

## **BULLYING AND OTHER TYPES OF HARASSMENT**

- The school encourages all students and staff members to foster a climate of mutual respect for others in order to enhance the district's educational purpose and the program designed to achieve that purpose. Each student is expected to respect the rights and privileges of other students, teachers, and district staff members.
- Students shall not engage in harassment motivated by age, race, color, ancestry, national origin, sex, handicap or disability, marital status, religion, political affiliation, sexual orientation, gender identity and/or gender expression and directed toward another student. A substantiated charge of harassment against a student shall result in disciplinary action.
- The term "harassment" includes repeated, unwelcome, and offensive slurs, jokes, or other oral, written, graphic, or physical conduct relating to an individual's race, color, religion, national origin, or disability that creates an intimidating, hostile, or offensive educational environment. The term also includes threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.
- Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the district's ability to investigate and address the prohibited conduct.
- Bullying, meaning engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that:
  - (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
  - (2) is sufficiently severe, persistent, and pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
  - (3) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct;
  - (4) interferes with a student's education or substantially disrupts the operation of a school.
  - Engaging in threats or other acts of intimidation that interfere with another student's desire or willingness to participate in the educational process.
  - Any verbal abuse of others, including slurs, name-calling, or derogatory statements to another person because of that person's race, color, religion, national origin, disability, physical/personal appearance, sexual orientation, and gender identity and/or gender expression.
- Cyberbullying at or away from campus, which is defined as the use of the internet, cell phones, or other devices to send, post, or text message images and material intended to hurt or embarrass another student. This may include, but is not limited to, continuing to

send e-mail to someone who has said he or she wants no further contact with the sender; sending or posting threats, sexual remarks, or pejorative labels (i.e., hate speech); ganging up on victims by making them the subject of ridicule in electronic forums and posting false statements as fact intended to humiliate another student; disclosure of personal data such as another student's real name, address, or school on websites or forums to embarrass or harass; posing as another student for the purpose of publishing material in his or her name that defames or ridicules him or her; sending threatening and harassing text, instant messages, or emails to another; and posting or sending rumors or gossip to incite others to dislike and/or gang up on the target, which is determined to have a material and substantial interference with school activities or with the rights of students.

- Engaging in assault not involving bodily injury, which is defined as intentionally or knowingly threatening another with imminent bodily injury (Section 22.01(a)(2), Penal Code)
- To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, Principal, or other district employee. Any district employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the Principal or designee.

### **Procedures for Investigation of Bullying**

- The Principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the district shall proceed under policy. If the allegations could constitute prohibited conduct and bullying, the investigation under shall include a determination on each type of conduct.
- The Principal or designee shall conduct an appropriate investigation based on the allegations in the report.
- The Principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
- Absent extenuating circumstances, the investigation should be completed within ten district business days from the date of the initial report alleging bullying; however, the Principal or designee shall take additional time if necessary to complete a thorough investigation.
- The Principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Principal or designee.
- If an incident of bullying is confirmed, the Principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

- If the results of an investigation indicate that bullying occurred, the district shall promptly respond by taking appropriate disciplinary action in accordance with the district's Code of Student Conduct and Parent Handbook and may take corrective action reasonably calculated to address the conduct.
- A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.
- The discipline of a student with a disability is subject to applicable state and federal law in addition to the Code of Student Conduct and Parent Handbook.
- To address a request for a transfer on the basis of bullying shall refer to the Principal.
- The Principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
- If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the district may take action in accordance with the Code of Student Conduct and Parent Handbook or any other appropriate corrective action.
- To the greatest extent possible, the district shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
- A student who is dissatisfied with the outcome of the investigation may appeal through School Board.

### **Transfer of Students Who Have Engaged in Bullying**

Students who engage in bullying may be transferred to another classroom on the campus to which the victim was assigned at the time the bullying occurred; or a campus in the district other than the campus to which the victim was assigned at the time of the bullying. If another campus is not available the student will be informed about the home school as well as other area charter schools. Students with disabilities