



District of Columbia Public Charter School

# Bullying and Prevention Policies and Procedures

## **Introduction**

School Climate TCGDC ensures that schools sustain healthy, positive and safe learning environments for all students and employees. It is important to change the social climate of the school and the social norms with regard to bullying. This change will require the effort of all school personnel: teachers, administrators, counselors, school nurses, volunteers and other non-instructional staff; parents and students. Schools shall provide instruction to students and school personnel that will include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools. Schools designated as Positive Behavior Intervention and Support schools will use the PBIS methods to enhance positive social climate.

## **Bullying Definition**

Bullying is defined as:

1. “Bullying” means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that:
  - a. May be based on a youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth’s association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and
  - b. Shall be reasonably predicted to:

- (a) Place the youth in reasonable fear of physical harm to his or her person or property;
- (b) Cause a substantial detrimental effect on the youth's physical or mental health;
- (c) Substantially interfere with the youth's academic performance or attendance;  
or
- (d) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

**Harassment**

TCGDC ensures that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. TCGDC will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property
  2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits
  3. Has the effect of substantially disrupting the orderly operation of a school
- Bullying and harassment also encompasses:

- a. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
- b. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
- c. Incitement or coercion
- d. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of TCGDC
- e. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

### **Cyber Stalking**

Cyber stalking, means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

### **Support**

The student services department is available to provide assistance if needed. Education of students and school employees at the beginning of each school year, the administrators, in writing, inform school staff, parents, and others responsible for the welfare of a student of TCGDC's bullying prevention policy. This will be done through TCGDC employee handbooks

and/or other reasonable means. All school employees are mandated reporters of any known bullying or harassment incidents.

Supports include a school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:

- Counseling and support to address the needs of the victims of bullying or harassment
- Research-based counseling/interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management)
- Research-based counseling/interventions which includes assistance and support provided to parents/legal guardians, if deemed necessary.

### **Notification of the Policy**

Each school year, administrators will:

- Provide all employees and volunteers' instruction in methods of reporting and investigating claims of bullying and harassment, and on TCGDC bullying prevention policy and procedures
- Develop an annual process discussing the TCGDC policy on bullying and harassment with Display reminders of the policy and bullying prevention messages such as posters and signs in each school. Bullying prevention messages will also be displayed on TCGDC school buses.

### **Reporting**

All school employees are required to report alleged violations of this policy to the principal or designee. All other school community members are strongly encouraged to report alleged violations. An in-person or anonymous report may be filed with the Principal, Nakia Nicholson; Assistant Principal, Bryan Daniels; or the Dean of Students, Jaqueline Frye. The school number

is 202-774-5442. Any written or oral report shall be considered an official means of reporting. Anonymous reports may be filed and must be investigated by the designated official, but formal disciplinary action will not be based solely on the basis of an anonymous report. Anyone who reports in good faith, an alleged violation of this policy, to the appropriate school official, is immune from a cause of action for damages arising out of the reporting itself, or any failure to remedy the reported incident. Submission of a good faith report will not affect the complainant's or reporter's future employment, grades learning or working environment or work assignments. School procedures for reporting bullying and harassment incidents

The Principal, Assistant Principal or Dean of Students may accept a bullying or harassment report;

- The principal or designee will report the occurrence of any incident of bullying or harassment as defined by the policy to the parent or legal guardian of all students involved on the same day as the investigation is initiated. Notification shall be via telephone, personal conference, and/or in writing. Notification will be documented.
- The Pupil Personnel Worker, Nicole Duff, will initiate the investigation of all reported acts of bullying or harassment. The investigator may not be the victim or the accused perpetrator.

### **School Procedures for Investigating Reports**

1. At no time will the alleged victim and perpetrator be interviewed together
2. Interviews of the alleged victim, perpetrator and any witnesses will be conducted privately and separately. Interviews are documented and are to be kept confidential
3. The investigator shall collect and evaluate facts, including but not limited to:

- description of the incidents: nature of the behavior and context in which the alleged incident took place
- how often the conduct occurred
- any past incidents or continuing patterns of behavior
- the relationship between the parties involved
- characteristics of the parties involved (age, grade, etc.)
- identity of all individuals involved in incident
- whether the conduct adversely affected the student's education
- whether the alleged victim perceived an imbalance of power as a result of the reported behavior
- the date, time and method in which the parents/legal guardians of all parties involved were contacted

4. A determination of policy violation is made based on all the facts and surrounding circumstances

5. Remedial steps to stop the bullying and/or harassment behavior are recommended

6. A written report of the investigation and outcome is submitted to the principal. If the principal is the investigator, he/she will maintain a written report.

7. The school will report violations of the policy through the AS400 discipline reporting system, and as appropriate, the SESIR reporting process. A maximum of 10 school days shall be the time limit from initial filing of incidents to completion of the investigative procedural steps.

## **Confidentiality**

The highest level of confidentiality possible is to be upheld regarding the submission of a complaint or report of bullying and/or harassment, and the investigation that follows. Parent notification is to be consistent with student privacy rights under FERPA regulations.

## **Consequences and appropriate remedial action:**

For students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension and or expulsion, as outlined in the Discipline policy. Consequences for perpetrators of bullying include appropriately correcting the bullying behavior; preventing another occurrence of bullying or retaliation; and protecting the target of bullying. Further, application of consequences must be flexible in method and severity based on (1) nature of incident; (2) developmental age of the person bullying, and; (3) any history of problem behavior from the person bullying.

- For school employees found to have committed acts of bullying or harassment may be discipline in accordance with TCGDC policies, procedures and agreements. Egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate
- For visitors and volunteers found to have committed acts of bullying and harassment shall be determined by the school administrator, and may include reports to appropriate law enforcement officials
- For any parties who wrongfully and intentionally accuse another of an act of bullying or harassment, the consequences are the same as those listed as consequences and appropriate remedial action for those found to have committed any acts of bullying and harassment. When bullying or harassment is suspected, or a bullying incident has been

reported, a teacher or parent/guardian may request an informal consultation with school personnel – teachers, counselors, administrators - to determine the severity of concern and appropriate steps to address the concern.

### **Parental Notification**

Notification to parents must take place the same day as the initiation of the investigation. If the bullying incident results in the perpetrator being charged with a crime, the principal or designee shall inform the parent of the victim, by telephone or first class mail, of the Unsafe School Choice Option, (NCLB Title IX., Part E, Subpart 2, Section 9532), which provides that a student who is a victim of a crime is allowed to attend a safe public school within the local educational agency, including a public charter school. TCGDC also provides for the victim of a crime to request that the offender attend another school than that of the victim or the victim’s siblings. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). If the bullying incident results in the perpetrator being charged with a crime, the principal, or administrator, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states “...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of an elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.” Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

## **Employee Bullying Complaints**

The principal shall report the following bullying complaints to the Human Resources

Department:

- A student files a complaint against an employee
  - An employee makes a complaint against a supervisor
  - An employee makes a complaint against another employee
- The Executive Director of Human Resources will conduct the investigation of these complaints. The Family Life and Students Services Department of TCGDC is available to provide guidance on bullying prevention law and policy, faculty training, and consultation.

## **Expectations**

TCGDC expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

1. TCGDC prohibits the bullying of any student or school employee:
  - a. During any educational program or activity conducted by TCGDC;
  - b. During any school-related or school sponsored program or activity or on a TCGDC school bus;
  - c. Through the use of any electronic device or data while on school grounds or on a computer system, or computer network of TCGDC. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section;

- d. Through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school sponsored program or activity, or on a TCGDC school bus; or
  - e. While TCGDC does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate, which may include the use of the School Resource Officer.
2. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior.
  3. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct.
  4. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in this policy and in the Student Handbook.

### **Scope**

- If the complaint is within scope of TCGDC, move to Procedures for Investigating Bullying and/or Harassment.
- If it is outside scope of TCGDC, and determined a criminal act, refer to appropriate law enforcement.

- If it is outside scope of TCGDC, and determined not a criminal act, inform parents/legal guardians of all students involved.

### **Appeal Process**

Individuals who dispute an accusation of bullying, a target of bullying, and anyone who is not satisfied with the outcome of the initial investigation may follow the following procedure:

Procedures:

1. The student/client, parent and/or guardian, personally or in concert with others, or through a proponent of his or her choosing, may present grievances to the appropriate to the principal.
2. The Principal shall maintain a permanent record of all submitted complaints. These records shall be kept confidential and stored separate from the student/client records.
3. The grievance shall be handled in the following manner:
  - a. The Principal will schedule a grievance conference with the program participant and relevant staff within three (3) working days after receipt the grievance.
  - b. The Principal will discuss his/her response verbally with the complainant and provide the program participant with a written response within three (3) working days after this conference.
  - c. The Principal will submit the grievance and the response to the Vice President of Educational Services within three (3) working days after the conference after an investigation of the facts. If more time for the investigation is needed, the investigation may not exceed 30 days,

- d. If the complainant is dissatisfied with the decision made by the Principal, the program participant will be advised that (s)he has the right to have the decision reviewed by the Vice President of Educational Services.
4. If necessary, the Vice President of Educational Services will review the decision and shall respond, in writing, to the program participants' grievance within three (3) working days after the review.
5. If the Vice President of Educational Services decides in favor of the complainant's grievance, prompt steps will be taken to rectify the situation, as it may be appropriate
6. If the Vice President of Educational Services decides against the complainant's grievance, the complainant shall be notified within three (3) business days. The complainant has the option to present the grievance to the Executive Management Team for consideration.
7. If the complainant is dissatisfied with the decision of the Executive Management Team, the complainant shall notify the President of the organization within three (3) business days.
8. If the decision of the President is not acceptable to the program participant, the grievance may be presented within three (3) business days to the Board of the Charter for review.
9. The complainant will not be subject to any form of discipline solely because (s)he sought a remedy through, or participated in, the grievance procedures established by this policy.

10. Obstruction by any employee or volunteer of The Guild of any investigation or disposition of a complaint shall be reported to the President, who shall decide upon the necessary appropriate action.

11. Complainants may seek further redress under the Human Rights Act.

<http://osse.dc.gov/page/dc-human-rights-act>