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EVERMAN INDEPENDENT SCHOOL DISTRICT

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“Bulldogs Take A Stand”

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In compliance with House Bill (HB) 1942

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## Overview

The Everman Independent School District is committed to providing a positive learning environment for all students that enhances personal safety and promotes respect, dignity, and fairness among students. High standards are expected for both academic achievement and for behavior.

EISD strives to ensure that all of its students and employees are free from bullying, sexual harassment, and dating violence. All charges of bullying, sexual harassment, and dating violence are to be taken very seriously by students, faculty, staff, administration, and parents/guardians. EISD will make every effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner. Every effort will be made to protect the due process rights of all victims and all alleged perpetrators.

**Bullying** is defined engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district:

- Has the effect or will have 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
- Is sufficiently severe, persistent and pervasive enough that the action or threat creates an intimidating, threatening or abusive educational environment for a student

**Cyber-bullying** is defined the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others. "Cyber bullying" is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the Internet, interactive and digital technologies or mobile phones.

**Harassment** is defined as conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint or maliciously and substantially harms another student's physical or emotional health or safety.

**Sexual harassment** is conduct that is severe, pervasive, and objectively offensive in such a manner that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. It is a form of harassment that includes touching someone in ways that are not wanted, sexual jokes, pressuring

someone to have sex, threats or intimidation from a dating partner, or any other form of harassment of a sexual nature that would make a reasonable person uncomfortable.

**Dating violence** is defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship. Dating violence is a pattern of coercive behavior that one partner exerts over the other for the purpose of establishing and maintaining power and control.

**Sexual violence** is defined as sexual assault, sexual abuse, or sexual stalking of a minor child or teenager, including sexual violence committed by perpetrators who are strangers to the victim and by perpetrators who are known or related by blood or marriage to the victim. This definition includes behavior including but not limited to incest, molestation, child abuse, stranger rape and non-stranger rape.

Students who believe they have been harassed bullied, or otherwise victimized by fellow students or EISD employees are encouraged to promptly report such incidents to the campus principal or other campus professional. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

A student or parent/guardian who has a complaint alleging bullying, harassment, dating violence, or sexual violence may request a conference with the principal or the principal's designee. If the student or parent/guardian is not satisfied with the response from the campus staff, they may request a conference with the EISD's Title IX Coordinator, Jason Miller, Executive Director Student Services.

Complaints will be documented and investigated in accordance with EISD policy and guidelines. Any staff member who observes an incident that involves physical or sexual assault or threats will report the incident immediately to the principal. Any staff member who learns of an incident or threat may submit a Complaint Form on behalf of the victim.

## **Notice to Parents**

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

## **District Action**

### **Bullying:**

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

**Discipline:**

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action. The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

**Corrective Action**

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

**Transfers****Students who are Victims of Bullying**

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the Board or its designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred.

**Students who engage in Bullying**

The Board or designee may transfer the student who engaged in bullying to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

The transfer of a student with a disability who receives special education services and who engaged in bullying may be made only by a duly constituted ARD committee under Education Code 37.004. For more information, see Policy FDB (LEGAL).

# Everman Independent School District Bullying, Discrimination & Harassment **ORDER TO CEASE AND DESIST FORM**

\_\_\_\_\_, a current EISD Student, is hereby directed to cease and desist all bullying, discrimination and/or harassment behaviors against a student(s) in the Everman Independent School District. ANY action that causes a student to feel threatened, belittled, afraid, ashamed, angry, hurt, or upset in any other way must cease. The academic environment is intended to promote the free exchange of ideas where students can help each other learn. The Student Code of Conduct, however, specifically forbids the use of language that is destructive to the learning environment. Students are prohibited from using menacing or fighting words, profane or obscene language, and any other bullying, discriminating and/or bullying language.

### **Verbal Aggression:**

- Name calling, Mocking teasing, or using sarcasm

- Intimidating phone calls
- Spreading rumors

- Making noises at someone

### **Intimidation:**

- Publically challenging someone to do something that they do not want

- Threats
- Playing a dirty trick
- Talking things from others

- Demanding money or things

### **Emotional:**

- Tormenting
- Hiding or taking things

- Threatening gestures
- Ridicule

- Staring
- Excluding

### **Physical Aggression:**

- Pushing
- Kicking
- Punching

- Slapping
- Tripping
- Pinching

- Spitting

### **Sexual Inappropriate Behavior:**

- Touching
- Dirty jokes or sexual language

- Unwanted flirting
- Talking about a relationship without consent or interest

- Nicknames that are unwanted

### **Racial or Religious:**

- Derogatory comments or nicknames about physical, behavioral, cultural differences or sexual orientation
- Forcing unwanted beliefs or opinions assumed universal

### **Written:**

- Threatening or inappropriate drawings, paintings, notes electronic posts or texts

I acknowledge I am aware of this order and that I have been told I may face more serious consequences if these actions continue.

Student Signature: \_\_\_\_\_ Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

School Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Campus Complaint Procedure:**

1. Students and staff members may report their complaint written, orally or anonymously to a campus professional or by completing an Incident Report Form available in the school's main office.
2. The Complaint Form will be submitted to the principal or designee immediately.
3. The principal or designee will investigate complaints by meeting separately with each student involved in the situation.
4. The principal or designee will conference with the victim and parent/guardian to discuss safety and community resources.
5. The principal will conference with the alleged perpetrator and parent/guardian to discuss appropriate behaviors and consequences. With the prior consent of the victim, the principal may issue a School-Based-Stay-Away Agreement or a Pledge to end Bullying and Harassment Agreement to the alleged perpetrator during the parent/guardian conference.
6. Documentation of all Complaint Forms, follow-up actions and Stay-Away Agreements will be kept on file in the Principal's office or designee's office.
7. The district will provide notice to the parent of the alleged victim and the parent of the student to have engaged in bullying within three business days.

## Everman ISD Student-on-Student Altercation Response Plan

All Charges or reports of a student-on-student altercation (e.g., sexual harassment, harassment, bullying, dating violence, or sexual violence) should be referred to the appropriate district official in accordance with Board Policy FFH (LOCAL). This plan has been provided to assist the district official in ensuring that necessary steps are taken when incidents have been brought to the principal's attention. To the greatest extent possible, confidentiality should be maintained when investigating reports.

1. Take necessary steps to separate alleged perpetrator and victim.
2. If the altercation is assaultive in nature, see legal and policy guidelines for reporting and discipline, as well as CPS requirements.
3. **VICTIM:** Conference with the victim outside of the presence of the alleged perpetrator. Use every reasonable effort to protect the due process rights of the alleged perpetrator. Contact parent/guardian. The student may be accompanied by a parent/guardian or other representative.
  - a. Provide the parent/guardian and /or student with a "Notice of Parent and Student Rights." Inform the student of his or her right to file a complaint alleging sexual harassment directly with the Title IX coordinator. Obtain signature if possible.
  - b. Assist the student in documenting the incident on a complaint form. If the student or parent/guardian declines to document the incident, note this on the complaint form.
  - c. Identify immediate actions that can be taken to increase the victim's safety and ability to participate in school without being subject to harassment. Refer the student to a school counselor as appropriate.
  - d. Record your observations related to the student conference.
4. **ALLEGED PERPETRATOR:** Conference with the alleged perpetrator out of the presence of the victim. Use every reasonable effort to protect the due process rights of the alleged perpetrator. Contact parent/guardian. The student may be accompanied by a parent/guardian or other representative.
  - a. Allow the student an opportunity to respond in writing to the allegations.



- b. Provide the parent/guardian and /or student with a “Notice of Parent and Student Rights.” Obtain signature if possible.
  - c. Refer the student to a school counselor as appropriate.
  - d. Record your observations related to the student conference.
5. Further investigate the complaint by interviewing any witnesses separately. Document findings.
6. Communicate in a confidential manner with the Superintendent, principal or designee.
7. Make determinations regarding alleged conduct, ordinarily within 5 (five) days. If extenuating circumstances delay the investigation, inform the victim and parent/guardian. Record determination and actions, as follows:

Findings indicate that a student-on-student altercation occurred.

- a. **VICTIM:** Conference with the victim and parent/guardian. Possible interventions:
  - i. Identify actions to increase the victim’s safety and ability to participate in school without fear or intimidation.
  - ii. Inform the student and parent/guardian of support services.
  - iii. Ensure the victim has access to support when needed.
  - iv. Inform the student of his or her right to request a “Stay-Away Agreement” or a Pledge to End Bullying and Harassment Agreement.
  - v. Encourage the victim to report further incidences.
  - vi. Parent/guardian has right to pursue transfer as a victim of bullying. Share form and process as appropriate. Requires verification of harassment/bullying from administration. See FDB (LEGAL).
  - vii. Document conference and action plans.
- b. **ALLEGED PERPETRATOR:** Conference with alleged perpetrator and parent/guardian. Possible interventions:
  - i. **Emphasize expectations for positive behavior.**

- ii. Identify and implement disciplinary consequences and other actions that will be taken to prevent further incidences.
  - iii. Inform the student and parent of support services.
  - iv. Ensure the alleged perpetrator has access to support when needed.
  - v. Address the seriousness of retaliation.
  - vi. If harassment was severe or repeated, a “Stay-Away Agreement” or a Pledge to End Bullying and Harassment Agreement may be issued.
  - vii. Depending on the nature of the offense, disciplinary action may be warranted or mandated.
  - viii. Increase supervision of the alleged perpetrator as appropriate.
  - ix. Behavior contract.
- c. REMINDER: If there is a finding that the altercation involved physical or sexual assault or threats, notify the Law Enforcement immediately and follow legal and policy guidelines for reporting and discipline, as well as CPS requirements.

If you are unable to determine that inappropriate behavior occurred, but there has been a determination that the situation justifies the communication of warnings, recommendations, and/or information regarding support services, then those measures should be followed.

8. After determination made:
- a. Give notice of the outcome to the parties—follow FERPA guidelines.
  - b. Advise the parents and students that they may appeal the decision of the principal or designee regarding the outcome of the investigation into the allegation. Inform the student or parent/guardian that he or she may request a conference with the Title IX Coordinator and that a written complaint must be submitted. The appeal notice must be filed in writing, on a form provided by the District. Refer to Board Policy FFH (LOCAL) and FNG (LOCAL).
9. If findings indicate that inappropriate behavior has occurred:

- a. Monitor the safety of the victim.
  - b. Encourage the victim to immediately communicate any safety concerns that may arise to an administrator or counselor or Law Enforcement.
  - c. Document subsequent follow-up actions and complaints in the space provided on the complaint form.
10. Advise Title IX Coordinator by email or memo of all incidents of sexual harassment that occur on your campus. Label correspondence regarding sexual harassment issues "Attorney-Client Privileged Information." Include (a) the date of the incident, (b) the names of the students involved in the incident, (c) actions taken to address the matter, and (d) whether the matter is closed or remains open. Use form titled "Reports of Allegations of Sexual Harassment (Title IX)."
11. Store complaint forms in a separate, confidential file.

## EVERMAN ISD STAY-AWAY AGREEMENT

The intent of this agreement is to increase safety for students who have been the victim of severe or repeated bullying, sexual harassment, dating violence, or sexual violence. It is to be administered in a conference with the alleged perpetrator and his or her parent/guardian.

Name of student: \_\_\_\_\_

Date of most serious incident: \_\_\_\_\_

Description of behaviors involved in incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of assessment: \_\_\_\_\_

Date of Parent/Guardian notification: \_\_\_\_\_

**In order to protect the rights and safety of all members of our school community, you are required to stay away from (name of victim) \_\_\_\_\_ at all times during the school day and at any school-sponsored event. This means that you may not approach, talk to, sit by, or have any contact with (name of victim) \_\_\_\_\_ at school or on school property, school buses, and bus stops.**

**Other measures to be taken by school administration:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Violations of this agreement and acts of retaliation directly or indirectly toward the victim or the victim's friends or family members will be taken seriously and will result in further disciplinary actions. Your compliance will be monitored by your principal, counselor and teachers.***

This agreement will be reviewed on \_\_\_\_\_ (Date)

Student: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

## STUDENT COMPLAINT INSTRUCTIONS & FORM

A counselor or administrator who receives a report of bullying, sexual harassment, dating violence, or sexual violence will address the following issues with the student who was the victim of the reported behaviors in a private meeting before assisting the student in completing the Incident Report Form.

### ***Your Right to File a Complaint***

The policy of Everman ISD is that all student and employees be free from bullying, sexual harassment, dating violence, and sexual violence. All charges of bullying, sexual harassment, dating violence, and sexual violence are to be taken very seriously by students, faculty, staff, administration, and parents/guardians. The District will make every reasonable effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner. Every reasonable effort will be made to protect the due process rights of all victims and all alleged perpetrators.

**Instructions:** Use this form to report bullying, sexual harassment, dating violence, and sexual violence so that school officials may investigate and take appropriate actions to increase your safety.

Complete the form, providing as much detailed information as possible so that the complaint may be properly investigated.

It is important that you report the facts as accurately and completely as possible and that you cooperate fully with the persons designated to investigate the complaint.

**Where to file:** Complaint forms will be available from any counselor or administrator.

**Confidentiality:** To conduct this investigation in a confidential manner, the school will disclose the contents of your complaint only to those persons who have a need to know of your complaint. In signing the complaint form, you authorize the school to disclose as needed the information you have provided, and may in the future provide, regarding your complaint. Your complaint form will **not** be shown to the alleged perpetrator.

**Retaliation prohibited:** Retaliation against a person who files a formal complaint is strictly prohibited and is grounds for disciplinary action, including but not limited to detention, suspension, and expulsion.

**INCIDENT REPORT FORM**

Student name (if you wish to provide it): \_\_\_\_\_ Date: \_\_\_\_\_

**Details of the incident(s):**

Name of the student(s) the incident happened to: \_\_\_\_\_

Name(s) of student(s) causing the problem(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date the incident happened: \_\_\_\_\_

Time the incident happened: \_\_\_\_\_

Where did the incident happen: \_\_\_\_\_

Name(s) of anyone else who knows about what happened:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What happened? (Attach additional pages if needed)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **FORMS FOR ADMINISTRATIVE USE**

## INVESTIGATION REPORT

*(This form should be used to assist the investigator while conducting an investigation.)*

Name of person investigating alleged incident: \_\_\_\_\_

Name(s) of person(s) reporting alleged incident(s) (if not the alleged victim):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Note: Student reports may be anonymous; specify if anonymity is requested.**

\_\_\_\_\_

Date alleged incident(s) was (were) reported: \_\_\_\_\_

Date investigation started: \_\_\_\_\_

Name(s) of alleged victim(s):

\_\_\_\_\_  
\_\_\_\_\_

Name(s) of alleged bully(ies):

\_\_\_\_\_  
\_\_\_\_\_

Date(s) and time(s) of alleged incident(s):

\_\_\_\_\_

Did the alleged incident(s) occur:

On school property? At a school-sponsored activity?

On School Property?

At a school-sponsored activity?

Yes

No

Yes  No

Location of alleged incident(s): \_\_\_\_\_

Is (Are) the alleged incident(s) recurring or first-time incident(s)?

\_\_\_\_\_  
\_\_\_\_\_

Describe the alleged incident(s) as reported (*attach separate sheets if necessary*):

\_\_\_\_\_



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Did the alleged incident(s) occur in the presence of a witness or witnesses?

Yes    No

If yes, name(s) of witness or witnesses:

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[On a separate sheet, for each witness, indicate whether the witness or witnesses named above were interviewed (if not, provide a reason explaining why), the date of the interview, and any applicable findings and/or documentation and attach to this form.]

Do(es) the alleged incident(s) meet the definition of bullying?

Yes    No

Please explain (*attach separate sheets if necessary*):

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If bullying has been confirmed:

Did the victim(s) use reasonable self-defense?    Yes    No

If yes, explain:

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Notification to parents of victim(s):

Parent Name(s): \_\_\_\_\_ Date Notification Sent: \_\_\_\_\_

Notification to parents of student(s) who engaged in bullying:

Parent Name(s): \_\_\_\_\_ Date Notification Sent: \_\_\_\_\_

*[Attach incident report form; statements from the (alleged) victim, (alleged) bully, and witnesses; and a copy of the notifications sent to the parents of the victim(s), the student(s) who engaged in bullying, and any student witnesses.]*

Notification of available counseling options to:

Victim(s)

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Student(s) who engaged in bullying Name:

Name(s): \_\_\_\_\_ Date: \_\_\_\_\_

Witness(es)

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

District Action (mark all that apply):

Discipline       Corrective       Transfer

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Date investigation completed: \_\_\_\_\_

Investigator's name (if not the principal): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Principal's Name: \_\_\_\_\_

**NOTICE TO PARENT OF BULLYING INCIDENT (VICTIM)**

Date: \_\_\_\_\_

Name of Student: \_\_\_\_\_

School: \_\_\_\_\_

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To Parent/Guardian:

This letter is to notify you that following an investigation in accordance with District policy and procedures, \_\_\_\_\_ School District has determined that your child has been a victim of bullying. For additional information about the incident, please contact the principal at the number below. District policy prohibits bullying and all bullying incidents are taken seriously. Please see FFI for further information, including information addressing appeal.

The following counseling options are available to assist your child:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In addition to the counseling options available above to assist your child, you have the right to request that your child be transferred in accordance with policies and procedures at FDB.

Principal's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Principal's phone number: \_\_\_\_\_

**NOTICE TO PARENT OF BULLYING INCIDENT (STUDENT WHO ENGAGED IN BULLYING)**

Date: \_\_\_\_\_

Name of Student: \_\_\_\_\_

School: \_\_\_\_\_

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To Parent/Guardian:

This letter is to notify you that following an investigation in accordance with District policy and procedures, \_\_\_\_\_ School District has determined that your child has engaged in bullying. The District shall take appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action to address the conduct. District policy prohibits bullying and all bullying incidents are taken seriously. Please see FFI for further information, including information addressing appeal.

The following counseling options are available to assist your child:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In addition to the counseling options available above to assist your child, the District has the right to transfer your child in accordance with policies and procedures at FDB.

Principal's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE TO PARENT OF BULLYING INCIDENT (WITNESS)**

Date: \_\_\_\_\_

Name of Student: \_\_\_\_\_

School: \_\_\_\_\_

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To Parent/Guardian:

This letter is to notify you that following an investigation in accordance with District policy and procedures, \_\_\_\_\_ School District has determined that your child witnessed a bullying incident. District policy prohibits bullying and all bullying incidents are taken seriously. Please see FFI for further information, including information addressing appeal.

The following counseling options are available to assist your child:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Principal's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PLEDGE TO END BULLYING AND HARASSMENT**

Everyone has the right to feel physically and emotionally safe at school. As members of the Everman Independent School District community, we must do everything we can to treat others with respect and to accept everyone regardless of our differences.

Bullying happens when, at school, at a school-related or -sponsored activity, or in a District-operated vehicle, a student or group of students engage in intentional behavior meant to harm another student or place a student in fear of harm. It can take many forms, such as verbal or physical aggression, and can even occur electronically, which is called cyber bullying. It involves an imbalance of power between the students and disrupts the school environment.

Examples of bullying and other harassment include threats, taunting, teasing, assault, demands for money, stealing someone’s property, name-calling, rumor spreading, and isolating a student from others and could be based on a person’s race, gender, color, disability, or other factor.

The District will discipline any student who engages in bullying, harassment, or other related misconduct. Consequences of this behavior may include removal from the classroom to a disciplinary placement, a change in classroom, or even a change in campus. Severe behavior may result in expulsion, and law enforcement will be contacted if a student is thought to have engaged in illegal conduct.

It is important to review the District’s policies at FFH and FFI that address prohibited conduct and bullying.

Student’s responsibility:

“I commit that I will not bully or harass my peers and understand that, if I do engage in this behavior, I will be subject to consequences. If I witness bullying or any other type of harassment, I will report it to my parent, a teacher, or another school employee.”

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Parents Responsibility,

“I will encourage my child to report any instances of bullying to school personnel, and, as a partner with the District in the safety and acceptance of all students, will report any concerns I have with the way my child is being treated or if my child reports to me possible bullying and harassment of other students.”

Parent Signature: \_\_\_\_\_ Date: \_\_\_\_\_