

Mabank High School

Freedom From Bullying Policy

Note: This policy addresses bullying of students. Before proceeding under this policy, review FFH to first determine whether that policy applies. For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

BULLYING PROHIBITED

The District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process set out in this policy is a violation of District policy.

DEFINITION

Bullying means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements by state law.

- Results in harm to the student or the student's property,
- Places a student in reasonable fear of physical harm or of damage to the student's property, or
- Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment.
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school, or
- Infringes on the rights of the victim at school and includes cyber bullying

This conduct is considered bullying if it exploits an imbalance of power between the student perpetrator(s) and the student victim and if it interferes with a student's education or substantially disrupts the operation of the school.

RETALIATION

The District prohibits retaliation by a student or District employee against any person who, in good faith, makes a report of bullying, serves as a witness, or otherwise participates in an investigation under this policy.

FALSE CLAIM

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying under this policy is subject to appropriate discipline.

TIMELY REPORTING

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the District's ability to investigate.

REPORTING PROCEDURES

STUDENT REPORT

To obtain intervention and assistance, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, counselor, principal, or other District professional employee.

EMPLOYEE REPORT

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall promptly notify the principal or designee.

REPORT FORMAT

A report may be made orally or in writing. If a report is made orally, the principal or designee shall prepare a written report from the oral information.

INVESTIGATION OF REPORT

The principal or designee shall determine whether the allegations, if proven, would constitute prohibited conduct under FFH(LOCAL), Freedom from Discrimination, Harassment, and Retaliation. If so, the matter shall be referred to the appropriate District official, as set out in FFH(LOCAL), for processing in accordance with that policy. If not, the principal or designee shall conduct an investigation based on the allegations of bullying. If appropriate, the principal shall promptly take interim action calculated to prevent bullying during the course of the investigation.

If the District official determines that the alleged conduct, if proven, would not be a violation of this policy or of policy FFH, the District official shall so notify the complainant/reporter in writing and dismiss the complaint.

CONCLUDING THE INVESTIGATION

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall include a determination of whether bullying occurred. If the alleged victim is facing possible disciplinary action based on a physical interaction or altercation with the alleged perpetrator, the report shall include a determination whether the victim used reasonable self-defense. A copy of the report will be filed with the Superintendent or other appropriate administrator. The principal shall also communicate a summary of the report and its conclusions to the complainant.

NOTICE TO PARENTS

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of both the victim and the perpetrator.

DISTRICT ACTION

BULLYING

In no circumstance shall the District be required to inform the complainant of the specific disciplinary or corrective action taken.

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the Student Code of Conduct and may take corrective action reasonably calculated to address the conduct.

STUDENTS WITH DISABILITIES

Before a student with disabilities is disciplined for engaging in bullying, the District shall comply with state and federal requirements related to discipline of students with disabilities.

COUNSELING

If the results of the investigation indicate bullying occurred, the principal or designee shall inform the

victim, the perpetrator, and any witnesses of District counseling options available to them.

TRANSFERS

If the results of the investigation indicate bullying occurred, policy FDB will apply to any transfer request.

IMPROPER CONDUCT

If the investigation reveals improper conduct that was not “bullying,” the District may nonetheless take appropriate disciplinary action consistent with the Student Code of Conduct or other corrective action to address the conduct.

CONFIDENTIALITY

To the extent possible, the District shall endeavor to protect the privacy of the complainant, persons against whom the complaint is brought, and witnesses. However, limited disclosures may be necessary in order to conduct a thorough investigation.

APPEAL

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

RECORDS RETENTION

The District shall retain records of the complaint and investigation in accordance with CPC(LOCAL).

ACCESS TO POLICY AND PROCEDURES

Information regarding this policy and any related procedures shall be included annually in the employee and student handbooks. The policy and procedures shall be posted on the District’s Web site; a copy may also be obtained at each campus and the District’s administrative offices.