

ANTI-BULLYING

Applicability

This policy applies to all District students. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the Fullerton Joint Union High School District. (Education Code § 234.1 (a).). This policy also reminds school personnel of their obligation to intervene when safe to do so as required by Education Code Section 234.1(b)(1). (Duties and Responsibilities of School Employees)

Definitions

- A. “Bullying” means 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 Section 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:
- (a) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property.
 - (b) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
 - (c) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
 - (d) 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.

While not an exhaustive list, examples of bullying/cyberbullying may include:

- direct physical contact, such as hitting or shoving;
- threats to harm another person;
- oral or written assaults, such as teasing or name-calling;
- social isolation or manipulation;
- posting harassing messages, direct threats, social cruelty or other harmful texts, sounds, or images on the Internet, including social networking sites;
- posting or sharing false or defamatory information about another person;
- posting or sharing information about another person that is private;
- pretending to be another person on a social networking site or other electronic communication in order to damage that person’s reputation or friendships;
- posting or sharing photographs of other people without their permission;
- spreading hurtful or demeaning materials created by another person (e.g., forwarding offensive e-mails or text messages); and
- retaliating against someone for complaining that they have been bullied.

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- B. “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. [Jurisdiction per Education Code 234.1(a)]
- C. “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.

Prohibition Against Bullying

The District prohibits bullying as defined in this Administrative Regulation. This includes, but is not limited to, discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Penal Code Section 422.55 and Education Code Section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (Education Code §§ 234.1(a); 48900(r).) [cf. Board Policy 0415 (Nondiscrimination [Educational Programs or Activities]) and Board Policy 5645 (Sexual Harassment)].

In addition, the District prohibits retaliation against complainants.

Education Codes 48900(r), 48900.2, and 48900.3

Education Code 48900, Section (r), states: “it is a suspendable offense to engage in an act of bullying. Bullying includes any severe or pervasive conduct that has the effect of:

- a. placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property;
- b. causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- c. causing a reasonable pupil to experience substantial interference with his or her academic performance.
- d. 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.”

Education Codes 48900.2 and 48000.3

Education Code 48900.2, Sexual Harassment, and Education Code 48900.3, Acts of Hate Violence, state: “Harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile education environment is prohibited.”

Persons wishing to anonymously report bullying may do so by calling 1-800-924-7233, or sending an email to Director of Administrative Services, Dr. Jennifer Williams, at

jwilliams@fjuhsd.net. Persons may also complete the form provided in the Uniform Complaint Procedure, AR 1312.1(g) and (h) located on the District's Web site at www.fjuhsd.net and leave the form with the site Principal's secretary or mail the form directly to Dr. Williams at 1051 W. Bastanchury Road, Fullerton, CA 92835. Although anonymous complaints will be investigated, anonymous complaints will not receive the written report to which they would otherwise be entitled under the Uniform Complaint Procedure.

Hazing

Under no circumstances will hazing in any form be permitted. Any student who engages in hazing on school premises or off campus but within a school/District sponsored activity [Education Code 48900(s)] in any manner shall be subject to discipline in accordance with District Policies and Administrative Regulations 5700.1 and 5642.

FJUHSD Administrative Regulation 5700.1 and 5642

Hazing includes any method of initiation or pre-initiation into any student organization or any pastime or amusement engaged in with respect to such organization or body which causes or is likely to cause bodily danger, bodily injury, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any former, current, or prospective student or other person attending any school. For the purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events. Also prohibited is any conspiracy to engage in hazing or any act likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm.

Education Code 48900 Section (q)

A pupil shall not be suspended from school or recommended for expulsion, unless the Superintendent or the Principal of the school in which the pupil is enrolled determines that the pupil has committed an act as defined pursuant to any of subdivisions (a) to (r), inclusive:

(q) Engaged in, or attempted to engage in, hazing. For purposes of this subdivision, "hazing" means a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. For purposes of this subdivision, "hazing" does not include athletic events or school-sanctioned events.

California Penal Code 245.6

(a) It shall be unlawful to engage in hazing, as defined in this section.

(b) "Hazing" means any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.

(c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand

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dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both.

(d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

For the purposes of this document, hazing will be defined as follows:

“Hazing” means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:

- (a) any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- (b) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity;
- (c) any coerced activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance;
- (d) any activity that intimidates or threatens the student with ostracism, that subjects the student to mental stress, shame, or humiliation, which may adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and
- (e) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Personal Hazing Offense:

A person commits an offense if the person:

- (1) engages in hazing;
- (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
- (3) recklessly permits hazing to occur; or
- (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the Assistant Principal of Student Affairs or other appropriate official of the institution.

Consent is not a defense. It matters not that the person against whom the hazing was directed consented or acquiesced in the hazing activity.

Free Speech Protection

This policy shall not be construed to limit pupil rights to free speech as protected by the United States Constitution, the California Constitution, Education Code Sections 48907 and 48950, and other applicable law.

Duties and Responsibilities of School Employees

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so. (Education Code §234.1(b)(1).)

Reporting and Investigating Complaints; Complaint Officer

Any employee who has knowledge of discrimination, harassment, intimidation or bullying shall inform the site administrator of the concern as soon as possible. The site administrator shall notify the District's Nondiscrimination Officer within 24 hours. Students who have knowledge of discrimination, harassment, intimidation, or bullying are encouraged to inform a teacher or school administrator as soon as possible. Students and parents may make such complaints anonymously by calling the Nondiscrimination Officer at the number below. Anonymous reports must provide sufficient corroborating evidence to justify the commencement of an investigation. Because of the inability of investigators to interview anonymous complainants, it may be more difficult to evaluate the allegations and, therefore, less likely to cause an investigation to be initiated.

Formal complaints regarding violations of this policy shall be made pursuant to the District's Uniform Complaint Procedure, Board Policy/Administrative Regulation 1312.

The District's Nondiscrimination Officer is: Jennifer Williams, Ed.D.

Director, Administrative Services

1051 W. Bastanchury Road, Fullerton, CA 92833

714/870-2803

jwilliams@fjuhsd.net

The Nondiscrimination Officer is responsible for ensuring the District's compliance with nondiscrimination laws impacting California public school districts. The Nondiscrimination Officer shall notify the parents of the reported victim and the alleged perpetrator of the complaint and, if appropriate, law enforcement officials. The Nondiscrimination Officer may refer the victim, perpetrator, and others to counseling and mental and other health services, as appropriate. The Nondiscrimination Officer shall maintain documentation of complaints and their resolution for a minimum of one CPM review cycle. (Education Code § 234.1(e).)

Confidentiality

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The identity of a complainant alleging discrimination, harassment, intimidation, or bullying shall remain confidential as appropriate within the dual contexts of the District's legal obligation to ensure a learning environment free from discrimination, harassment, intimidation, and bullying, and the right of the accused to be informed of the allegations. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible.

Disciplinary Consequences

Students who violate this policy may be subject to discipline, including suspension and expulsion pursuant to the District's discipline policies and procedures, Board Policy/Administrative Regulation 5710, 5710.1, and 5710.2.

Notifications

The District shall publicize this policy, including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board and the general public. The information shall be translated pursuant to Education Code section 48985. This policy shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms. (Education Code § 234.1(c) and (d).)

Anti-Bullying Education; Training for Educators

The District has an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity. The District shall undertake educational activities to prevent bullying and counter discriminatory incidents that impact the school environment and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of pupils to equal educational opportunity. (Educ. Code § 201(g).)

As part of its Educational Technology plan and Acceptable/Responsible Use Policy, the District educates pupils about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response. (Board Policy/Administrative Regulation 6163) The District also educates pupils and teachers on the appropriate and ethical use of information technology in the classroom and Internet safety.

Interdistrict Transfers

A pupil who has been determined by personnel of either the District of residence or the District of proposed enrollment to have been the victim of an act of bullying committed by a pupil of the district of residence shall, at the request of the person having legal custody of the pupil, be given priority for interdistrict attendance under any existing interdistrict attendance agreement or, in

the absence of an agreement, be given additional consideration for the creation of an interdistrict attendance agreement. (Educ. Code § 46600(b).)

Reference: Education Code Sections 200; 201(g); 234.1(a); 234.1(b)(1);
234.1(c); 234.1(d); 234.1(e); 46600(b); 48900.2; 48900.3; 48900.4;
48900(r); 48907; and 48950

Regulation approved: May 22, 2012; April 16, 2013

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Uniform Complaint Procedure
Discrimination/Harassment Complaint Reporting Form

In accordance with the Districts Uniform Complaint Procedures (5 CCR 4620), each school district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination against any protected group. Protected groups put forth under title IX and in California are enumerated by Education Code Sections 200 and 220, Government Code Section 11135, and include actual or perceived sex, sexual orientation, gender, ethnicity, race, ancestry, national origin, religion, color, mental or physical disability, and age, as well as association with member of a protected class. Additionally, it is the policy of the State of California, pursuant to Section 200, that all persons should enjoy freedom from discrimination and/or harassment of any kind in the education institutions of the State. This also includes sexual harassment, which is a form of sexual discrimination. (EC 231.5).

I. Contact Information

Name: _____
Address _____
City: _____ Zip: _____
Home Phone: _____ Work/Cell Phone: _____

II. Complainant

You are filing this complaint on behalf of:

yourself your child or a (student) another student a group

III. School Information

School Name: _____
Principal's Name: _____
Address: _____
City/State/Zip: _____

IV. Basis of Discrimination or Harassment:

Please check the following box(s), based on the type(s) of harassment you experienced, including *actual* or *perceived* (Education Code Sections 200 and 220, Government Code Section 11135):

- Sexual orientation
- Gender
- Ethnicity
- Race
- National origin
- Religion
- Color
- Ancestry
- Mental or physical disability
- Age
- Association with any of these categories
- Sexual Harassment
- Sex (Title IX)

*According to state law, "Gender means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. CA Education Code Section 210.7 and CA Penal Code Section 422.56(c).

V. Details of Complaint

Please answer the following questions to the best of your ability. Attach additional sheets of paper if you need more space.

Please **describe** the type of harassment or discrimination that you experienced, including the events or action, in as much detail as possible:

List the **people** involved in harassing or discriminating against you:

List any **witnesses** of the incident:

Describe the **location where** the harassment/discrimination occurred:

Please list **all the date(s) and times** when the harassment/discrimination occurred or when the alleged harassment/discrimination first came to your attention:

What steps, if any, have you taken to resolve this issue before filing a complaint?

Signature of person filing complaint	Date
Received by:	Date Filed:
Title:	