

All StudentsStudent ProtectionUnlawful Harassment/Bullying of StudentsA. Introduction

The District is committed to providing an educational environment free of unlawful harassment. The District maintains a strict policy prohibiting harassment of students because of sex, race, color, national origin, ethnicity, religion, age, physical or mental disability, blindness or severely impaired vision, actual or perceived sexual orientation or gender identity, or any other basis protected by federal, state or local law, ordinance or regulation. All such harassment is unlawful. Irrespective of law, the District believes that all such harassment is offensive. The District's anti-harassment policy applies to all persons involved in the District's educational environment and prohibits unlawful harassment by any District student or any employee of the District, including administrators, supervisors, certificated employees, and classified employees. Unlawful harassment in any form, including verbal, physical and visual conduct, threats, demands and retaliation, is prohibited. Violation of this policy by any employee may result in discipline, which may include discharge, depending on the seriousness of the violation. Violation of this policy by another student may result in discipline, which may include suspension or expulsion, depending on the nature and seriousness of the violation. (See Education Code 48900 and 48900.2.)

B. Unlawful Harassment

Unlawful harassment because of sex, race, ancestry, physical or mental disability, age or any other protected basis includes, but is not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitation or comments.
2. Visual conducts such as derogatory posters, photography, cartoons, drawings or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with academic performance or progress directed at a student because of sex or race or any other protected basis;
4. Threats and demands to submit to sexual requests in order to received a good grade or other benefit or avoid some other loss, and offers of good grades or other benefit in return for sexual favors; and/or
5. Retaliation for having reported or threatened to report harassment.

C. Unlawful Sexual Harassment

Sexual harassment is defined in the Education Code as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's academic status, or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual.

3. The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

5145.5 (b)

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Students may have a claim of harassment even if they have not lost an economic benefit. The law prohibits any form of protected-basis harassment which impairs the educational environment or their emotional well-being at school.

#### D. Complaint Procedure for all Unlawful Harassment

If a student thinks they are being harassed because of their sex, race, ancestry or other protected basis, they should use the procedure outlined in this policy to file a complaint and have it investigated.

Students have a right to redress for unlawful harassment. In order to secure this right, provide a complaint, preferably but not necessarily in writing, to the principal of the school, or the Director of Student Services, as soon as possible but at least within six months of the date the alleged harassment occurred or within six months of the date of the student first obtained knowledge regarding the alleged harassment. Students' complaints should include the details of the incident or incidents, the name of the individuals involved and the names of any witnesses. The District will immediately undertake an effective, thorough and objective investigation of the harassment allegations. The investigation will be conducted in a manner that protects the confidentiality of the parties and the facts. This investigation will be completed and a determination regarding the alleged harassment will be made and communicated to the student within sixty days after the District received the complaint.

If the District determines that unlawful harassment has occurred, it will take effective remedial action commensurate with the severity of the offense. Appropriate action will also be taken to deter any future harassment. The District will take appropriate action to remedy any loss to the victim resulting from harassment. The District will not retaliate against the student for filing a complaint and will not knowingly permit retaliation by any District employee or another student.

The District encourages all students to report any incidents of harassment forbidden by this policy immediately so that complaints can be resolved quickly and fairly. A complaint may be filed directly with the State Superintendent of Public Instruction in a variety of circumstances. More information on this complaint process may be obtained from the Director of Student Services, 1574 E. Canal Drive, Turlock, CA 95380 (209) 667-0887, or the Superintendent, 1574 E. Canal Drive, Turlock, CA 95380 (209) 667-0632.

Students should be aware that the U.S. Office of Civil Rights also investigates complaints of harassment on the basis of sex, race, color, national origin, blindness, or severely impaired vision or other protected basis on educational programs that receive federal financial assistance. If any

student thinks they have been harassed or retaliated against for resisting or complaining about harassment, the student may file a complaint with the Office. Information on beginning this complaint process may be obtained from the Director of Student Services, 1574 E. Canal Drive, Turlock, CA 95380 (209) 667-0887.

E. Definition of bullying. Bullying occurs when a student (or group of students) repeatedly and intentionally does things to hurt, humiliate or exclude another student. The main ways in which bullying happens are:

- **Physical bullying**, when a student uses physical force to hurt another student by hitting, punching, pushing, shoving, kicking, spitting, pinching, getting in their way or holding them down. It is also bullying to interfere with another student's belongings, to take or break their possessions, and to demand or steal money.

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- **Emotional bullying**, threatening, taunting, intimidating, insulting, sarcasm, name-calling, teasing, put-downs, ridiculing, making faces, or staring in a threatening/challenging manner.
- **Relational bullying**, hurting another student's friendships and relationships or excluding them from their peer group by spreading rumors and/or gossip or using other means to achieve the same purpose.
- **Cyber bullying**, when students use cell-phones, text messaging, e-mails, instant messaging, web blogs and postings to bully another student in any of the ways described above. Examples of cyber bullying are sending threatening or insulting messages by phone and e-mail, and spreading destructive rumors.

F. Responsibility towards bullying. Bullying is part of a continuum of violence and may, at times, amount to harassment. Whether or not bullying amounts to harassment, the Turlock Unified School District will not accept student bullying related to a school activity or attendance. The District is committed to promoting Bully-Free schools in which students are advocates for the well-being of each other. All members of the school community share responsibility in creating Bully-Free schools.

1. Parents should support the District's Bully-Free policy by preventing their children from bullying when off-campus, and encouraging their children to be respectful and advocates for other students when on the school campus.
2. Teachers should intervene with reasonable promptness or seek assistance when they are aware that a student is being harassed or bullied.
3. Students should be an ally to any student that is being harassed or bullied. They should intervene if they are able or immediately seek assistance from an adult at their school if they cannot intervene.
4. Students who are bullied by other students should ask them to stop. If the bullying continues, the student should tell an adult at their school.
5. The District prohibits retaliatory behavior against any student who reports bullying. The fact that a student has reported bullying to the school will not affect their grades or position in the school in any way.
6. TUSD schools have a range of social interventions that they may use in their discretion to help the targets of bullying gain acceptance and respect from their peers. This includes bringing together a Solution Team of students on campus to find a solution to a student's bullying.

G. Bully-Free at TUSD Guidelines. Each school will at their discretion develop and publish at their school site guidelines for addressing bullying.