
CLOVIS UNIFIED SCHOOL DISTRICT

STUDENT SERVICES *Rights & Responsibilities* BULLYING

In accordance with Board Policy No. 2116 prohibiting bullying, the purpose of this administrative regulation is to provide procedures to process complaints of bullying, to investigate such complaints, to prohibit retaliation against victims of bullying, and to work toward the prevention of bullying.

Bullying Defined

Bullying, as defined by Education Code section 48900, subd. (r)(1), is any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code sections 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
4. 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.

For these purposes, an "electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

"Cyberbullying" is bullying that includes 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 wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Discipline for Bullying

Any student who engages in bullying of another student related to a school activity or during school attendance within a school under the jurisdiction of the District Superintendent, or in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, whether on

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or off campus, may be subject to discipline, which may include suspension or expulsion, in accordance with District policies and regulations.

Retaliation Prohibited

It is the District's policy not to discourage persons from filing bullying complaints. Retaliation against any student or other person for exercising the right to file a bullying complaint is strictly prohibited. To avoid retaliation and the appearance of retaliation, students are directed:

1. To refrain from taking any action which dissuades any person from exercising the right to file a bullying complaint.
2. To keep confidential the facts of any complaints or investigation made pursuant to this policy, including the identity of any witnesses or any facts which disclose the identity of the claimants or witnesses.
3. The person against whom a complaint has been filed is directed not to communicate with any complainant, witness or other person involved in the complaint either in person, by mail or telephone, or through any intermediary, in an attempt to discourage persons from cooperating in the investigation of a bullying complaint or to retaliate against them for their involvement with a bullying complaint.

Confidentiality

All matters pertaining to the filing, investigation, and resolution of bullying complaints shall be confidential, as appropriate. Files pertaining to bullying complaints shall not become public record to the extent allowed by law.

Notice to Students

Each site administrator or designee shall post a public notice, in the form of the Uniform Complaint Procedure Statement, in all school offices, schools, staff lounges and student government meeting rooms.

Responsible District Officer

Subject to the authority of the Governing Board and the Superintendent, the Associate Superintendent, School Leadership shall be responsible for overall implementation of policies and regulations prohibiting bullying. The site administrator, or designee, will conduct the investigation into formal complaints of bullying. The Associate Superintendent, School Leadership shall ensure that this policy and regulation is appropriately distributed to employees and students, and, with the consent of the Superintendent, may initiate training and education programs as appropriate to enable employees and

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students to better understand the problems and consequences of bullying.

Interdistrict Transfer

As set forth more fully in Administrative Regulation No. 2210, at the request of a parent/guardian, students who have been determined by school personnel to have been the victim of an act of bullying shall be given certain priority and/or consideration with regard to an interdistrict transfer agreement.

Intervention and Complaint Process

All school personnel who witness an act of discrimination, harassment, intimidation, or bullying, shall take immediate steps to intervene when safe to do so.

Students who witness an act of discrimination, harassment, intimidation, or bullying, or who suspect that another student is a victim of such acts, are encouraged to notify school staff. 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 staff of the same.

When a student is reported to be engaging in bullying off campus, the site administrator of the school the student attends, or designee, investigating the complaint may document the activity and shall identify specific facts or circumstances that explain any impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Students who feel aggrieved because of conduct that may constitute bullying are encouraged, but not required, to directly inform the person engaging in such conduct that such conduct is unwelcome or offensive and should stop. However, if a direct discussion is uncomfortable or otherwise deemed inappropriate or dangerous by the individual aggrieved because of alleged bullying, then the individual aggrieved should file a complaint as described below, and the following steps shall be taken:

A. COMPLAINT PROCESS

1. Informal Complaint

The purpose of the informal complaint process is to allow an individual, who believes he or she has been bullied, to resolve the issue through a consultation process rather than the formal complaint process provided by this Regulation. This is an optional step. Pursuant to the Complaint Process Flow Chart (Section D), and if acceptable to the complainant, an informal complaint is initiated within five (5) business days of the alleged occurrence by discussing the incident or matter with the site administrator, or designee. The site administrator, or designee, will use his or her best efforts to resolve an informal complaint within seven (7) business days.

2. If the complaint cannot be resolved at the informal level, or if the complainant rejects the

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informal complaint process or resolution, the complainant may file a formal complaint which shall be investigated and resolved in accordance with law and the District's Uniform Complaint Procedures specified in Board Policy and Administrative Regulation 9208.

Relationship to other Enforcement Mechanisms

The District's bullying policies and procedures are intended to supplement, and not replace, any applicable state and federal laws and regulations. Students may also request that other state and federal governmental agencies investigate complaints of bullying. For example, any student who thinks he or she has been bullied or retaliated against for resisting or complaining about bullying may file a complaint with the following agencies:

California Department of Education
721 Capitol Mall, P.O. Box 944272
Sacramento, California 94244
(916) 657-2451

Office for Civil Rights
50 United Nations Plaza, Room 239
San Francisco, California 94102
(415) 556-4275

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*Education Code sections 200, et seq., 220, 234 et seq.,
32261, 32282, 32283, 46600, 48900 et seq.
Penal Code sections 288.2, 422.55, 653.2
Title 42 of the United States Code sections 2000d-2000e; 2000h-2 – 2000h-6*