



VAUGHN NEXT CENTURY LEARNING CENTER  
ANTI-BULLYING, CYBER BULLYING, SEXTING,  
HAZING, & SEXUAL HARRASSMENT POLICY

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**POLICY**

Vaughn Next Century Learning Center is committed to providing a safe and civil learning and working environment. Vaughn Next Century Learning Center takes a strong position against bullying, hazing, and any behavior that infringes on the safety or well-being of students, employees, or any other persons within our school or interferes with learning or the ability to teach. Vaughn Next Century Learning Center prohibits retaliation against anyone who files a complaint or participates in the complaint investigation process.

Vaughn Next Century Learning Center policy requires all schools and all personnel to promote mutual respect, tolerance and acceptance among students and staff. "All students and staff of public primary, elementary, middle and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful" [ Article 1, Section 28 ( c) of the California State Constitution]. Schools' compliance with the Bullying and Hazing Policy and the Discipline Foundation Policy is to be referenced in their Safe School Plan, Volume 1.

This policy shall encompass behaviors or actions that occur among students, employees and associated adults. The policy is applicable in all schools, including school-related activities, events, programs and traveling to and from school.

**GUIDELINES**

Bullying and hazing are part of a continuum of aggressive or violent behaviors. Some acts of bullying or hazing may constitute other categories of misconduct, such as assault, battery, child abuse, hate-motivated incident, criminal activity, or sexual harassment and, as such, violate other school policies. In such cases, school personnel are obligated to follow appropriate Vaughn Next Century Learning Center reporting guidelines.

**I. DEFINITIONS**

- A. Bullying is any deliberate and unwanted severe or pervasive physical, verbal, or electronic act that has the intention of, or can be reasonably predicted to have the effect of, one or more of the following:
1. Reasonable fear of harm to person or property.
  2. Substantially detrimental effect on physical or mental health.
  3. Substantial interference with academic performance.

4. Substantial interference with the ability to participate in or benefit from school services, activities, or privilege. "Electronic act" means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication [CA Ed. Code § 48900 (2)(A)]. Impersonating a person through electronic means for purposes of harming, intimidating, threatening or defrauding a person is a violation of California Penal Code §§ 528.5 - 529.
- B. Hazing is a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury, personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. Hazing does not include athletic events or school sanctioned events [(CA Ed. Code § 48900(q, r), CA Penal Code § 245.6)].
- C. Students are any person enrolled in Vaughn Next Century Learning Center, including adult students. Adult students are also held to the guidelines associated with their enrollment in an adult education program.
- D. Associated individuals are non-students who are affiliated with Vaughn Next Century Learning Center, including but not limited to parents/guardians, volunteers, vendors, contracted service providers, former students, former employees, spouses, domestic partners, and relatives or friends of employees or students.

## **II. TYPES OF BULLYING**

All incidents must meet the impact criteria of bullying to be considered as such:

- A. Cyberbullying is committed by means of an electronic communication device, such as a cellular phone, computer, or tablet. Cyberbullying may include messages, texts, sounds, images, posts on social network, Internet websites, and the creation of false profiles or credible impersonations of another actual person without their consent (CA Ed. Code § 32261 (a-g), CA Penal Code §§ 528.5 - 529).
- B. Physical bullying includes intentional, unwelcome acts of beating, biting, fighting, hitting, kicking, poking, punching, pushing, shoving, spitting and tripping.
- C. Social or relational bullying includes spreading rumors, manipulating relationships, exclusion, blackmailing, isolating, rejecting, using peer pressure and ranking personal characteristics.
- D. Verbal and non-verbal bullying include gossiping, making rude noises, name-calling, spreading rumors, hurtful teasing and threatening gestures.
- E. Playful teasing is good-natured joking and name-calling among friends with the intention of building closeness. By contrast, bullying is malicious teasing among individuals who are not friends with the intention of invoking harm, fear or humiliation. Teasing may have the unintended outcome of invoking embarrassment, whereas in bullying, invoking embarrassment is the intended goal. Teasing and bullying may appear similar, but the

differentiating variables are the relationship between the parties and the intention of the perpetrators.

## **II. DISCRIMINATION AND HARASSMENT**

All pupils have the right to participate in the educational process free from discrimination and harassment. Discrimination is different treatment on the basis of a protected category in the context of an educational program or activity, without a legitimate nondiscriminatory reason, that interferes with or limits the ability of the student to participate in or benefit from the services, activities or privileges provided by the District. Protected categories include an individual's actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, or age, as well as a person's association with a person or group of these protected categories, or any other basis protected by federal, state, local law, ordinance, or regulation.

- A. Sexual Harassment is unwelcome conduct of a sexual nature directed at or about an individual on the basis of actual or perceived sex, sexual orientation, gender identity or gender expression. Anti-gay and sexist epithets are forms of sexual harassment. Schools should investigate and respond to such incidents under the guidelines of the relevant policy (see BUL-3349.1, Sexual Harassment Policy; BUL-2047.0, Responding to and Reporting Hate-Motivated Incidents and Crimes and BUL-6224.1, Transgender Students - Ensuring Equity and Nondiscrimination).
- B. Hostile Environment Harassment occurs when: (1) the target is subjected to unwelcome conduct related to a protected category; (2) the harassment is both subjectively offensive to the target and would be objectively offensive to a reasonable person of the same age and characteristics under the same circumstances; and (3) the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit the target's ability to participate in or benefit from an educational program or activity.

## **IV. SCHOOL PRINCIPAL OR SITE ADMINISTRATOR(S) RESPONSIBILITIES**

Safe campuses require a multi-faceted approach with strategies to prevent, respond to, and recover from incidents of bullying and hazing. The school principal and site administrators shall create an environment where the school community upholds the standards of respect and civility and understands that bullying and hazing are inappropriate, harmful and unacceptable. Toward this goal, schools shall:

- A. Communicate with and ensure that all certificated and classified staff, activity directors, and volunteers on campus:
  - 1. Understand school policies regarding bullying and hazing.
  - 2. Recognize the indicators of bullying and hazing.
  - 3. Understand their individual responsibilities to respond to, intervene, and report any act or incident of bullying or hazing.
  - 4. Promote mutual respect and acceptance.
- B. Provide instruction to ensure that students and staff are educated about appropriate online behavior and cyberbullying awareness (see BUL-999.9, Responsible & Acceptable Use Policy (RAUP) for District Computer and Network Systems; BUL- 5688.0, Social Media

Policy for Employees and Associated Persons, and BUL- 6399.0, Social Media Policy for Students.)

- C. Certify compliance with the Bullying and Hazing Policy and the Discipline Foundation Policy in their Safe School Plan and Administrator Certification Form. Vaughn Next Century Learning Center takes reported cases of bullying and hazing seriously and utilizes positive behavior support strategies, progressive discipline, interventions, and corrective measures to address inappropriate behaviors.
- D. Identify the Title IX/Bullying Complaint Managers responsible for documenting and managing complaints of bullying or hazing. The Complaint Manager must maintain records of complaints of bullying or hazing.
- E. Ensure that all reports of bullying or hazing are investigated and documented and that appropriate interventions are implemented and monitored. There must be at least one documentation of monitoring within 30 days and resolution within 60 days. For incidents of student misconduct related to bullying or hazing, document the investigation, interventions, and resolution in the Aeries. Incidents that substantially disrupt school operations, require additional resources or sustained monitoring, should also be documented in Aeries.
- F. Ensure that disciplinary actions are in compliance with Vaughn Next Century Learning Center guidelines. Bullying or hazing that warrants suspension or expulsion must be reviewed.
- G. Peer-to-peer bullying typically does not rise to the level of suspected child abuse. However, if child abuse is reasonably suspected, it must be reported to the appropriate child protective agency.

## **V. STAFF RESPONSIBILITIES**

- A. Model and enforce appropriate behavior by creating an environment where mutual respect, tolerance, civility, and acceptance among students and staff are promoted, and students understand that bullying and hazing are inappropriate, harmful, and taken seriously.
- B. Be familiar with the indicators of and appropriate responses to bullying and hazing.
- C. Communicate and reinforce positive behavior expectations and norms for classrooms, restrooms, yards, eating areas, and other school activities.
- D. Discuss all aspects of the Bullying and Hazing Policy with students including strategies to prevent, respond to, and report bullying and hazing.
- E. Intervene immediately and safely with any act of discrimination, harassment, intimidation, hazing or bullying.
- F. Document incidents of bullying and hazing in Aeries. Incidents that exceed classroom management protocols should be referred school leader.
- G. Report any complaints or incidents of bullying or hazing involving a school employee to the site administrator immediately.

## **VI. STUDENT RESPONSIBILITIES**

Students are significant contributors toward creating a safe school environment. Students should:

- A. Be safe, respectful, and responsible for their actions at all times, during, before, and after school, and during school-related events and activities.
- B. Treat everyone with respect. Participate in school-wide efforts to celebrate diversity. Be sensitive as to how others might perceive actions or words.
- C. Practice safe and respectful behavior while on-line and while using electronic devices. Electronic behavior that causes a substantial disruption to school, even if it occurred during non-school hours, may be subject to disciplinary action, including suspension and expulsion as described in CA Ed. Code § 48900 (r).
- D. Report bullying or hazing to school leader.
- E. Never engage in retaliatory behavior or ask, encourage, or consent to anyone to retaliate on their behalf.

## **VII. RESPONDING TO BULLYING AND HAZING**

It is imperative that schools investigate to determine if the behavior meets the criteria of bullying and hazing, make efforts to prevent its recurrence, and provide appropriate responsive actions. The following procedures should be followed in addressing incidents:

- A. Secure student safety.
- B. Assure involved parties that allegations are taken seriously.
- C. Obtain factual written statements from the involved parties and if appropriate, witnesses.
- D. Provide Vaughn Next Century Learning Center CEO with copies of the complaint and supportive documentation.
- E. Investigate promptly and thoroughly.
- F. Develop an action plan to respond to and monitor the behavior.
- G. California Education Code Section 48900 stipulates that schools may respond to bullying that is created by electronic means (i.e., cyberbullying) that originated on or off of the school site if the incident meets the impact criteria of bullying and can be reasonably predicted to have the effect of one or more of the following:
  - 1. Reasonable fear of harm to person or property.
  - 2. Substantially detrimental effect on physical or mental health.
  - 3. Substantial interference with academic performance.
  - 4. Substantial interference with the ability to participate in or benefit from school services, activities, or privileges.
- H. For student misconduct related to bullying or hazing, document the investigation, interventions, and actions taken in Aeries. Incidents that substantially disrupt school

operations, or require additional resources or sustained monitoring, should also be documented in Aeries.

- I. Confidentiality laws prohibit the sharing of information about a child to persons other than the custodial parents/guardians and authorized staff. The determination of findings and resolution must be documented and communicated to the complainant.
- J. Monitor to ensure that the misconduct has ceased. If there is a possibility that the incident has not been resolved, document at least one follow-up within 30 days of the initial filing to indicate the status of the investigation and actions taken. Within 60 days, document how the incident has been resolved.
- L. Targets and perpetrators of bullying and hazing may benefit from support to re-engage with the school community. Interventions should be reasonable, fair, age-appropriate, match the severity and nature of the misbehavior, and be paired with meaningful instruction and guidance.
- M. Bullying, hazing or harassment that is based on the person's actual or perceived characteristics or association with any protected classes, may also constitute discrimination or a hate-motivated incident and must be investigated. The school will follow its standard procedures of documenting its investigation, intervention, and monitoring.
- N. Peer-to-peer bullying typically does not rise to the level of suspected child abuse. However, if child abuse is reasonably suspected, it must be reported to the appropriate child protective agency.
- O. The determination of findings and resolution must be documented and communicated to the complainant.
- P. Complainants who disagree with the outcome of a bullying or hazing complaint may appeal the decision. Complainants who are still dissatisfied with the response may appeal at the central office level through Human Relations, Diversity and Equity. Hate motivated incidents and bullying or harassment on the basis of a protected class can be appealed through the Uniform Complaint Procedure.

## **IX. MONITORING AND EVALUATION**

An annual analysis conducted annually to inform efforts to create and refine school wide, classroom and individual student interventions to promote a positive school culture.

## **X. RESOLUTION OF INCIDENTS OF BULLYING**

Reported allegations of bullying must be investigated, monitored, and documented within 30 calendar days and resolved within 60 calendar days. "Resolution" means that an incident has been investigated and appropriate interventions have been taken to reasonably ensure that the specific behavior has ceased. A new incident should be regarded as a new report and investigated accordingly, unless it is determined to be a continuation of the initial complaint, in which case, the initial complaint could be reopened.

## **XI. CONFIDENTIALITY AND NON-RETALIATION**

The reports and investigations of bullying or hazing shall respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to those personnel who need to know within the confines of the school reporting procedures and investigation process.

Vaughn Next Century Learning Center will not tolerate retaliation against anyone who reports suspected bullying or hazing or participates in the investigation process. Confidentiality and non-retaliation requirements extend to all parties involved. The following legal authorities are applied in this policy:

California Constitution, Article I § 28( c)

California Constitution, §§200. 220. 233. 234.1

California Constitution, §§32228 *et seq.*

California Constitution, §§32260 *et seq.*

California Constitution, §§35160 *et seq.*

California Constitution, §§35294.1 *et seq.*

California Constitution, §§ 48900 (q - r)

California Penal Code § 245.6

California Penal Code §§ 422.55-422.57

California Penal Code §§ 528.5 - 529

<http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill id=201320140AB256>