

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
ADMINISTRATIVE REGULATION

Note: This regulation addresses procedures for reporting, investigating, preventing, and mediating reported incidents of bullying, including cyberbullying of District students. For procedures regarding transfer of a student who is a victim of bullying or who engaged in bullying, see FDB. For provisions regarding discrimination and harassment involving EMS ISD students, including sex-based discrimination such as sexual harassment, see FFH. Note that FFI should be used in conjunction with FFH for certain prohibited conduct.

Definition of Bullying
and Key Terms

Bullying, including cyberbullying, is defined in FFI(LEGAL).

Alleged Victim: is defined as any student who is reported to have been the target of conduct that could constitute bullying during any educational activity, program, or that occurs on district provided transportation, including cyberbullying.

Alleged Bully: is defined as any student who is reported to have engaged in conduct or committed acts that could constitute bullying, including cyberbullying.

Verbal: may consist of but is not limited to - teasing, insulting remarks, hurtful name-calling, making threats, gossiping, or spreading hurtful rumors.

Non-Verbal: may consist of but is not limited to - staring, making threatening gestures or actions, stalking, destroying or damaging or defacing property, posturing, or using graphic images or graphic drawings.

Physical: may consist of but is not limited to – pushing, shoving, hitting, poking, punching, kicking, tripping, hair pulling, scratching, biting, assaulting, or defacing or destroying property.

Emotional: may consist of but is not limited to - ostracizing, rejecting, extorting, defaming, humiliating, blackmailing, intimidating, isolating, rating or ranking personal characteristics, exclusion, or manipulating friendships.

Social: is defined as harm to another's group acceptance and may consist of but is not limited to – gossiping, starting/spreading rumors, insulting race/gender, arranging public humiliation.

Bullying Prevention
Standards/Options

The District shall ensure and integrate researched-based prevention and intervention programs/initiatives. Such programs/initiatives shall provide training and instruction to District staff and students in how to build/develop healthy relationships and positive classroom and campus culture, and health and wellness initiatives to effectively report, respond, and intervene in incidents of bullying according to TEA bullying prevention standards.

The District's Counseling Department shall coordinate and provide program training, monitor programs/initiatives implementation, and recommended counseling services. The District's Educational Department shall provide policy awareness, procedures for reporting incidents of bullying, investigations, and appeals through appropriate training, appropriate references in the District Improvement Plan, Employee and Student Handbooks, the Student Code of Conduct, and the District's Website.

Prevention and Support Measures may consist of but are not limited to the following:

- School Climate and Safety Survey/Initiatives Impacting Bystanders and the alleged victim and the alleged bully.
- Campus Prevention Engagement Committees or Councils consisting of parents, students, counselors, administrators, and other appropriate members.
- Cyberbullying Instruction and Prevention (*electronic aggression such as flaming, online harassment, cyberstalking, denigration, masquerading/impersonating, and exclusion*) via Digital Citizenship and Appropriate Technology Use (electronic devices, the internet, social media, chat groups, text messaging, or gaming environments).
- District Professional Learning for administrators and staff
- Let's Talk (*reporting method*)
- Crime Stoppers (*reporting method*)
- Safe2Speak Up! (*reporting method*)
- Mentorship Programs
- Positive Behavioral Interventions and Supports
- STOIC and CHAMPS Programs
- MTSS Implementation
- Safe and Supportive School Programs
- Character Education Programs
- Bi-annual campus training regarding bullying awareness, reporting, procedures, investigations, and appeals
- Online researched-based bullying programs/resources
- Texas School Safety Center Resources
- Restorative Discipline Practices/Resources
- Trauma Informed Approaches
- EMS ISD Learning Standards
- Stay Away Contract/Agreement Implementation
- Safety or Crisis Plan
- Safety Plan or Emergency Removal
- SEL Instruction, Assessments, and Initiatives
- Targeted Prevention Activities and Social Skills Instruction
- Counseling Services and Appropriate Referrals

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
ADMINISTRATIVE REGULATION

Reporting a
Bullying Incident

Each EMS ISD campus shall follow established procedures for reporting and acting upon reports of incidents of bullying including cyberbullying. Reports of incidents of bullying must be made as soon as possible after an alleged act or *(the alleged conduct)* or knowledge of the alleged act or *(the alleged conduct)*. Any district employee (teacher, counselor, administrator, school-based law enforcement officer, or other district employee) and any student who believes he or she has experienced or witnessed bullying should report the alleged acts *(or alleged conduct)*.

Parents, students, and community members may report an incident of bullying anonymously. employees must immediately notify campus administration and maintain appropriate documentation of their report and follow all District and campus procedures.

Student Reporting
Responsibility

Students who observe/witness or believes he or she has experienced the act of bullying, including cyberbullying or has reasonable grounds to believe that another student has experienced the act of are obligated to report to school or district authorities. Failure to do so may impair/impe the District's ability to address the prohibited conduct and may result in disciplinary action. **The victim of the bullying shall, however, not be subject to discipline for failure to report bullying.**

A report may be made orally, in writing, or anonymously. False reports concerning bullying may be subject to appropriate school discipline. The method(s) for a student to report bullying anonymously will be the following:

- Let's Talk
- Crime Stoppers (Friends For Life)
- Safe2Speak Up!

Employee Reporting
Responsibility

A District employee will adhere to the requirements of District policy in reporting an alleged bullying. An employee should not wait to act until a report is filed by a parent or student. Upon notice, whether by observation or by verbal or written report of a bullying incident an **employee must immediately notify campus administration and maintain appropriate documentation of their report and follow all District and campus procedures.**

General Campus
Administrator and
Counselor Information

Each school year, counselors, district and campus administrators will ensure that staff, students, and parents are informed of the district's procedures and policies concerning bullying. If a report of bullying is made orally, the campus administrator shall reduce the report to written format by completing a Bullying Incident Report Form.

Report Format and
Procedures

The report may be made orally or in writing by completing the Incident Report form [see FFI (EXHIBIT A)]. If the report is made orally, the principal or designee will document the allegations in writing and record the

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
ADMINISTRATIVE REGULATION

date and circumstances of the incident on the reporting on a form designated by the District, as applicable.

The parent of the alleged victim will be notified of the incident of bullying on or before the third business day after the incident is reported. The alleged bully's parent will be notified within a reasonable amount of time after the incident, but no later than five business days.

When bullying is reported to the campus principal or an assigned administrator the steps laid out in policy FFI(LOCAL), and the bullying investigation documents contained in the Administrator's Toolkit shall be followed.

When the report of bullying includes conduct that involves criminal law the administrator will notify the appropriate law enforcement agency, including the EMS ISD Police Department.

In accordance with law, if the District has reason to believe that a child has been or may be abused or neglected, the District must contact a local or state law enforcement agency and make a report to the Department of Family and Protective Services (also known as Child Protective Services (CPS) and maintain documentation of each report/notification. [See FFG]

Investigative
Procedures

Unless there are extenuating circumstances, the bullying investigation must be completed within ten business days of the receipt of the initial report of bullying. However, the principal or designee may take additional time to complete a thorough investigation. If the investigation exceeds ten business days, principal or designee (*herein referred to as the investigator*) **must promptly notify all parties in writing.**

The investigator must determine whether the allegations, if proven, would constitute prohibited conduct under FFH. If so, the principal or designee must refer the report for processing under the policies and procedures in accordance with FFH and notify the Title IX Coordinator. If not, the investigator, will proceed under this policy following the guidelines below and utilizing the documents contained in the Administrator's Toolkit, as appropriate. (See FFI and FFH)

General Investigative
Considerations

The investigator must maintain confidentiality to the extent possible and as required by law and should advise all parties that limited disclosure may be necessary to complete a thorough investigation.

If a student desires to be accompanied by a parent or a counselor during his or her interview, the investigator will consider the request and ensure the presence of a parent or counselor in the interview does not hinder the investigative process. If the student's request is granted, the investigator will adhere to all applicable laws, policies, and associated procedures to protect the privacy of all students involved.

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
ADMINISTRATIVE REGULATION

Investigative
Guidelines

In conducting the investigation, the investigator will:

1. If appropriate, take action to protect the student and to prevent bullying and retaliation during the investigation. If the District determines that a serious risk to the student's physical safety exists, the investigator may contact the appropriate law enforcement agency, including the EMS ISD Police Department directly, and the Student Services Department if an emergency removal is being considered. [See policy GRAA for classes of offenses for which the District is required to notify law enforcement agency.]
2. Collect, catalog, and secure all evidence.
3. If the investigator did not directly receive the initial report, the investigator **must interview** the alleged victim and/or reporter of the incident.
 - a. Explain to all parties how the investigation process works. Proceed chronologically through the allegations and inform all parties that the District does not tolerate bullying or retaliation. Ensure the alleged victim and/or reporter feels secure and comfortable about presenting allegations of wrongdoing during the interview.
 - b. Ask the names of any witnesses who might confirm their version of the events or who may have knowledge of the allegations. Also ask if the alleged victim and/or reporter is aware of or able to provide evidence that supports his or her version of the events.
 - c. Assure the alleged victim and/or reporter (if a student) of protection from retaliation and that retaliation is strictly prohibited by District policy.
 - d. **Obtain written statements and document all interview notes, questions, and responses in a detailed manner. Interview notes must be read to the individual being interviewed to verify details and to ensure accuracy.** {Refer to safety/crisis plans, stay away agreements/contracts, and preventive and supportive measures.}
4. Interview the alleged bully and explain how the investigation process works and inform the alleged bully that the District strictly prohibits retaliation, per District policy.
 - a. Present each allegation and maintain confidentiality (FERPA) to the maximum extent possible and provide the alleged bully an opportunity to respond. Ensure the alleged bully feels secure and comfortable during the interview.
 - b. Ask the names of any witnesses who might confirm their version of the events or who may have knowledge of the allegations. Also ask if the alleged bully is aware of or able to provide evidence that supports his or her version

of the events. Assure the alleged bully of protection from retaliation.

- c. **Obtain written statements and document all interview notes, questions, and responses in a detailed manner. Interview notes must be read to the individual being interviewed to verify details and to ensure accuracy. {Refer to safety/crisis plans, stay away agreements/contracts, and preventive and supportive measures.}**
5. Interview all witnesses and obtain additional written statements. Ensure each student witness feels secure and comfortable during the interview and assure him or her of protection from retaliation. Ask the names of any additional witnesses who might have information about the alleged incident(s). **Obtain written statements and document all interview notes, questions, and responses in a detailed manner. Interview notes must be read to the individual being interviewed to verify details and to ensure accuracy.**
6. Do not divulge information regarding the identity of the alleged victim, alleged bully, reporter, or witnesses when interviewing other witnesses. If necessary, interview any individual again to address any new information or evidence.
7. Document all efforts made to investigate the allegations including dates and times.

Investigation
Conclusion

The investigator will prepare a written report, including the required details per the Bullying Investigation Check Sheet (see Administrator Toolkit) of the investigation and notify all parties in writing.

In accordance with board policy FDB (LEGAL) and upon the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, including a bullying with a violent criminal offense, a 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 to
2. A campus with transfer availability in the district other than the campus to which the victim was assigned at the time the bullying occurred.
3. The board may transfer the student who engaged in bullying to:
 - a. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or to
 - b. A campus with transfer availability 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.

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
ADMINISTRATIVE REGULATION

A student who is the victim of bullying shall be provided the option to participate in mediation, informal resolution, or to accept an apology tendered by the student who engaged in bullying. However, the victim and/or the parents of the victim have the right to decline these options. The decision of a victim of bullying not to participate in mediation or an informal resolution process shall not diminish the obligation of the school to impose disciplinary actions against the student who has committed the act of bullying.

Disciplinary Action

If upon the completion of the investigation the investigator determines that disciplinary action against a student is warranted, the investigator will proceed with the appropriate course of action, in accordance with the District's Student Code of Conduct. After an investigation is completed, the investigator may report to the appropriate law enforcement agency, including the EMS ISD Police Department if there are reasonable grounds to believe that a student has engaged in criminal conduct as outlined per the Student Code of Conduct.

In accordance with the law, a school counselor may not be designated as the person to report to law enforcement because a counselor's duties include serving as an impartial, non-reporting conciliator.

Designated Counseling
Options

The District is required to provide notice and documentation of available counseling options (*such as, but not limited to: counseling sessions, resources, access to school-wide programs, instructional publications and videos, and approved research-based interventions*) for a student who is a victim of bullying, a witness of bullying behaviors, or a student who engaged in bullying. [See FFI (EXHIBIT B – Notice of Available Counseling Options to Students Involved in Bullying Incidents)].

Improper Conduct

If upon completion of the investigation the investigator determines that the alleged incident does not rise to the level of bullying, the investigator will proceed in accordance with the Student Code of Conduct, or any other appropriate corrective action.

Notice to Designated
Campus and District
Administrators and
Parents

Within ten District business days of the completion of an investigation, the investigator will submit a copy of the Investigation Report Investigation Summary and Investigation Report to the following:

- The Counseling Department; and
- The Student Services Department; and document notification of the principal.

The investigator will promptly provide a written investigation summary to the parents of the victim and to the student that engaged in bullying and document such notice.

Notice of Right to
Appeal

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

STUDENT WELFARE
FREEDOM FROM BULLYING

FFI
ADMINISTRATIVE REGULATION

Periodic Monitoring

In accordance with FFI(LOCAL), the Superintendent or designee shall periodically monitor the reported counts of bullying incidents, and that declines in the reported counts may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents, and after concluding the investigation, the District should periodically follow up with the complainant or other persons involved in the incident(s), as appropriate.