

BOARD POLICY

Bullying and Cyberbullying

A. General Provisions

The Garden Grove Unified School District is committed to a safe school environment free from bullying, cyberbullying, discrimination, harassment, and intimidation consistent with state and federal law. Such prohibited conduct can best be combatted and prevented with effective strategies that involve pupils, parents, and school employees in collaborative efforts to teach tolerance and ensure equal educational opportunities for all.

B. 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 district superintendent.

C. Definition

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 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.

Examples of bullying/cyberbullying include but are not limited to:

- 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);
- Retaliating against someone for complaining that they have been bullied.

“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, or a communication (EC 48900 2A). Impersonating a person through electronic means for purposes of harming, intimidating, threatening, bullying, or defrauding a person is a violation of Penal Code 528.5-529.

“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.

D. Prohibition Against Bullying and Cyberbullying

The district prohibits bullying and cyberbullying as defined in this policy. This includes, but is not limited to, discrimination, harassment, intimidation, and bullying/cyberbullying based on the actual or perceived disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, sex, color, status of ancestry, immigration status, or association with a group or groups with one or more of the aforementioned characteristics, or any characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code. Discrimination is also prohibited based on a person's association with a person or group with one or more of these actual or perceived characteristics.

E. Duties and Responsibilities of School Employees

If school personnel witness an act of discrimination, harassment, intimidation, or bullying/cyberbullying, he or she shall take immediate steps to intervene when safe to do so.

F. Reporting and Investigating Complaints, Complaint Officer

The district has designated the following position as coordinator for non-discrimination of students (“coordinator”) pursuant to this policy to receive and investigate complaints regarding discrimination, harassment, intimidation, or bullying/cyberbullying:

Assistant Superintendent of K-12 Educational Services
10331 Stanford Avenue
Garden Grove, CA 92840
(714) 663-6143

1. Any employee who has knowledge of bullying/cyberbullying, intimidation, harassment, or discrimination shall inform the school principal of the concern as soon as possible. The school principal shall notify the district coordinator within 24 hours. Students who have knowledge of bullying, intimidation, harassment, or discrimination are encouraged to inform a teacher or school administrator as soon as possible.
2. Notification of the complaint shall be made to the parents of the reported victim, the parents of the alleged perpetrator, and, if appropriate, to law enforcement officials. The victim, perpetrator, and others may be referred to counseling or other social services, as appropriate.
3. Students and parents may make such complaints anonymously by calling the district coordinator at the number above. Anonymous reports must provide sufficient corroborating evidence to justify the commencement of an investigation. Because of the inability to interview anonymous complainants, it may be more difficult to evaluate the allegations and, therefore, less likely to cause an investigation to be initiated.
4. Formal complaints subject to this policy shall be received and investigated pursuant to Administrative Regulation 3119.1 – Uniform Complaint Procedures. The procedures shall be followed by all district schools.

5. The district coordinator shall maintain documentation of complaints filed under this policy and their resolution for a minimum of one California Department of Education Federal Program Monitoring review cycle.
6. The district prohibits retaliation against any individual who complains, testifies, assists, or in any way participates in the district's complaint procedures instituted pursuant to this policy.

G. 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.

H. Confidentiality

The identity of a complainant alleging bullying/cyberbullying, intimidation, harassment, or discrimination 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/cyberbullying 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.

I. Disciplinary Consequences

Students who violate this policy may be subject to discipline, including suspension, transfer, and/or expulsion, pursuant to the district's discipline policies, administrative regulations, and procedures.

J. 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.

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Ref: EC Sections 201(g), 220, 234.1, 46600(b), 48900(r), 48907, 48950, 48985
Penal Code Section 422.55

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