

STUDENT WELFARE:  
FREEDOM FROM HARASSMENT

FFH  
(REGULATION)

All students and employees should be treated with courtesy and respect. Students should avoid any behaviors known to be offensive, and stop these behaviors when asked or requested to do so.

BULLYING

Bullying is defined as when one person uses power in a willful manner with the aim of hurting another individual repeatedly. This may involve repeated exposure over time to negative actions or an imbalance of power so that the student victimized has trouble defending himself/herself. The aggression can be verbal, written, physical or psychological, or characterized by unequal levels of affect, i.e. student who is bullying feels justified in his or her actions. Bullying of any type will not be tolerated.

BULLYING VICTIM  
TRANSFERS

For the purpose of a victim requesting a transfer to another classroom or campus, the State statute (TEC 25.0341) defines bullying as written or verbal expression or physical conduct that has 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, or that is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student. Decisions regarding a transfer request made under this provision are not appealable under TEC 25.034. [See Board Policy FDB (LEGAL)]

HARASSMENT

Students shall not engage in harassment motivated by race, color, gender, national origin, disability, or religion and directed toward another student. This prohibition applies whether the conduct is by word, gesture, or any other inappropriate conduct, including requests for sexual favors. 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.

Harassment also includes threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, abusing 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.

Examples of prohibited harassment may include, but are not limited to, offensive or derogatory language directed at another person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening or intimidating conduct; offensive jokes, name calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

DISABILITY  
HARASSMENT

Complaints of harassment on the basis of disability will be addressed and resolved in a fair and expeditious manner. In accordance with District disciplinary procedures, appropriate disciplinary action shall be taken against students who are found to have engaged in disability harassment. In addition to these procedures, students and staff may have rights and procedural safeguards under other school policies or state and federal law. The District will not tolerate hostile or abuse treatment, derogatory remarks, or acts of

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violence because of disability against students, staff, or volunteers with disabilities. The District considers this behavior to constitute discrimination on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA).

REPORTING

Students who believe that they have been bullied or harassed by fellow students or District employees are encouraged to promptly report such incidents to a teacher, counselor, principal or assistant principal. Failure to promptly report alleged harassment may impair an administrator's ability to investigate and address the harassment.

If the administrator believes that any aspect of the bullying or harassment may contain the elements of a criminal offense, the administrator should contact the appropriate law enforcement agency.

The complainant should provide a written statement or report of the harassment. If the complainant makes an oral report and chooses not to make a written report, the administrator shall reduce the oral report into a written form. The complainant should be asked to read the report. If accurate, the complainant should sign and date the report.

DISCIPLINARY  
ACTION

A substantiated complaint will result in appropriate disciplinary action, according to the nature of the offense. In cases containing elements of a criminal offense, discipline shall be based on a law enforcement officer's assessment.

SEXUAL  
HARASSMENT

When handling a complaint of sexual harassment or sexual abuse brought by a student against an employee or a complaint of student-to-student sexual harassment that is not minor the District's Title IX coordinator (Assistant Superintendent for Curriculum) or designee should consider the following guidelines.

GENERAL  
CONSIDERATIONS

The investigator should allow any student to be accompanied by a parent, friend, or advisor throughout the complaint process.

If at all possible, the investigator should be of the same sex as the student complainant.

Careful consideration should be given to the selection of the investigator, as the individual is likely to be a key witness in any subsequent litigation. The investigator should possess strong interpersonal skills and sensitivity. He or she should be articulate and thorough in his or her interviewing of witnesses.

REPORTING  
REQUIREMENTS

If there is cause to believe that the student has been sexually abused, notify the Child Protective Services division of the Department of Protective and Regulatory Services, the appropriate law enforcement agency, and the District's Title IX coordinator. Notifications should be in accordance with the provisions specified in FFG (REGULATION).

INVESTIGATIVE  
GUIDELINES

In conducting an investigation, the District's Title IX coordinator or designee should consider the guidelines set forth below. The following are guidelines only and may not be practicable or useful in every investigation. The

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investigator handling each investigation should determine on a case-by-case basis whether to employ a particular guideline:

1. Investigate all complaints promptly and thoroughly. If the investigation is delayed beyond the time set out in policy, the parents will be notified.
2. Notify parents of the allegations, explain to them the purpose of the investigation, and keep them apprised during the process through periodic written updates.
3. Notify parents of their rights and provide them with the name of the District's Title IX coordinator.
4. Maintain confidentiality to the extent possible and as allowed by law and advise the complainant that limited disclosure may be necessary to complete a thorough investigation.
5. Assure complainant of protection from retaliation.
6. Advise complainant that the District will not tolerate sexual harassment and help the complainant feel secure about presenting allegations of wrongdoing.
7. Reduce all complaints to writing. If the student refuses to make or sign a written complaint, the administrator will carefully document the allegations in writing and record the date and circumstances of the interview.
8. Take a sworn statement from the complainant if at all possible.
9. Secure any physical evidence.
10. Take immediate action to protect the student from the alleged situation including, if necessary, warning the accused in writing to avoid contact with the complainant pending disposition of the complainant.
11. Interview the complainant first and ascertain credibility.
12. Interview witnesses identified by the complainant to corroborate the complainant's testimony.
13. Interview the accused and take a written or sworn statement, if possible. The accused will be presented with all allegations and allowed the opportunity to respond to each.
14. Interview any witnesses identified by the accused to corroborate his or her version of the events in question.
15. During interviews, take detailed notes and read the notes to witnesses to verify accuracy. In addition, the interviewer may audio-record the interview.
16. Summarize interview notes, then ask witnesses to view them for

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accuracy and to sign the summary if it accurately reflects their statements. If the witness declines to sign the summary or to allow use of his or her name, that will be noted; and the unsigned document will be retained.

17. Divulge no information regarding the identity of the victim or accused unnecessarily when interviewing other witnesses.
18. Document all efforts made to investigate the alleged abuse or harassment.
19. Prepare a written investigation report.
20. If the conclusion of the investigation warrants dismissal of the complaint, follow up to assure that behavior giving rise to the allegations does not recur.
21. If the complaint is dismissed, advise the student and parents how to utilize the student complaint process to appeal the decision and notify them of their right to file a complaint with the Office of Civil Rights.
22. If the conclusion of the investigation warrants discipline of an employee perpetrator, proceed with the appropriate course of action. Appropriate discipline may include a warning, formal reprimand, reassignment, paid or unpaid suspension, nonrenewal, or termination.
23. If the conclusion of the investigation warrants discipline of a student perpetrator, proceed with the appropriate course of action. Appropriate discipline may include verbal warnings, reprimands, counseling, suspension, placement in a disciplinary alternative education program, expulsion, or other sanction consistent with the student code of conduct and state law. As always, students are to be treated fairly and equitably, with consideration given to the seriousness of the offense, the student's age, frequency of misconduct, the student's attitude, and the potential effect of the misconduct on the school environment.
24. Report the finding to the commissioner of education if the investigation leads to the nonrenewal, termination, or resignation of an employee for sexual abuse of a student.
25. Maintain the records of the investigation until at least two years after the student's 18th birthday. All records regarding sexual harassment claims are to be maintained by the District's Title IX coordinator.