

## **Hayward Unified School District Board Policy BP 5131.2 BULLYING**

The Governing Board recognizes the harmful effects of bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. District employees shall establish student safety as a high priority and shall not tolerate bullying of any student.

No student, group of students, school employees, volunteers or visitors shall, through physical, written, verbal, or other means harass, sexually harass, threaten, intimidate, bully, cyber bully, cause bodily injury to, or commit hate violence against any other student, group, or school personnel. The Hayward Unified School District prohibits such harassment or victimization based on but not limited to any of the following actual or perceived traits or characteristics: age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

This policy is in effect during the school day, while students are on property within the jurisdiction of the school district; going to or coming from school, on school-owned and/or school-operated vehicles, attending or engaged in school sponsored activities; and/or away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school. Strategies for bullying prevention and intervention shall be developed with involvement of key stakeholders in accordance with law, Board policy, and administrative regulation governing the development of comprehensive safety plans and shall be incorporated into such plans.

### **Bullying Prevention**

The district, schools, students, parents/guardians and community have an obligation to promote mutual respect and safe, harmonious relations that support dignity and equality. To the extent possible, district and school strategies shall focus on prevention of bullying by establishing clear rules for student conduct and strategies to establish a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means, of district and school rules related to all forms of bullying, mechanisms available for reporting incidents or threats, and the consequences for perpetrators of bullying. The district may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills, and appropriate online behavior. School staff shall receive related professional development, including information about early warning signs of harassing/intimidating behaviors and effective prevention and intervention strategies.

### **Intervention**

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. In addition, the Superintendent or designee shall develop means for students to report threats or incidents confidentially and anonymously. School staff who witness bullying shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1) As appropriate, the Superintendent or designee shall notify the parents/guardians of victims and perpetrators. He/she also may involve school counselors, mental health counselors, and/or law enforcement.

### **Complaints and Investigation**

Students are expected to report all incidents of bullying, or other verbal or physical abuse. Any student who feels she/he is a victim of such behavior should immediately contact a teacher, counselor, principal, or staff person. Forms for reporting incidents of discrimination, harassment, intimidation and bullying shall be available at each school site and the district office.

Complaints of bullying shall be investigated and resolved within 10 days.

If the student who was bullied believes the situation has not been remedied, she/he may file a complaint in accordance with district procedures. Students are to be informed annually of the process by which they may make a report of bullying or harassment. The principal or principal's designee at each school shall be responsible for receiving complaints alleging violations of this policy. All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of bullying or harassing behavior, to immediately intervene, call for assistance, and report such incidents. The Board requires that staff follow district and school procedures for reporting alleged acts of bullying and take all necessary action to protect the victim of

bullying. All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. While submission of the report form is not required, the reporting party is encouraged to use the report form available from each school or the district office. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Prompt and reasonable investigation of alleged acts of bullying is expected.

When a student is reported to be engaging in bullying off campus, the principal or designee shall investigate and document the activity and shall identify specific facts or circumstances that explain the impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated.

If the student is using a social networking site or service that has terms of use that prohibit posting of harmful material, the principal or designee also may file a complaint with the Internet site or service to have the material removed.

Retaliation against a student because the student has filed a bullying complaint or assisted or participated in a bullying or harassment investigation or proceeding is also prohibited. Students who knowingly file false bullying or harassment complaints or give false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this policy.

An allegation of bullying that involves sexual harassment, and the results of the investigation, shall be kept confidential to the extent reasonably possible.

## **Discipline**

The Board recognizes that some acts of bullying, harassment, or intimidation may be isolated and/or unintentional incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may indicate a larger pattern of bullying that require a response either at the classroom, school site, or district levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of bullying may range from behavioral intervention and education up to and including suspension or expulsion as described in BP 5144 Suspension, Expulsion/Due Process.

In addition to the grounds specified in Education Code sections 48900, sections 48900.2, 48900.3, and 48900.4 provide additional authority to discipline a pupil in any of grades 4 to 12, inclusive for conduct that amounts to bullying. (Education Code 48900, 48900.2, 48900.3 and 48900.4)

Penal Code 653.2 makes it a crime for a person to distribute personal identity information electronically with the intent to cause harassment by a third party and to threaten a person's safety or that of his/her family (e.g., placing a person's picture or address online so that he/she receives harassing messages). Penal Code 288.2 makes it a crime to send a message to a minor if the message contains matter that is sexual in nature with the intent of seducing the minor (i.e., sexting).

## **Explanation of Terms: Bullying & Cyber Bullying**

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, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil, as defined, in fear of harm to that pupil's or those pupil's person or property, causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial interference with his or her academic performance, or 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.

Reasonable student means a pupil including, but not limited to, an exceptional needs student, who exercises average care, skill, and judgment in conduct for a person of his or her age.

Cyberbullying is defined as the transmission of harassing communications, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wired or wireless communication device. Cyberbullying also includes breaking into another person's electronic account and/or assuming that person's identity in order to damage that person's reputation