to allegations of bullying and intimidation of students by students or adults.

The district believes that all students have a right to a safe and healthy school environment. The district, schools, and community have an obligation to promote mutual respect, tolerance and acceptance.

The district will not tolerate behavior that infringes on the rights and safety of any student. Neither staff nor students shall intimidate, harass, or bully another student through words or actions. Such behavior includes: direct physical contact, such as hitting or shoving; verbal assaults, such as teasing or name-calling; and social isolation or manipulation.

The district expects students, staff, parents/guardians, volunteers and visitors to promptly report incidents of bullying to the site principal/administrator or designee. Staff who witness such acts must take prompt steps to intervene when safe to do so. Each complaint of bullying should be promptly investigated. Complaints may be investigated informally by the site or through the formal complaint process under this procedure at the discretion of the complainant. This policy applies to students and adults on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity.

The district will ensure its compliance with all laws regarding bullying, harassment and intimidation. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a person's gender or membership in a legally protected class under local, state, or federal law.

Definitions

Bullying (as defined in AB 1156): Severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, that has the effect of or can reasonably be predicted to have the effect of:

1. Placing a reasonable student in fear of harm to his or her person or property;
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health;
3. Causing a reasonable student to experience substantial interference with his or her academic performance; or

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4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Cyberbullying: Intentional mistreatment of others through the use of technology, such as computers, cell phones and other electronic devices. This includes, but is not limited to:

1. Sending malicious, hurtful or threatening messages or images about another;
2. Posting sensitive, private information about another person for the purpose of hurting or embarrassing the person;
3. Pretending to be someone else in order to make that person look bad and/or to intentionally exclude someone from an online group.

Electronic Act: Transmission of a communication, including but not limited to, a message, text, sound, image or a post on a social network Internet website, or image by means of an electronic device, including but not limited to a telephone, wireless telephone or other wireless communication device, computer or pager.

Hostile Environment: A situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Intimidation: The unlawful act of intentionally coercing or frightening another to behave in a certain way against their will through force, fear or threats.

Reasonable Student: A student who exercises average care, skill, and judgment in conduct for a person of their age and/or their exceptional needs.

Retaliation: When an aggressor harasses, intimidates, or bullies a student who has reported incidents of bullying.

Education, Dissemination, and Accountability

Each school shall provide notice to students and staff of the district's Bullying Policy BP 5131.2 and this Administrative Regulation through:

1. Appropriate references in the student handbook, and
2. An annual assembly to discuss the policy and procedure with students and staff.

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The district shall annually inform parents/guardians of its prohibition on bullying, harassment, and intimidation via the Facts for Parents publication/website.

The site principal/administrator of each school will publicize through the student handbook and annual assembly to students, staff, volunteers, visitors, and parents/guardians how a verbal or written report of bullying or intimidation may be filed and how this report will be handled.

Training

Staff will receive annual training discussing the district's policy and procedure related to bullying and intimidation; instructing staff of their roles and responsibilities, investigation requirements, and effective methods to prevent and/or cease bullying or intimidating behavior when it is observed.

The district will provide, at the request of the site principal/administrator, staff development training in bullying prevention and methods to cultivate acceptance and understanding in all students and staff, to build each school's capacity to maintain a safe and healthy learning environment.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying.

Students who bully are in violation of this policy and are subject to disciplinary action as provided for in the California Education Code.

Prevention Strategies

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches.

Reports and Complaints

Any student, parent/guardian, third party or other individual or organization who believes that a student or student group has been subjected to bullying and/or intimidation, or who has witnessed such conduct, may report the conduct orally to any school employee or administrator, and/or file a formal written complaint utilizing the Bullying and Intimidation Complaint Form (E)(1) 5131.2.

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Oral reports to any school employee or administrator.

A staff member who receives a report of bullying and/or intimidation, shall, within one school day or as soon as possible thereafter, report this to the site principal/administrator or designee. In addition, any school employee who observes any incident of bullying and/or intimidation involving a student shall, within one school day or as soon as possible thereafter, report this observation to the principal/designee; whether or not the victim makes a report.

Where an oral report is made of bullying and/or intimidation on the part of the site principal/administrator or designee to whom the report would ordinarily be communicated, the employee who receives the report or who observes the incident shall instead make the report to the Quality Assurance Office (QAO).

The site principal/administrator or designee who receives an oral report of bullying and/or intimidation shall promptly inform the individual making the report of the resolution options under these procedures, including the right to file a written complaint utilizing the Bullying and Intimidation Complaint Form (E)(1) 5131.2. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in filing of the complaint.

Online Bullying Reporting Form

Bullying reports can be submitted by students, parents, staff members or community members through the Online Bullying Reporting Form portal. The link is as follows:

<https://www.sandiegounified.org/forms/online-bullying-reporting-form>

Also, all school site and district webpages include a "Report Bullying" link that directly connects to the form.

Online bullying reports can be made at any time, 24 hours a days, seven days a week. Additionally, reports can be made anonymously. On the website, directions clearly indicate that bullying reports about site principals should be referred to the Office of Quality Assurance.

Once an online bullying report is submitted, an email is generated and sent directly to the site principal identified on the form. An email is also forwarded to the Office of Youth Advocacy and the Office of Quality Assurance. Personnel from the Office of Youth Advocacy will contact personnel at the indicated school site within one school day to confirm receipt of the bullying report and determine what actions and/or resources are necessary to address the concern.

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Upon receiving the report, the principal (or designee) will conduct an investigation using the information provided. If the reports contains enough viable information, the principal (or designee) will contact identified parties, and file the appropriate reports (specifically, the Bullying and Intimidation Incident School Investigation Report Summary).

If the appropriate contact information is included, within 10 calendar days, the principal will submit a summary of the investigation, findings and actions to the reporter.

If the bullying or intimidation is on the basis of actual or perceived characteristics such as sex, sexual orientation, gender, ethnic group identification, ancestry, national origin, race or ethnicity, religion, color, or mental or physical disability, gender expression, gender identity, nationality or age, immigration status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by the district, which is funded directly by, or that receives its benefits from any state financial assistance, the site principal/administrator or designee must advise the complainant of their right to file a Uniform Complaint in accordance with Board Policy 1312.3.

If the site principal/administrator or designee or the Quality Assurance Office receives an anonymous complaint or media report about alleged bullying and/or intimidation, the site principal/administrator or designee or the Quality Assurance Office shall determine whether it is appropriate to pursue an investigation considering the specificity and reliability of the information, the seriousness of the alleged incident, and whether any individuals can be identified who were subjected to the alleged conduct.

Interim measures

After a report or complaint is made, the responsible site principal/administrator or designee shall determine whether interim measures are necessary to stop, prevent or address the effects of bullying and/or intimidation, including retaliation, harassment or bullying during and pending any informal resolution and/or investigation, such as placing students in separate classes or transferring a student to a class taught by a different teacher. Interim measures will be implemented in a manner that minimizes the burden on the individual who was the target of bullying and/or intimidation.

Optional mediation

In cases of student-to-student bullying and intimidation, when both the student who complained, and where appropriate, his/her parent/guardian, and the accused student and where appropriate, his or her parent/guardian so agrees, the site principal/administrator or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher or administrator (e.g., restorative practices may be utilized to bring together those involved in and affected by the incident to allow the perpetrator to accept responsibility, allow the victim to voice the impact of

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the bullying, provide a forum for rebuilding relationships, develop collaborative action plans, and respond to student needs in a safe and respectful environment with the assistance of a trained facilitator). The individual who is the subject of the complaint or his/her parent/guardian may not be asked or required to meet directly with the accused individual as part of the informal resolution process. All parties should be advised that they may file a formal complaint at any time during or after the informal process.

At the conclusion of ten school days or as soon as possible thereafter, the site principal/administrator or designee will document, utilizing the School Investigation Report Summary (E)(2) whether informal resolution has been attempted; and if so, whether it was successful in resolving the complaint to the satisfaction of the subject individual, and if appropriate, his/her parent/guardian. The site principal/administrator or designee shall notify the complainant in writing of the outcome of the informal resolution. A copy of the School Investigation Report Summary shall be forwarded to the Quality Assurance Office.

Formal Complaint

1. Initiation of investigation. At each school, the site principal/administrator or designee shall initiate an impartial investigation of an allegation of bullying and/or intimidation within ten school days of receiving a formal complaint under this procedure, or as soon as possible thereafter, unless the site principal/administrator or designee has confirmed that the complaint has been resolved informally to the satisfaction of the subject individuals and where appropriate, his/her parent/guardian.
2. Initial interview with the subject of the complaint. At the beginning of an investigation, the site principal/administrator or designee or the Quality Assurance Office (if the complaint is related to the principal), shall discuss what actions are being sought in response to the complaint. The subject of the complaint shall have an opportunity to describe the incident, identify witnesses who may have relevant information and provide other evidence or information leading to evidence of the alleged conduct. A complainant's refusal to provide the district's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation.
3. If the subject of the complaint and/or his or her parent/guardian requests confidentiality, he or she shall be informed that such a request may limit the district's ability to investigate or take other action. If the subject individual insists that his or her name not be revealed, the site principal/administrator or designee or the Quality Assurance Office (if the complaint is related to the principal), must take all reasonable steps to investigate and respond to the complaint consistent with the request.

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4. Investigation process. The site principal/administrator or designee or Quality Assurance Office shall keep the complaint and allegation confidential, except as necessary to carry out the investigation or take other subsequent necessary action.

The site principal/administrator or designee shall interview individuals who have information relevant to the investigation, including but not limited to, the subject of the complaint and, where appropriate, his or her parents/guardians, the person accused of bullying and/or intimidation, anyone who witnessed the reported conduct, and anyone mentioned as having relevant information. The site principal/administrator or designee or the Quality Assurance Office will also review any records, notes, or statements related to the complaint and make take other steps such as visiting the location where the conduct is alleged to have taken place.

When necessary to carry out his/her investigation or to protect student safety, and consistent with federal and state privacy laws, the site principal/administrator or designee or the Quality Assurance Office also may discuss the complaint with the Superintendent or designee, the parent/guardian of the accused individual if the accused individual is a student, a teacher or staff member whose knowledge of the students involved may help in determining the facts, law enforcement and/or Child Protective Services, and the district's Legal Counsel or Risk Manager. Participation in an investigation does not alleviate any mandated reporter from making a mandated report as required by law.

Interviews of the alleged victim, alleged perpetrator, and all relevant witnesses should be conducted privately, separately, and kept confidential. At no time should the alleged perpetrator and victim be interviewed together. The Witness Declaration Form (E)(3) 5131.2 shall be used to document statements.

Interviews and other information gathered will be documented. Documentation of complaints and their resolution will be maintained in the site file for a minimum of two years.

5. Factors in reaching a determination. In reaching a decision about the complaint, the site principal/administrator or designee may take into account:
 - a. Statements made by the subject of the complaint, the individual accused, and other persons with knowledge relevant to the allegations.
 - b. The details and consistency of each person's account.
 - c. Evidence of how the subject of the complaint reacted to the incident.

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- d. Evidence of any past instances of bullying and/or intimidation, or other misconduct by the accused individual.
6. To judge the severity of the bullying and/or intimidation where it is determined that bullying and/or intimidation has occurred, the site principal/administrator or designee may take into consideration:
- a. How the misconduct affected the subject of the complaint.
 - b. The type, frequency and duration of the misconduct.
 - c. The age, race, gender/gender identity and/or disability of the subject of the complaint and the individual accused of the conduct, and the relationship between them.
 - d. The number of persons engaged in the alleged conduct.
 - e. The size of the school, location of the incidents, and context in which they occurred.
 - f. Other incidents of bullying and/or intimidation at the school.

Written Report on Findings and Follow-Up

Within 60 calendar days of receiving the complaint or as soon as possible thereafter, the site principal/administrator or designee (or the Quality Assurance Office) shall conclude the investigation and prepare a written report of the findings as described below. This timeline may be extended for good cause. If an extension is needed, the site principal/administrator or designee or Quality Assurance Office shall notify the complainant and explain the reasons for the extension.

The district's decision shall be in writing and sent to the complainant. The district's decision shall be written in English, and, when required by Education Code 48985, or pursuant to federal law, the decision shall be translated into the complainant's or parent/guardian's primary language.

For all complaints, the decision shall include:

1. The findings of fact based on the evidence gathered.
2. As to each allegation, the district's conclusion(s) as to whether bullying and/or intimidation has occurred.

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3. Rationale for such conclusion(s).
4. Remedial actions, if any are warranted, that relate directly to the subject of the complaint; complainant or the law, including individual remedies offered or provided to the subject of the complaint, such as counseling, academic remedies or other measures, and systematic measures taken to eliminate any hostile environment and prevent the bullying and/or intimidation from recurring.
5. Notice that the complainant and/or, where appropriate, his/her parent/guardian should immediately report any reoccurrence of the conduct or retaliation to the principal/designee.
6. Notice of the complainant's right to appeal the district's decision within 15 calendar days to the Office of Youth Advocacy and procedures to be followed for initiating such an appeal.

Remedial action will be designed to end the bullying and/or intimidation conduct, prevent its recurrence and address its effects on the targeted student. Examples of appropriate action include:

1. Interventions for the individual who engaged in the bullying and/or intimidation, such as parent or supervisor notification, discipline, counseling or training.
2. Interventions for the targeted individual, such as counseling, academic support and information on how to report further incidents of bullying and/or intimidation.
3. Separating the targeted individual and the individual who engaged in the bullying and/or intimidation, provided the separation does not penalize the targeted student.
4. Follow-up inquiries with the targeted individual and witnesses to ensure that the bullying and/or intimidation conduct has stopped and that they have not experienced any retaliation.
5. Training or other intervention for the larger school community to ensure that students, staff and parents understand the types of behavior that constitute bullying and/or intimidation, that the district does not tolerate it, and how to report it.
6. In addition, the site principal/administrator or designee shall ensure that the individual who was the target of bullying and/or intimidation and where appropriate, his/her parent/guardian, are informed of the procedures for reporting any subsequent problems.

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Students who are found to have engaged in bullying and/or intimidation conduct may be subject to discipline pursuant to California Education Code. Disciplinary action may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer or expulsion for students. Such disciplinary action shall be in accordance with district policy and state law. Suspension and recommendations for expulsion must follow applicable law.

Staff members who are found to have engaged in bullying and/or intimidation conduct toward students shall be subject to discipline. Disciplinary action may include oral warnings, written warnings, mandatory training, counseling, suspension, transfer, demotion, or termination of employees. Such disciplinary action shall be determined by site and district administration in accordance with applicable policies, laws, and/or collective bargaining agreements.

In identifying appropriate disciplinary action, repeated incidents and/or multiple victims will result in more severe penalties.

Disciplinary action taken shall not be reported to the complainant where doing so would violate the privacy rights of involved students or staff.

Appeals Procedures

Appeals to the Office of Youth Advocacy. If dissatisfied with the district's decision under this procedure, the complainant may appeal in writing to the Office of Youth Advocacy.

The complainant shall file his or her appeal within 15 calendar days of receiving the district's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or district procedure has been misapplied. A response to the appeal will be provided within 60 calendar days of receipt.

Upon notification by the Office of Youth Advocacy that the complainant has appealed the district's decision, the site principal/administrator or designee shall forward the following documents to the Office of Youth Advocacy:

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by the district, if not covered by the decision.

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4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of the district's Uniform Complaint procedures.
7. Other relevant information requested by the Office of Youth Advocacy.

Civil law remedies

A complainant may pursue available civil law remedies outside of the district's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

Complaints alleging bullying and/or intimidation based on race, color, national origin, sex/gender, disability or age may also be filed with the US Department of Education, Office for Civil Rights (www.ed.gov/ocr). Such complaints must generally be filed within 180 days of the alleged bullying and/or intimidation.

Reports and Records

The site principal/administrator or designee shall complete a School Investigation Report (E)(2) 5131.2. The report shall be maintained at the school site in accordance with student confidentiality laws. A copy of the report shall be forwarded to the Quality Assurance Office for issuance of a district tracking number and for district-wide data compilation and reporting purposes. A copy may also be provided to the appropriate Area Superintendent or department head.

Short term suspension records and information shall be maintained by each school.