

# Berkeley USD

Board Policy 5131.2

## Anti-Bullying

The Governing Board of the Berkeley Unified School District affirms that every student and staff member has the right to a safe and secure school environment, free of humiliation, intimidation, fear, harassment, or any form of bullying behavior. Furthermore, the Board believes that a healthy, positive psychosocial school environment enhances and increases academic achievement and prosocial development (BP 5030.2), and therefore the prevention, [reduction/elimination], and effective disposition of bullying are fundamental to Berkeley's educational goals. The District, students, families, and staff have an obligation to create an environment that celebrates and respects diversity and human dignity and admonishes bullying behavior. To this end, the District has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as address incidents of bullying and harassment when they occur.

The District will not tolerate bullying – as defined in this policy -- or any behavior that infringes on the safety or well-being of students, staff, or any other persons within the District's jurisdiction whether directed at an individual or group.

To address incidents of bullying and the potential culture that supports such behavior, this policy has the following objectives:

- 1) Cultivation of a culture of empathy, kindness, respect, and mutual trust among students and between students and staff
- 2) Creation of a school climate which encourages students to disclose and discuss incidents of bullying, both in their roles as victims and bystanders
- 3) Demonstration of a commitment to address incidents of bullying by outlining the school response to any such behaviors

The District will communicate its objectives, programs, and procedures to eliminate bullying in its annual parent/student handbook.

### Definition:

Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individuals school performance or participation; is carried out repeatedly; and is often characterized by an imbalance of power.

## Indicators of Bullying Behavior

- Bullying behaviors may include, but are not limited to, the following:
  - Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading hurtful rumors. This policy excludes constitutionally protected speech (Education Code 48950). Speech that poses a threat or danger to the safety of students, employees or District property, or that materially and substantially disrupts the school environment, is not constitutionally protected.
  - Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
  - Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, "pantsing", pinching, slapping, biting, spitting, or destroying property.
  - Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.
  - Cyber bullying: Bullying committed by means of an electronic act, the transmission of a communication, including but not limited to, a message, text, sound, or image by means of an electronic device, including but limited to, a phone, wireless telephone, or other wireless communication device, computer, or pager. Cyberbullying is characterized by deliberately threatening, harassing, intimidating, or in any way, ridiculing an individual or group of individuals; placing an individual in reasonable fear of harm; having the effect of substantially disrupting the orderly operation of the school; posting sensitive, private information about another person without his/her permission; breaking into another person's account and/or assuming another individual's identity in order to damage that person's reputation or friendships.
  - Hazing: ritualistic behavior that subjects persons to intentionally mean-spirited, physically or psychologically abusive, or humiliating tasks as a rite of passage or initiation. Only when novices can choose to opt out of an initiation game or event without any direct or indirect consequence from the group, team, school, etc, and the game or event is in no way physically or psychologically damaging or dangerous, may an initiation game or event be allowed.

### Jurisdiction:

This policy applies to students and staff on school grounds, while traveling to and from school or a school sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity. It also includes acts of bullying that take place at any time when the acts have a nexus to school attendance/activities by posing a threat or danger to the safety of students, employees or District property, or materially and substantially disrupting the school environment.

This policy pertains to cyberbullying that is related to school activity or attendance that occurs at any time, including, but not limited to, while on school grounds, while going to or coming from school, during the lunch period whether on or off campus, during, or while going to or coming from, a school sponsored activity, that is directed specifically toward a pupil or school personnel. If the cyberbullying occurs outside of the scope of the District but the school has knowledge of its occurrence, the school will inform the parents/guardians of the students involved.

### Bullying and Harassment:

Bullying, cyberbullying, and intimidation, may, from time to time, be part of a continuum of student misconduct such as sexual harassment, hate-motivated behavior, assault or child abuse, and, as such, the action of the student or the nature of the incident could be considered a violation of other aspects of student misconduct.

Bullying based on a person's or group's actual or perceived sex, gender, transgender or gender-identity non conforming, socio-economic status, their race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, age, sexual orientation, marital or parental status, which constitutes discriminatory harassment, shall be dealt with in accordance with the Nondiscrimination/Harassment Policy (BP 5145.3) as well as with this policy.

### Reporting:

Students and staff members who are the targets of bullying, or any community member who has witnessed bullying, should report the abuse to the principal, the principal's designee, or a trusted school staff member. If the bully is the principal, the target or witness should report the bullying to the Superintendent/designee. Staff members, upon receiving a complaint or witnessing bullying, are required to make a report to the principal or principal's designee, unless the bully is the principal in which case they should report to the Superintendent/designee. While submission of a Bullying Incident Report form is not required, the reporting party is encouraged to use the report form available from the principal of each school or at 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.

If a student/or staff member feels that he/she is the target of cyberbullying, the student or staff member is encouraged to save and print any messages or other posts sent to them that they feel constitutes cyberbullying and to notify a teacher, principal or other employee so that the matter may be investigated.

#### Investigation:

Within five (5) working days of receiving a report, the principal or principal's designee, or Superintendent/designee in the case of a bullying principal, is required to confer with the victim, and, if the victim is a student, the victim's parents/guardians, as applicable, regarding how to proceed with the investigation. The investigation must be prompt and diligent. All interviews of witnesses, the victim, and the accused shall be conducted separately. During an investigation, all individuals involved must to the extent reasonably possible maintain confidentiality of the proceedings and the names of the complainant and students involved.

#### Victim's Rights:

The victim of bullying has the right to immediate support needed after an incident, including physical and psychological support. During and after the investigation, a school counselor or other appropriate school personnel should follow-up with the victim and provide the appropriate and necessary support.

#### Intervention/Discipline:

The Principal or designee, or Superintendent/designee if the perpetrator is the principal, shall decide the appropriate way to deal with the bully if the investigation has proven that the bully has violated this policy. Interventions and consequences must be age-appropriate and equal to the severity of the violation. In dealing with bullies, the designee should regard the bully and the situation as unique and create an intervention/discipline plan based on the particular characteristics of the situation to ensure that the plan remedies the bullying, decreases chances of retaliation, and helps rehabilitate the bully (if appropriate).

Some acts of bullying may be part of 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 interventions and education up to and including suspension/expulsion, or referral to law enforcement (Suspension and Expulsion/Due Process Policy BP 5144.1)

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)

*Education:* To prevent bullying, each school site has the obligation to educate students about what bullying is and why it is unacceptable. When possible, teachers should use existing curriculum and materials to emphasize the negative, hurtful effects of bullying. Each school site should prioritize its existing anti-bullying curriculum and seek to enhance anti-bullying education. Furthermore, each school site should educate students in an age-appropriate manner about appropriate use of electronic devices and social media. The District has the obligation to provide materials and curriculum to each school site that requests support.

False Reports and Statements:

Intentionally false reports, use of the complaint process, or statement to defame a fellow student or staff member or any illegitimate reason, by a student or staff member, will result in disciplinary consequences.

Retaliation:

Retaliation against a complainant or any individual involved in the investigation of a bullying situation, either by the alleged bully, the alleged bully's friends, or any other individual is strictly prohibited and grounds for discipline.

Annual Report to the Board:

Each school site will make an annual report to the Director of Student Services each January detailing bullying at the school. At the first Board meeting in May, the Director of Student Services will report to the Board on bullying within the District and make recommendations as to how this policy can be more effectively implemented.