

Bullying Investigation Procedures

Bullying Investigation Procedures

A. Purpose and Scope

To provide guidance and direction for all District employees regarding Bullying / Harassment, including cyberspace and tech bullying.

B. Definition

Bullying means 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 as defined in Education Code 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupil's person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

“Electronic act” means the transmission, 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, including, but not limited to, any of the following:

- (i) A message, text, sound, or image.
- (ii) A post on a social network Internet Web site, including, but not limited to:

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(I) Posting to or creating a burn page. “Burn page” means an Internet Web site created for the purpose of having one or more of the effects listed in paragraph (1).

(II) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in paragraph (1). “Credible impersonation” means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.

(III) Creating a false profile for the purpose of having one or more of the effects listed in paragraph (1). “False profile” means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

(B) Notwithstanding paragraph (1) and subparagraph (A), an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

(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.

When bullying acts or conduct are based on the actual or perceived characteristics of gender, gender identity, gender expression or sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics, staff members should address and refer complaints about such acts for consideration and investigation under the District’s Sexual Harassment Policy (BP 5145.7).

When bullying acts or conduct are based on the actual or perceived characteristics of disability, nationality, race or ethnicity or religion or association with a person or group with one or more of these actual or perceived characteristics, staff members should address such acts and refer complaints about such acts for consideration and investigation under the District’s Nondiscrimination/ Harassment Policy (BP 5145.3).

C. Forms Used and Additional References

Bullying /Harassment Claim Interview Sheet

Bullying /Harassment (Informal versus Formal Complaint –Summary of Procedures)

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D. Procedures

The Tracy Unified School District expects students and/or staff to immediately report incidents of Bullying / Harassment to the principal or designee. Staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of Bullying / Harassment shall be promptly investigated. This policy applies to students whose behavior is related to school activity, students 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.

General Procedures - Students

Any student who feels he or she is being bullied or harassed should immediately report such conduct to his or her teacher, the principal, or any other school administrator, without fear of reprisal. The student need not first report the Bullying/Harassment to his or her teacher, especially if the student believes the teacher engaged in or knowingly tolerated any Bullying/Harassment of the student. The student may make this report alone or with his or her parent/guardian.

An employee who receives a report of Bullying/Harassment of a student or who witnesses the Bullying/Harassment of a student shall immediately report the incident first to the site administrator or site designee then to the Assistant Superintendent for Educational Services and Human Resources (if alleged Bullying/Harassment is by an employee). Administrators, upon receiving a report of Bullying/Harassment from a student, shall provide the student with a copy of the Bullying/Harassment policy as well as the Administrative Regulation which contains procedures for filing complaints regarding Bullying/Harassment, parents/guardians of the student (victim) shall be contacted.

Each complaint of Bullying / Harassment shall be promptly investigated in a way that attempts to respect the privacy of all parties concerned. If the student requests that his or her name not be disclosed to the alleged harasser, an informal investigation of the allegations shall be conducted to the extent possible without disclosing the complainant's name. In order to file a formal complaint of Bullying/Harassment, the student must be willing to disclose his or her name to the alleged harasser. Parent or legal guardian shall be informed of the investigation.

General Procedures - Any Other Persons

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Any person who alleges Bullying / Harassment by any employee or student in the District may file a complaint under the complaint procedures contained in Administrative Regulation 4119.11; 4219.11; and 5145.7.

E. Formal Complaint Procedures

The Board designates the following compliance officers to receive and investigate complaints and ensure compliance with law:

Superintendent or designee

830-3200 ext. 1004, or e-mail: jfranco@tusd.net

Assistant Superintendent of Educational Services and Human Resources

830-3260 ext. 1304, or e-mail: sjharrison@tusd.net

Director of Student Services and Curriculum

830-3280 ext. 1601, or e-mail: phall@tusd.net

Principal or site designee please calls site number, for e-mail please see site:

<https://www.tracy.k12.ca.us/Pages/MainHomePage.aspx>

All complaints can be mailed to: Tracy Unified School District, 1875 W. Lowell Ave. Tracy, and CA. 95376

It is desirable that complaints of Bullying / Harassment be resolved in a prompt and appropriate manner. If possible, such complaints should be resolved in an informal manner. If the complaint cannot be resolved informally, the following procedures shall be followed for filing a formal complaint of Bullying / Harassment.

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Step 1: Filing of Complaint

Any individual, public agency or organization may file a written complaint of alleged Bullying/Harassment.

The complaint shall be presented to the Superintendent or designee, who will then give it to the appropriate compliance officer.

The Superintendent or designee will maintain a log of complaints received, providing each with a code number and a date stamp.

All complaints of Bullying / Harassment must be initiated, in writing within sixty (60) calendar days of the date the alleged violation occurred.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other disabilities, superintendent or designee shall help him/her to file the complaint.

Step 2: Investigation of Complaint

Within sixty (60) school days of receiving the complaint, excluding summer session, when the alleged violation occurred during the regular school year, the Superintendent or designee shall complete the investigation of the complaint. This time period may be extended by written agreement of the complainant.

Step 3: Response

Within sixty (60) days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step 4 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within fifteen (15) calendar days, file his/her complaint, in writing, with the Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting.

The Board may decide not to hear the complaint, in which case the compliance officer's decision is final. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within seven (7) calendar days or within the time period that has been specified in a written agreement with the complainant.

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Step 4: Final Written Decision

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which a community member will interpret it for the complainant.

This report shall include:

- * The findings and disposition of the complaint.
- * Notice of the complainant's right to appeal the decision to the Tracy Unified School District Board of Trustees and procedures to be followed for initiating such an appeal.

If an employee or student is disciplined as a result of the complaint, this report shall simply state that appropriate action was taken and that the employee or student was informed of the District's Bullying Policy. The report shall not give any further information as to the nature of the corrective or disciplinary action. However, when a student is expelled as a result of a substantiated charge of bullying, the expulsion record shall be a non-privileged, disclose-able public record.

The Tracy Unified School District board decision is the final decision.

F. Corrective Action

A substantiated complaint of Bullying / Harassment may subject the offending employee or student to corrective action, up to and including suspension and discharge/expulsion. Such corrective action shall be consistent with the California Education Code and any collective bargaining agreement or student discipline code, if applicable.

In the event of harassment by an individual who is not an employee or student of the District, the District will take whatever legal corrective action is reasonable and appropriate under the circumstances.

Even if the reported conduct is not considered Bullying / Harassment under this policy, it may be in violation of other rules and standards of conduct of the District. The District may discipline an employee or student for any inappropriate conduct discovered in investigating reports made

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Under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. Supervisors may be held personally liable under the law for acts of harassment.

G. Retaliation and Confidentiality

The District forbids retaliation against anyone for reporting Bullying / Harassment, filing a complaint pursuant to this policy, assisting in making a Bullying / Harassment complaint, or cooperating in a Bullying / Harassment investigation. Anyone experiencing or witnessing any conduct that believe to be retaliatory are to immediately follow the procedures outlined above. In an investigation and in imposing discipline, the District will attempt to preserve confidentiality to the extent the circumstances permit.

H. Notification – Students and Parents

A copy of the Bullying / Harassment Policy and Administrative Regulation shall be displayed in a prominent location in the main administrative building located at 1875 W. Lowell Ave., Tracy, CA and in a prominent location near each school principal's office.

Notice of the Bullying / Harassment Policy and the Administrative Regulation which contains the complaint procedures will be distributed to all students of the District at the beginning of the first trimester or semester of the school year, and to any new student at the time that the new student is enrolled. A copy of the Bullying / Harassment Policy and Administrative Regulation shall also appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution

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Notice of the Bullying / Harassment Policy and Administrative Regulation which contain the complaint procedures will be sent to all students and parents or guardians upon enrollment and annually thereafter. A copy of the Bullying Policy and Administrative Regulation shall be provided as part of any orientation program conducted for new students at the beginning of each trimester, semester, or summer session, as applicable. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of Bullying / Harassment.

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Students may also file a separate claim of Bullying / Harassment with the Office of Civil Rights (OCR). The address and telephone number of the OCR is listed under the notifications section for employees.

- I. Reports Required Investigation report regarding allegations of harassment.

- J. Record Retention Student and Personnel file when appropriate.

- K. Responsible Administrative Units Human Resources Student Services

- L. Approved By
Assistant Superintendent of Educational Services and Human Resources
Director of Student Services & Curriculum