

HOUSTON GATEWAY ACADEMY, INC.

Anti-Bullying Manual

2016-2017



INTRODUCTION

The purpose of this manual is to provide students, parents and employees with the current Anti-Bullying policies and procedures, which were developed in compliance with federal case law, guidance from the U.S. Department of Education's Office for Civil Rights, and the definition of bullying contained in section §25.0342 of the Texas Education Code.

Houston Gateway Academy, Inc. (HGA) is committed to protecting its students and employees from bullying, harassment, or discrimination for any reason and of any type. The School Board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, discrimination, or harassment, will not be tolerated and shall be just cause for disciplinary action. The HGA School Board has adopted policies and administrative procedures that:

- (1) prohibit bullying;
- (2) prohibit retaliation against any person, witness, or another person who in good faith provides information regarding bullying;
- (3) establish a procedure for providing notice of an incident of bullying to a parent or guardian within a reasonable period;
- (4) establish the actions a student should take to obtain assistance and intervention in response to bullying;
- (5) set out available counseling options for a student who is a victim of, is a witness to, or engages in bullying;
- (6) establish reporting and investigation procedures;
- (7) prohibit school officials from disciplining a student who is the victim of bullying, for the student's use of reasonable self-defense in response to bullying; and
- (8) require that the discipline of a student with disabilities for bullying complies with federal law, including the Individuals with Disabilities Education Act (IDEA).

To effectively address bullying and cyber-bullying, parents and students must be partners with district administrators. Only by working together will we be able to reduce the incidents of bullying in our schools.

WHAT IS BULLYING?

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the District and that:

- (1) has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
- (2) is sufficiently severe, persistent and pervasive enough that the action or threat creates an intimidating, threatening or abusive educational environment for a student.

This conduct is considered bullying if it:

- (1) exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct; and
- (2) interferes with a student's education or substantially disrupts the operation of a school.

Examples of Bullying:

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism.

WHAT IS CYBER-BULLYING?

Cyber-bullying involves the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to harm others. "Cyber-bullying" is when a child, preteen or teen is tormented, threatened, harassed, humiliated, embarrassed or otherwise targeted by another child, preteen or teen using the Internet, interactive and digital technologies or mobile phones. It has to have a minor on both sides, or at least have been instigated by a minor against another minor. Once adults become involved, it is plain and simple cyber-harassment or cyber-stalking. Adult cyber-harassment or cyber-stalking is never called cyber-bullying.

BULLYING PROHIBITED

The District prohibits bullying as defined by this policy.

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 participates in an investigation.

Examples of Retaliation:

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

FALSE CLAIM

A student who intentionally makes a false claim, offers false statements, or refuses to

cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

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 immediately report may impair the District's ability to investigate and address the prohibited conduct.

REPORTING OF SUSPECTED BULLYING

Student Report:

To obtain assistance and intervention, 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, District employee or complete the on-line Anonymous Bullying Report.

Employee Report:

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

REPORT FORMAT

A report may be made orally, electronically or in writing. The principal or designee shall reduce any oral reports to electronic or written form.

Reports of bullying may also be directed to:

Houston Gateway Academy Administration Building

7310 Bowie St.

Houston, TX 77012

PROHIBITED CONDUCT

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

INVESTIGATION OF REPORT

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

CONCLUDING THE INVESTIGATION

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

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim

used reasonable self-defense. A copy of the report shall be sent to the assistant superintendent of administration and student services.

NOTICE TO PARENTS

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

DISTRICT ACTION

Bullying:

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

Discipline:

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

CORRECTIVE ACTION

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

TRANSFERS

Students who are Victims of Bullying

On the request of a parent or other person with authority to act on behalf of a student who is a victim of bullying, the Board or its designee shall transfer the victim to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred.

Students who Engage in Bullying

The Board or designee may transfer the student who engaged in bullying to:

1. Another classroom at the campus to which the victim was assigned at the time the bullying occurred; or
2. A campus in the District other than the campus to which the victim was assigned at the time the bullying occurred, in consultation with a parent or other person with authority to act on behalf of the student who engaged in bullying.

COUNSELING

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

IMPROPER CONDUCT

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

CONFIDENTIALITY

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

ACCESS TO POLICY AND PROCEDURES

Copies of the policy and procedures shall be posted on the District's Web site, to the extent practicable, and shall be readily available at each campus and the District's administrative off