

Berkeley Unified School District

Administrative Regulation

Anti-Bullying

AR 5131.2

Students

School behavior standards shall be coordinated District-wide, with particular attention to applying the standards for bullying behavior fairly and consistently among schools at the same grade level. Schools will follow District guidelines and policies according to the Education Code and school rules pertaining to related matters such as bullying, suspension, and expulsion.

The objectives of the District are as follows:

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, perpetrators and bystanders; and
3. Demonstration of commitment to address incidents of bullying by outlining the school response to any such incidents of bullying.

Adult Responsibilities:

Each school site should strive to cultivate a school culture of empathy, community, and mutual trust among students and between students and staff. Such a culture begins with the adults on campus or involved in the school day: teachers, parents, bus drivers, nutrition service workers, administrators, classified staff, and counselors. Adults should make use of teachable moments to communicate what behaviors are unacceptable and can reinforce positive relationships among students by recognizing and rewarding empathetic and community-oriented behavior at school. Staff should also learn to recognize the indicators of bullying behavior to better identify incidents of bullying by being proactive and diligent in supervising students in classrooms, hallways, cafeterias, buses, and school grounds, and making themselves available to students and adults who have experienced or witnessed bullying. All staff members are responsible for taking action when bullying occurs. If a teacher or school staff member observes or becomes aware of bullying behavior, he or she must (if safe) immediately intervene or call for assistance, and subsequently report the incident.

Reporting Procedures:

Reports of alleged bullying incidents shall be submitted to the principal or the principal's designee at each school site.

Initial Complaint:

Students, parents/guardians, volunteers, visitors, and staff members who feel that they are the targets of bullying or have witnessed bullying should report the abuse to the principal/designee, or a trusted school staff member. Incidents of alleged bullying should be documented by completing a Bullying Incident Report Form. While submission of the Form is not required, the reporting party is encouraged to use the Form which will be made available at the main office of each school or the District office. Oral reports will be transcribed into written form and considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. If a victim feels that he/she is the target of cyberbullying, the victim is encouraged to save and print any messages, postings or other communication sent to him/her that he/she feels constitutes cyberbullying and to notify a teacher, principal or other employee so that the matter may be investigated.

Initial Complaint Response:

Upon receiving a Form from a student, parent/guardian, volunteer, visitor, or fellow staff-member, teachers and school staff are required to deliver the form to the principal/designee. If a target or witness of bullying delivers an oral report of bullying to a teacher or staff member, the teacher or school staff member is required to fill out a Form for the complainant that documents the information contained in the oral report. The teacher or staff member must notify the complainant that as a staff member he/she must submit this Form to the principal/designee. Even if a student, parent/guardian, volunteer, visitor, or fellow staff-member asks that their report be kept private, a report must still be made to the principal/designee and the person reporting must be made aware that the staff member is required to do so.

Investigation Procedures:

The procedures for investigating school-based bullying must include the principal/designee in the case of student-to-student bullying. The principal/ designee shall be trained in investigative procedures and interventions. The student who allegedly engaged in bullying behavior should be considered innocent until proven guilty and must have an opportunity to defend himself/herself against accusations. The investigator should consider the surrounding circumstances, the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.

1. The principal/designee will make the determination if a reported act of bullying or harassment falls within the scope of District responsibility.

a. If it is within the scope of the District, the principal/designee should continue with the investigation as outlined in #2 below.

b. If it is outside the scope of the District, and determined to be an alleged criminal act, the principal/designee shall refer the matter to appropriate law enforcement, provide any applicable interventions, and document according to policy.

c. If it is outside the scope of the District, and determined not a criminal act, the principal/designee shall inform the parents/guardians of all applicable parties.

2. Within five school days of receiving a notification of complaint, the principal/designee will meet with the alleged victim and with the victim's parents/guardians.
3. Each individual (victim, alleged accused, and witnesses) will be interviewed privately, and at no time will the alleged perpetrator and victim be interviewed together.
4. If a determination is made that bullying occurred, the principal/designee shall design an intervention/consequence plan which is consistent with any District or site anti-bullying program.
5. Parents/guardians of the student who engaged in bullying behavior and the victim will be notified of any actions taken regarding their children.
6. The resolution, all interviews and interventions that take place and corresponding dates shall be documented in writing and/or noted in the District's specified data system. This investigative process is to be followed with all anonymous complaints as well.

Confidentiality:

Before, during, and after 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. Anyone who breaches confidentiality about the proceedings without acceptable cause will face consequences. Confidentiality is essential to both protect the target and the witnesses from retaliation by the student who engaged in bullying behavior and also to protect this student from being permanently labeled a "bully".

During the Investigation:

In general, student complainants and/or alleged victims will continue attendance at the same school and pursue their studies as directed while the investigation is conducted, and the complaint is pending resolution. Any legal order of a court to the contrary will prevail.

After the Investigation:

The principal/designee will inform all relevant parties in writing of the decision. A copy of the decision will be noted in all relevant data tracking systems.

Intervention/Discipline:

The principal/designee shall decide the appropriate way to deal with the student who engaged in the bullying behavior if the investigation has proven that she/he has violated this policy. Interventions and consequences must be age-appropriate and equal to the severity of the violation. In dealing with students who engage in bullying behavior, the principal/designee should regard each student and 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 student who engaged in bullying behavior.

Any disciplinary action is confidential student information and may not be communicated with non-confidential personnel including the victim and the victim's guardians.

Possible Interventions:

1. Counseling interventions to address the behavior of the students who engage in bullying behavior (e.g., empathy training, anger management).
2. A written warning entered in student's file.
3. A parent/student/administrator conference.
4. Community service.
5. Restricted privileges, such as recess time, off-campus lunch, confiscation of electronic devices, etc..
6. A written apology.
7. Assistance and support provided to the parents.
8. Suspension and, in most extreme cases, expulsion (see the Suspension and Expulsion/Due Process Policy BP 5144.1).

Education:

To prevent bullying, each school site has the obligation to educate students about what bullying is and why it is unacceptable. School sites should strive to create a positive, empathetic, and kind school culture.

Classroom Teachers, Staff shall:

1. Use teachable moments in class to discuss bullying and emphasize the negative, hurtful effects of bullying; and
2. Use existing curriculum, such as literature, art projects, etc., to discuss bullying and teach empathy.

School Counselors shall:

1. Hold empowering workshops for victims.
2. Create curriculum for classroom teachers about bullying and/or help teach classes about bullying; and
3. Create curriculum for classroom teachers about appropriate use of electronic devices and/or help teach classes about safe, appropriate use of electronic devices.

School Administrators shall:

1. Create consistency in messages regarding bullying within the school that are in line with the definition of bullying in the Board Policy.
2. Provide anti-bullying curriculum for teachers.
3. If possible, hold assemblies regarding bullying; and
4. Prioritize anti-bullying curriculum.

The District has the obligation to provide materials and curriculum to each school site that requests support.

Annual Report to the Board

Site Level Report:

Every year, each school site must include a section regarding bullying in the School Safety Plan. Using the data from the data tracking system, the section will include:

1. Efforts made to create an empathetic, kind, trusting, and respectful school environment.
2. The incidence of bullying.
3. Summary of the motivations for bullying (i.e., ethnicity, sexual orientation, disability etc.).
4. A copy of the administrative summary for each incident; and
5. The disciplinary measures used and their effectiveness, such as how many students who engaged in bullying behavior continued to engage in bullying behavior after being disciplined.

Director of Student Services:

At a Board meeting in the fall, the Director of Student Services will summarize the reports from each school site, report on changes in the incidence of bullying, and make recommendations as to how the district can more effectively implement the Anti-Bullying Board Policy.

Regulation: BERKELEY UNIFIED SCHOOL DISTRICT

Approved: February 22, 2012 Berkeley, California