

Adopted: **10/29/2014**

Revised: _____

ACADEMIA CÉSAR CHÁVEZ POLICY NO. 5.4.2

BULLYING PREVENTION AND RESPONSE

I. PURPOSE

The purpose of this policy is to assist ACADEMIA CÉSAR CHÁVEZ in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior and to maintain a safe learning environment. This safe environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. ACADEMIA CÉSAR CHÁVEZ (ACC) cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of ACC and the rights and welfare of its students and is within the control of ACC in its normal operations, it is ACC's intent to prevent bullying and to take action to investigate, respond, remediate, and discipline those acts of bullying which have not been successfully prevented.

II. POLICY STATEMENT

This policy protects students against bullying and harassment on the basis of actual or perceived race, ethnicity, color, creed, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, status with regard to public assistance, age, military status, unfavorable discharge from military service, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Chapter 363A. This policy also protects any student who voluntarily participates in any school function or activity, whether the student is enrolled in ACADEMIA CÉSAR CHÁVEZ or not.

III. DEFINITIONS

- A. **Cyber bullying.** "Cyber bullying" means using electronic information and communication technologies to bully. This may include, but is not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network, internet, website or forum, transmitted through a computer, cell phone, or other electronic device. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, instructional staff, monitor, administrator, volunteer, contractor, or other employee of ACC by sending or

posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off ACC property and/or with or without the use of ACC resources.

- B. **Immediately.** “Immediately” means as soon as possible but in no event longer than 24 hours.
- C. **Prohibited conduct.** Prohibited conduct (“bullying”) means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students creating an actual or perceived imbalance of power between the student engaging in bullying and the target of bullying that has or can be reasonably predicted by repeated forms or pattern to have one or more of the following effects:
1. Placing the student in reasonable fear of harm to the student’s person or property.
 2. Substantially interfering with the student’s educational opportunities and performance.
 3. Causing a substantially detrimental effect on the student’s physical or mental health.
 4. Substantially interfering with the student’s ability to participate in or benefit from the services, activities, or privileges provided by a school.
 5. Bullying may take various forms, including without limitation, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation of asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.
- D. **Remedial response.** “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Remedial response also means a measure to stop and correct retaliation for asserting, alleging, reporting or providing information about prohibited conduct (retaliation) or knowingly making a false report about prohibited conduct (false report), prevent retaliation or false reports from recurring and protect, support and intervene on behalf of the student who is the target of the prohibited conduct.
- E. **Retaliation.** Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment or intentional disparate treatment.
- F. **School employee.** “School employee” includes school board members, administrators, educators, aides, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic coaches,

extracurricular activities advisors, paraprofessionals, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the school and its students.

IV. PROHIBITED CONDUCT.

A. Bullying of a student or group of students is prohibited:

1. During any school-sponsored or school-sanctioned programs, activities, events or trips.
2. In school buildings, school property, on school buses or other school school-provided transportation, and at designated locations for students to wait for buses and other school school-provided transportation.
3. Through the transmission of information from a school computer or computer network, or other electronic school equipment.
4. When communicated through any electronic technology or personal electronic device while on school property, on school buses or other school-provided transportation, at bus stops, and at school-sponsored or school-sanctioned events or activities.
5. Off campus communication and/or use of electronic technology which results in or is reasonably likely to result in material and substantial disruption of the student's education.
6. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
7. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
8. False accusations or reports of bullying against another student are prohibited.

V. RESPONSE TO COMPLAINTS OF BULLYING

A. Where to bring complaints. The School Principal or designee (hereinafter Prevention Specialist) is the person responsible for receiving reports of bullying at the building level. They will ensure this policy and its procedures are fairly and fully implemented and serve as the primary contact on policy and procedural matters. If the complaint involves the principal/designee, the complaint shall be made or filed directly with the Chair of the Board of Academia César Chávez.

B. Considerations in evaluating complaint. When investigating a complaint, principal/designee may take into account the following factors:

1. The developmental ages and maturity levels of the parties involved.

2. The levels of harm, surrounding circumstances, and nature of the behavior.
 3. Past incidences or past or continuing patterns of behavior.
 4. The relationship between the parties involved.
 5. The context in which the alleged incidents occurred.
- C. **Investigations.** Investigation of a bullying incident shall be initiated within three school days of receipt of a report and be completed within 10 school days, unless the principal/designee grants in writing an additional five-day extension due to extenuating circumstances. [*See Attachment A for investigation process.*]
- D. **Consequences.** The schools will respond to bullying in a manner tailored to the individual incident, considering the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Appropriate responses and consequences are outlined in [**either the Student Handbook or in Attachment B**].
- E. **Appeal.** Any party who is not satisfied with the outcome of the investigation may appeal to the school's human rights officer within 10 school days of notification of the principal/designee's decision. The human rights officer will conduct a review of the appeal and, within 10 school days of receipt of the appeal, will affirm, reverse or modify the findings of the report. The human rights officer shall notify the party requesting the appeal and the principal that its decision is final and shall document that notification in the incident report.
- F. **School Employees.** When it is determined that a school employee was aware that prohibited conduct was taking place but failed to report it, the employee will be considered to have violated this policy. The principal shall consider employee discipline for such violations.
- G. **Vendors.** Remedies for offending vendors and contractors will be imposed according to their contracts.
- H. **Retaliation prohibited.** The school will take appropriate action against any student or school employee who retaliates against any person who reports alleged bullying or against any person who testifies, assists or participates in an investigation, or against any person who testifies, assists or participates in a proceeding or hearing relating to such bullying.

VI. NOTICE AND DISSEMINATION OF REQUIREMENTS

- A. The school will give annual notice of this policy to students, parents or guardians, and school employees, and this policy shall appear in the student handbook and posted in an electronic format in the languages appearing on its school/school website. This policy should also be:

1. Posted in the school building administrative offices and throughout [each] [the] school building in areas accessible to students and school employees.
2. Included in each school's student handbook on school policies.
3. Be given to each school employee and independent contractor at the time of entering into the person's employment contract.

VII. PROFESSIONAL DEVELOPMENT AND EDUCATION

A. Staff. Professional development will be offered annually to build the skills of all school employees to implement this policy. The content of such professional development shall include, but not be limited to:

1. Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them in a manner that does not stigmatize the victim.
2. Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the bullying.
3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk, and any specific interventions that may be particularly effective for addressing bias-based bullying.
4. Recognizing, responding to and reporting bullying.
5. Information about the incidence and nature of cyber bullying.
6. Information about Internet safety issues as they relate to cyber bullying.
7. A review of the school's reporting requirements related to bullying and cyber bullying.

B. Safe and Supportive School Programming. Developmentally appropriate programmatic instruction shall be incorporated into the school curriculum to help students identify, prevent and reduce bullying and create a safe learning environment. The Executive Director or Principal shall determine the scope and duration of the units of instruction and topics covered but should include evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct to engage all students in creating a safe and supportive school environment. [*See Attachment C for more information on student instruction.*]

Attachment A – Template for investigation process

SCHOOL ACTION

1. Prior to the investigation of an incident, the principal/designee will take immediate steps, at its discretion, to protect the alleged actor(s), target(s), bystander(s) or reporter pending completion of an investigation. Once an investigation is concluded, further steps will be taken as needed to assure the continued safety of the complainant from additional incidents of bullying or retaliation.
2. The principal/designee shall perform the investigation. Investigation of a bullying incident shall be initiated within three school days of receipt of a report and be completed within 10 school days, unless the principal/designee grants in writing an additional five-day extension due to extenuating circumstances. The principal/designee shall document the extension in the investigation report and shall notify the parties involved. The principal/designee will make every effort to protect the confidentiality of those who report bullying incidents and is responsible for keeping the protecting access to any written records of the investigation.
3. The purpose of the investigation is to make a determination as to whether a reported incident constitutes a case of bullying. These determinations will be made in consideration of the totality of the facts and the circumstances surrounding the incident, such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incident occurred.
4. The principal/designee shall identify the alleged actor(s), target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it.
5. The principal/designee will conduct an individual interview in a private setting with the alleged actor and target. The alleged actor and target should never be interviewed together or in public. Individual interviews shall also be conducted in private with student and adult bystanders.
6. The investigation may also consist of any other methods and documents deemed pertinent by the principal/designee.
7. The principal/designee will determine how often the conduct occurred, any past incident or continuing pattern of behavior, and whether the target's education, including but not limited to, a negative impact on academic performance, education opportunities and participation in school activities was affected.
8. The principal/designee will assess the individual and school-wide effects of the incident relating to safety, and assign school staff to create and implement a safety plan to prevent the recurrence of an incident that will restore a sense of safety for the target and other students who have been impacted.
9. If the principal/designee determines the reported incident may involve criminal activity or the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement authorities. As part of making this determination, the principal/designee may

wish to consult with either a law enforcement officer or legal counsel. Law enforcement shall only be contacted if all other available remedies have been exhausted.

10. When appropriate, the principal/designee will prepare a report identifying his/her recommendation for individual consequences. The report will comprehensively documenting the details of the investigation.
11. When the investigation is complete, the principal/designee shall ensure the investigation report is attached to the incident report.

Attachment B – Additional information on disciplinary actions

Remedial actions may include:

For the student harmed: protect, support and intervene on behalf of the student who is the target of the prohibited.

Support may include: referral to student support staff for one-to-one support or social skills training; daily check-in and check-out with a trusted adult in the school; choice to participate in a restorative process, facilitated by a trained facilitator.

For the student who violated the prohibited conduct policy: schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, and age-appropriate and should match the severity of the student's behavior and their developmental age. The consequences must be a natural and logical match to the prohibited behavior, consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes.

Consequences may include: A referral to appropriate staff for teaching and re-enforcing appropriate school behavior; min-courses or skill modules to guide restitution; a referral to participate in a restorative process facilitated by a trained facilitator if the student admits to having caused harm; a meeting between the administrator and the family of the student who did the harm; a coordinated behavior plan that may include behavior contracts with a plan to prevent the prohibited conduct from recurring; individual counseling and one-to-one support to change behavior.

Consequences may also include warning, suspension, exclusion, expulsion or transfer. Schools should avoid using punitive discipline (detention, suspensions, and expulsions) if any other method or consequence can be used with fidelity. The school may review school-wide behavior data as well as the data related to the person who did the harm and person harmed. If the investigator determines that a violation of this policy may be the result of school climate needs, the school may conduct classroom, school or school-wide training.

When an investigation determines that bullying occurred, the principal/designee shall explain the consequences in a non-hostile manner, and shall impose any consequence immediately and consistently. The principal/designee shall keep communicating and working with all parties involved until the situation is resolved. Some key indicators of resolution include:

- The actor is no longer bullying and is interacting civilly with the target.
- The target reports feeling safe and in interacting civilly with the actor.
- School staff observes an increase in positive behavior and social-emotional competency in the actor and/or the target.
- School staff observes a more positive climate in the physical location where bullying incidents were high.

REMEDIAL RESPONSE AND REFERRALS

The principal/designee shall design and implement remedial measures to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the target of the bullying, and take corrective action for documented systemic problems related to bullying. The principal/designee shall refer students who bully to positive-behavior small-group interventions (for anger management,

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trauma, or social skills) within the school, if possible, to reinforce the behavioral expectation they violated and increase their social-emotional competency. The principal/designee shall ask a school mental health professional to refer targets of bullying to individual or group therapy where they can openly express their feelings about their bullying experience, or social-skills training and/or groups where they can practice assertiveness and coping mechanisms.

Attachment C – Student Instruction

Administration is encouraged to take such actions as deemed appropriate to accomplish the following goals:

- Engage students in creating a safe and supportive school environment.
- Partner with parents and other community members to develop and implement prevention and intervention programs.
- Engage all students and adults in integrating education, intervention and other remedial responses into the school environment.
- Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct.
- Teach students to advocate for themselves and others.
- Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct.
- Foster student collaborations to create a more conducive environment for a supportive school climate.

Possible units of instruction could include:

1. Social emotional learning.
2. Appropriate behavior online/on social media and cyber bullying awareness and response.
3. Valuing diversity in school and society.
4. Advocacy skills for themselves and others.
5. Skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying.

The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught. Schools shall satisfy the documentation requirements established by the superintendent or designee to ensure compliance with this curricular requirement.