

Students

AR 5131.2 Students

BULLYING

School behavior standards shall be coordinated district-wide, with particular attention to applying the standards for discrimination, intimidation, harassment, and bullying behavior fairly and consistently among schools at the same grade level. Schools will follow district guidelines and policies according to the Education Code and school rules pertaining to related matters such as discrimination, intimidation, harassment, bullying, suspension and expulsion.

The district will not tolerate discrimination, intimidation, harassment, bullying or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the district's jurisdiction whether directed at an individual or group. This includes but is not limited to discrimination, intimidation, harassment, and bullying based on actual or perceived characteristics and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code 234.1)

Definitions

“Bullying” is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils that constitutes sex harassment, hate violence or creates an intimidating or hostile educational environment, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
- (B) Causing a reasonable pupil to experience a substantially detrimental effect on her or her physical or mental health.
- (C) Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
- (D) Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

“Electronic act” is defined as the transmission of a communication, including, but not limited to, a message, text, sound, or image, or post on a social network Internet Website, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

“Reasonable pupil” is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs. (Education Code 48900(r))

The school district has jurisdiction to respond to bullying behavior that is related to school activity or school attendance and that occurs at any time, including, but not limited to, while on school grounds, at a school sponsored activity, while traveling to or from school, on a school bus, or during the lunch period whether on or off campus. (Education Code 48900(s))

Indicators of Discriminating, Intimidating, Harassing, and Bullying Behavior

- Behaviors may include, but are not limited to, the following:
 - Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading hurtful rumors.
 - Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
 - Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, pinching, slapping, "pantsing", biting, spitting, or destroying property.
 - Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.
 - Cyber-bullying: Sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication. This policy pertains to cyberbullying that is related to school activity or attendance and is directed toward a pupil or school personnel.

Administrative Responsibilities

- Communicate and ensure staff, students, and parents/guardians are informed annually of the district policy and school procedures regarding discrimination, intimidation, harassment, and bullying, and all other related policies.
- Develop and incorporate anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying procedures into behavior or discipline codes. Review and revise these annually, as appropriate.
- Create an environment where the school community understands that

discrimination, intimidation, harassment, and bullying are inappropriate and will not be tolerated.

- Develop interventions to address discrimination, intimidation, harassment, and bullying at all levels, school-wide, classroom, and individual.
- Provide staff training to certificated and classified staff to ensure that staff is able to identify the indicators of discrimination, intimidation, harassment, and bullying and understand their individual responsibilities to appropriately intervene and report discrimination, intimidation, harassment, and bullying behavior.
- Provide training for new staff, as needed, on identification of and response to discrimination, intimidation, harassment, and bullying as well as on the use of district adopted materials related to discrimination, intimidation, harassment, bullying and violence prevention.
- Designate a site coordinator/committee for oversight of the anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying program, including student instruction, implementation of prevention and intervention strategies, and dissemination of discrimination, intimidation, harassment, and bullying information to students, staff, and parents. The Coordinator/Committee shall act as a contact for reporting incidents of discrimination, intimidation, harassment, and bullying and serve as a liaison for district-wide efforts to promote respect and a positive school climate in our schools.
- Enforce discrimination, intimidation, harassment, and bullying procedures for disciplinary action fairly and consistently per the school behavior expectations/guidelines.
- Assess or collect information from students regarding the extent of discrimination, intimidation, harassment, and bullying they witness or experience at school (e.g., anonymous survey, focus group input, or incident report analysis).

Staff Responsibilities

- Create an environment where students understand that discrimination, intimidation, harassment, and bullying are unacceptable and will not be tolerated.
- Discuss with all students all aspects of the discrimination, intimidation, harassment, and bullying policy and strategies to prevent discrimination, intimidation, harassment, and bullying.
- Encourage students to report discrimination, intimidation, harassment, and bullying incidents.

- Learn to recognize the indicators of discrimination, intimidation, harassment, and bullying behavior.
- Intervene immediately when safe to do so and take corrective action when discrimination, intimidation, harassment, and bullying are observed.
- Understand individual responsibility not only to intervene when discrimination, intimidation, harassment, and bullying are observed, but also, to report incidents and actions to appropriate administrators, district offices, or outside agencies, as required.

Student Responsibilities

- Take responsibility for helping create a safe school environment.
- Do not engage in or contribute to discrimination, intimidation, harassment, and bullying behaviors, actions, or words.
- Treat everyone with respect. Be sensitive to how others might perceive your actions or words.
- Students are expected to report all incidents of discrimination, intimidation, harassment, and bullying, or other verbal or physical abuse.
- Understand the discrimination, intimidation, harassment, and bullying policy and guidelines and model it for others.
- Report discrimination, intimidation, harassment, and bullying behavior directed at oneself or others to a trusted adult.
- Never engage in retaliatory behavior or ask of, encourage, or consent to anyone's taking retaliatory actions on your behalf.
- Learn ways to protect oneself from discrimination, intimidation, harassment, and bullying and how to help others who have been bullied.

Parent Responsibilities

- Understand and discuss this policy and school rules with your child.
- Report incidents of discrimination, intimidation, harassment, and bullying to your student's teacher, counselor, principal, or principal's designee.
- Learn the warning signs that your child might be a victim or perpetrator of discrimination, intimidation, harassment, or bullying.

Responding to Discrimination, Intimidation, Harassment, and Bullying Complaints

- The district's response to discrimination, intimidation, harassment, and bullying shall be comprehensive and involve staff, students, parents/guardians, and the community, as appropriate, in order to address discrimination, intimidation, harassment, and bullying at all school levels.
- A complaint may be made to any site or district level staff person, as appropriate. Victims of discrimination, intimidation, harassment, or bullying are encouraged to file their complaint in writing, using the Bullying Complaint Form. However, oral complaints will be accepted.
- All discrimination, intimidation, harassment, and bullying complaints shall be investigated and resolved within 15 school days of the filing of a complaint.
- The response shall:
 - Take reports of bullying seriously.
 - Provide all parties involved with assurances regarding district policies on confidentiality and non-retaliation in the complaint investigation.
 - Encourage individuals who witness discrimination, intimidation, harassment, or bullying to report such incidents per the district report procedures.
 - Obtain specific information relevant to any discrimination, intimidation, harassment, or bullying complaint such as: the date, time, location, witness(es), and whether this was an isolated incident or related to previous incidents.
 - Obtain a written statement from the complainant. If the complainant is unable to provide a written statement, school personnel shall assist in writing a statement as dictated by the complainant. It is important to note that any oral report of discrimination, intimidation, harassment, or bullying is to be a considered a complaint and, as such, must be investigated.
 - Obtain a written statement from the student alleged to have committed the discriminating, intimidating, harassing, or bullying act. If the student is unable to provide a written statement, school personnel shall assist in writing a statement as dictated by the student.
 - Obtain statements from any witnesses, as appropriate.
 - Assure the student reporting discrimination, intimidation, harassment, or

bullying, that steps will be taken to monitor that the behavior does not continue. Provide the individual with the names of school personnel who can help if the situation continues, escalates, or arises again.

- Determine what type of action or consequences will resolve the situation.
- Follow the school behavior guidelines.
- Consequences for a student who commits an act of discrimination, intimidation, harassment, and bullying shall be appropriate according to:
 - The nature of the behavior
 - The developmental age of the student
 - The student's history of problem behaviors and performance
 - Consistent with related Board policies and schools' codes of conduct
- Inform the parents/guardians of both the victim and the child who committed the act of discrimination, intimidation, harassment, or bullying of the following:
 - The nature of the incident
 - The results of the investigation
 - The type of action(s), consequences, and follow-up that will be taken to resolve the situation (as appropriate to ensure confidentiality)

Other Considerations

- If either party disagrees with the resolution of the complaint, she/he may file an appeal to the Director, Student Services, 4400 Alma Avenue, Castro Valley, CA, 94546, 510-537-3000 ext. 1257. An appeal must be filed within **15 calendar days** of resolution of the initial complaint.
- If either party disagrees with the resolution of the appeal, she/he may file complaint in accordance with district Uniform Complaint policy and procedures. Students and parents/guardians are to be informed annually of the process by which they may make a report of discrimination, intimidation, harassment, or bullying or file a Uniform Complaint.
- It is important to note that discrimination, intimidation, harassment, or bullying may, at times, be part of a continuum of violence and that some discrimination, intimidation, harassment, or bullying actions can and do constitute other categories of

misconduct such as sexual harassment, hate- motivated behavior, assault, or child abuse, and as such, they would violate other district policies. When discrimination, intimidation, harassment, or bullying behavior does escalate to the level of violating other district policies, district personnel are obligated to adhere to appropriate district reporting guidelines and protocols and may be required to report to one or more offices or outside agencies, as appropriate.

Regulation CASTRO VALLEY UNIFIED
SCHOOL DISTRICT

approved: August 16, 2012 Castro Valley,
California

CASTRO VALLEY UNIFIED SCHOOL DISTRICT

**TO: Director, Student Services Office
ATTN: Tony Shah
4400 Alma Ave.
Castro Valley, CA 94546**

**REQUEST FOR APPEAL
(Bullying)**

(Please print or type all material except signature)

In accordance with Education Code Section 234.1 and Castro Valley Unified School District Board Policy 5131.2, we hereby request an appeal of the bullying complaint decision.

(NOTE: This Notice of Appeal shall be received by the Superintendent's designee for the Castro Valley Unified School District within 15 calendar days following the resolution of the initial complaint.)

1. _____
Name of Pupil
2. _____
Birthdate
3. _____
Street Address City Zip Code
4. _____
Grade
5. _____
School
6. _____
Name of Parents/Guardian Home Phone Work Phone
7. Appellant's (pupil/parent/guardian) understanding of reason(s) given by the Principal or designee for the decision (attach copy of Bullying Complaint Decision).

An appeal before the Superintendent or designee is not a hearing, but rather a procedural review of the evidence of the initial complaint and decision by the Principal or designee to determine if the decision was fair and reasoned. The initial complaint may be appealed only on one or more of the grounds listed in Section 8.

8. Why should the Bullying Complaint Decision be overturned? (Attach documentation, if any.)

A. Explain how the Bullying Complaint decision was not fair. (For example, was evidence from both sides considered or did the evidence support the conclusion reached?)

B. Explain if there is new relevant evidence which could not have been produced at the time of the hearing or if there was relevant evidence which was improperly excluded at the hearing. (For example, how was it improperly excluded, why couldn't it be provided, what is the nature of the new evidence?)

9. I hereby certify that this information is true and correct to the best of my knowledge.

Signature of Parent/Guardian or Adult Student

Date

CASTRO VALLEY UNIFIED SCHOOL DISTRICT
STUDENT to STUDENT HARASSMENT REPORT

INSTRUCTIONS: This form should be used to report alleged incidence(s) of student bullying, discrimination, intimidation, harassment and/or sexual harassment.

SCHOOL: _____ PERSON REPORTING INCIDENT NAME: _____ Date completed: _____
 CHECK THE APPROPRIATE BOX: Student (Targeted) Student (Witness/Bystander) Parent/guardian School Staff
 Other (specify) _____

NAME OF THE TARGETED STUDENT: _____ TARGETED STUDENT PERM ID # OR DATE OF BIRTH: _____

DATE(S) OF INCIDENT: _____ TIME(S) OF INCIDENT: _____
 LOCATION(S) OF INCIDENT: _____
 NAME(S) OF ALLEGED OFFENDER(S):

NAME(S) AND TITLE OF WITNESS(ES):

Check next to the statement(s) that best describes what happened (choose all that apply):

Description of the incident(s):

 Bullying, intimidation, discrimination or harassment
 Sexual Harassment

To be completed by the school principal or designee:

Action taken with regards to both the targeted student and the alleged offender(s):

Date received: _____ NOTE: All discrimination, intimidation, harassment, and bullying complaints shall be investigated and resolved within 15 school days of the filing of a complaint

Parent of targeted student notification by: _____ Phone Letter Conference Date of Contact _____

Attempted parent phone contact (to no avail) Date: _____ Date: _____ Date: _____
 Parent of alleged offender(s) notification by: _____ Phone Letter Conference Date of Contact _____
 Attempted parent phone contact (to no avail) Date: _____ Date: _____ Date: _____

Allegations: Substantiated Unsubstantiated Partially substantiated—explain _____

Name of administrator completing this section: _____ Title: _____ Date: _____

Signature: _____

Principal name: _____ Signature: _____

NOTE: No more than **15** days after receiving the complaint, the Principal or designee shall conclude the investigation and prepare a written report of her/his findings. This timeline may be extended for good cause. If an extension is needed, the Principal or designee shall notify the student or parent/guardian and explain the reasons for the extension.

If a student (or parent/guardian on behalf of the student) disagrees with the resolution of this complaint, she/he may file an appeal to Tony Shah, Director, Student Services, 510-537-3000 extension, 1257 within **15** calendar days.

Castro Valley Unified School District

STUDENT TO STUDENT HARASSMENT GUIDELINES

It is the intent of the Castro Valley Unified School District to provide a process for students, parents and members of the community to submit complaints of bullying, discrimination, intimidation, harassment and/or sexual harassment to appropriate school administrators.

Submission of the district's "Student to Student Harassment Report" is encouraged; however oral reports shall be considered as official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. The district intends to protect students or personnel from unfair and unfounded accusations. Complaints shall be investigated in a manner that protects the confidentiality of all parties. An electronic copy of the "Student to Student Harassment" form may be downloaded from the school's website or a printed copy may be picked up in the school's main office.

Any student who feels she/he is a victim of bullying should immediately contact a teacher, principal, or other staff person. Staff shall assist students and/or parents in completing the bullying complaint form, as requested.

In accordance to California Education Code 48900(r)(1), "Bullying" means **Severe or pervasive physical or verbal** act or conduct, including communications made in writing or by means of an electronic act, and including one or more of the following:

- Sex Harassment (48900.2)
- Hate Violence (48900.3)
- Threats, harassment, intimidation (48900.4)
- Has or reasonably predicted to have one or more of the following:
 - **Reasonable pupil** in fear of harm to person or property
 - **Reasonable pupil** to experience substantially detrimental effect to physical or mental health
 - **Reasonable pupil** to experience substantial interference with academic performance
 - **Reasonable pupil** to experience substantial interference with ability to participate in or benefit from services, activities, or privileges provided by the school
- **Education Code Section 48900(r)(2)**
- "**Electronic act**" means the transmission of a communication, including but not limited to, a message, text, sound or image, or a post on a **social network Internet Web site**, by means of an electronic device, including, but not limited to, a telephone, a wireless telephone or other wireless communication device, computer, or pager.
- **Education Code Section 48900(r)(3)**
- –"**Reasonable pupil**" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

All reports submitted to appropriate school personnel shall be investigated and resolved expeditiously (no later than 15 school days after the complaint was submitted).

If you fear a student is in IMMEDIATE danger, please contact the school's office immediately?