

**TOWN OF WESTLAKE
WESTLAKE ACADEMY
BOARD OF TRUSTEES POLICY**

Policy No. 3.03:

Date Board Adopted: August 3, 2009

Date Board Amended: September 11, 2017

Effective Date: September 11, 2017

Policy Category: Parent, Student and Faculty Relations and Expectations

Policy Name: Bullying Policy

Policy Goal: Creation of a supportive and safe learning environment

Policy Description:

Westlake Academy policy and procedures are designed to promote a safe and productive learning environment. Westlake Academy shall prohibit bullying, including cyberbullying, as defined by applicable law, Texas Education Code 37.0832, and this policy. The procedures necessary to implement this policy will be published in the Parent/Student Handbook and on the Academy website.

Prohibited Conduct

Bullying, which includes cyberbullying, means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

1. 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;
2. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
3. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
4. Infringes on the rights of the victim at school.

Cyberbullying means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

The prohibited conduct identified in this policy applies to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately-owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
 - a. Interferes with a student's educational opportunities; or
 - b. Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Westlake Academy prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith makes a complaint or who is involved in an investigation concerning an incident of alleged bullying.

A student who intentionally makes a false claim, provides false information, or refuses to cooperate with an investigation regarding bullying shall be subject to appropriate disciplinary action.

Procedures for Reporting & Investigating Bullying Complaints

Complaints about bullying conduct should be made as soon as possible after prohibited conduct occurs using the procedures identified in the Westlake Academy Parent/Student Handbook. Failure to timely report may impair the Academy's ability to investigate and effectively address the conduct.

Westlake Academy will establish procedures for reporting and investigating bullying complaints, which will be included in the Parent/Student Handbook and available on the Academy's website. The procedures shall include:

1. Actions a student should take to obtain assistance and intervention in response to bullying;
2. Procedures for reporting an incident of bullying or cyberbullying, including a procedure for a student to anonymously report an incident of bullying;
3. Procedures for providing notice of an incident of alleged bullying to:
 - a. A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
 - b. A parent or guardian of the alleged bully within a reasonable amount of time after the incident;
4. Procedures for investigating a reported incident of bullying, including taking prompt interim action calculated to prevent bullying during the course of an investigation, if appropriate;
5. Procedures for determining whether the reported incident of bullying occurred, reporting the investigation findings, and appealing the findings of the investigation;

6. Opportunities for access to counseling for a student who is a victim of or a witness to bullying or who engages in bullying.

Academy staff shall take all reasonable measures to respect the privacy of a complainant, a person against whom a complaint is filed, and any witnesses or persons contributing information to a bullying investigation. However, limited disclosures may be necessary in order to conduct a thorough investigation.

Disciplinary Consequences

If the results of an investigation indicate that bullying occurred, the Academy shall impose appropriate disciplinary consequences in accordance with the Westlake Academy Code of Conduct and may take other corrective action that is reasonably calculated to address the conduct. In the event an investigation concludes that improper conduct occurred that did not rise to the level of bullying, as defined by this policy, the Academy may take appropriate action in accordance with the Student Code of Conduct or any other corrective action deemed appropriate by Academy administrators.

Any conduct that constitutes bullying, including cyberbullying, shall be considered a serious offense that may result in a student's expulsion from Westlake Academy.

A student shall be expelled if the student:

1. Engages in bullying that encourages a student to commit or attempt to commit suicide;
2. Incites violence against a student through group bullying; or
3. Releases or threatens to release intimate visual material of a minor or a student who is 18 years of age or older without the student's consent.

Westlake Academy will not impose disciplinary action against a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying.

Any disciplinary action related to bullying imposed on a student with a disability will comply with applicable requirements under federal law, including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 *et seq.*).

Dates Amended:

10/05/15