

Administrative Procedure A: Bullying, Harassment, and Discrimination - Students
(Attachment for Policies 103, 248, and 249)**Purpose**

The Board of Education (“Board”) is committed to maintaining schools with inclusive climates that support the social, emotional, and mental health and well-being of all students. The purpose of these procedures is to maintain an educational environment in which bullying, discrimination, harassment or retaliation in any form is not tolerated and to establish procedures for handling complaints of bullying, discrimination, harassment, and retaliation.

The Board prohibits bullying, as well as discrimination, harassment based on a student’s protected class¹, or retaliation. Students, parents, and community members are strongly encouraged to report such incidents using the [Online Bullying Harassment and Discrimination Reporting Page](#)². As further explained below, all staff are required to report acts of bullying, discrimination, harassment or retaliation whether those acts are witnessed by staff or reported to them by others.

This procedure applies to all allegations of bullying, discrimination, harassment and retaliation. However, the District follows [Administrative Procedures B](#) when investigating allegations that meet the specific definition of sexual harassment under Title IX of the Civil Rights Act.

Definitions

For the purposes of these procedures, terms are defined as follows:

Bullying: An intentional electronic, written, verbal, nonverbal, or physical act or series of acts directed at a student or students, which occurs in a school setting, as well as off-campus conduct, including online or social media conduct, that has a continuing effect on the campus, and which is severe, persistent, or pervasive and has the effect of doing any of the following:

1. Substantially interfering with a student’s education;
2. Creating a threatening school environment; or
3. Substantially disrupting the orderly operation of the school.

Bullying can take many forms and can include a variety of behaviors. As defined in this policy, bullying refers to direct or indirect action, which may include but is not limited to:

1. Physical – hitting, kicking, pushing, shoving, getting another person to hurt someone;
2. Verbal – racial slurs, name-calling, teasing, taunting, harassment, gossiping;
3. Nonverbal – threatening, obscene gestures, isolation, exclusion, stalking;

¹ As defined below, protected classifications include race, color, ethnicity, age, religion, sex, sexual orientation (known or perceived), gender identity or expression (known or perceived), shared ancestry and ethnic characteristics, national origin, marital status, pregnancy, English language proficiency, veteran status, and disability

² The reporting page is Online Bullying Harassment and Discrimination Reporting Page <https://www.philasd.org/studentrights/>

4. Psychological or Relational - involves spreading malicious rumors, and engaging in social isolations or intimidation; and
5. Cyberbullying – any form of bullying that occurs by the use of electronic communication devices or through means of social networking, email, instant messaging, text messaging, tweets, blogs, photo and video sharing, chat rooms, dash boards, websites or apps including personal profile websites or apps, such as Snapchat, Instagram, and Facebook.

It is the intent of this policy that the term bullying include, but not be limited to, incidents that are reasonably perceived as being motivated either by any actual or perceived protected class.

Bullying designee: A school-based staff person who is designated to receive reports of incidents of alleged bullying, harassment, or discrimination; conducts investigations; and determines whether an allegation is substantiated.

Complainant: Any individual who is alleged to be the victim of bullying, harassment, discrimination, or retaliation by a District student or employee.

Discrimination: To treat individuals differently or to harass or victimize based on a real or perceived protected classification. A single incident of discrimination may implicate more than one protected class.

Electronic communication: A communication transmitted by means of an electronic or communication device, including, but not limited to, a telephone, cellular phone, or computing device.

Harassment: Verbal, nonverbal, written, graphic, virtual or physical conduct relating to an individual's known or perceived protected classification.

Harassment includes unwelcome conduct such as graphic, written, electronic, verbal, or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation, sexual harassment that does not meet the specific definition within Title IX, or other conduct that may be harmful or humiliating or interfere with a person's school or school-related performance when:

1. Such conduct is subjectively and objectively offensive; and
2. So severe or pervasive that it limits or denies a person's ability to participate in or benefit from the services, activities, or opportunities offered by a school.

Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. A single incident of harassment may implicate more than one protected class. For example, a student may be targeted because of their race and sexual orientation.

Protected Classification: Classifications which are defined under federal, state or local law as being protected. These classes include race, color, ethnicity, age, religion, sex, sexual orientation

(known or perceived), gender identity or expression (known or perceived), shared ancestry and ethnic characteristics, national origin, marital status, pregnancy, English language proficiency, veteran status, and disability.

Respondent: Any District student or employee who is reported to be the perpetrator of conduct that could constitute bullying, harassment, discrimination or retaliation.

School setting: In the school; on school grounds; in school vehicles; at a designated bus stop; or at any activity sponsored, supervised, or sanctioned by the school. However, this procedure also applies to any conduct which occurs outside the school setting, including online or social media conduct, but which has a continuing effect on campus.

Supportive measures: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal Grievance Process.

Title IX sexual harassment: The District's definition of Title IX harassment and related information can be found in [Administrative Procedures B](#).

Title IX sexual harassment complaints are investigated in accordance with [Administrative Procedure B: Title IX Sexual Harassment](#).

Procedures

The District will follow the procedures below regardless of whether the alleged bullying, harassment, or discrimination also is being investigated by another agency, including law enforcement, unless particular procedural steps would directly impede a criminal investigation. To the extent allowed by law and regulation, the District will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the complainant(s) and the school community and the avoidance of retaliation.

Responsibilities of the Compliance Officer:

The Compliance Officer will fulfill designated responsibilities, confirm adequate nondiscrimination procedures are in place, and recommend new procedures or modifications to procedures, as well as the following:

1. Publish and disseminate this policy and related procedures and notice of nondiscrimination at least twice annually to students, parents/guardians, and employees. The publication shall include the name, position, office address, telephone number, and email address of the Compliance Officer.

2. Ensure that the [Online Bullying Harassment and Discrimination Reporting Page](#) is available in multiple languages.
3. Receive reports or complaints from District employees, students, families, and third parties.
4. Coordinate the provision of training for students and staff to identify and alleviate problems of bullying, discrimination and harassment.
5. Track and monitor the completion of all complaints involving students, investigation materials, and resolutions from harassment and discrimination complaints District-wide and by school.
6. Monitor and provide technical assistance to individuals involved in managing complaints.
7. Make ad hoc reports (as necessary or appropriate) and annual reports to the Board on harassment complaints and resolutions.
8. Maintain and provide information to staff on resources available to complainants in addition to the complaint procedure.

Responsibilities of School Leaders:

All schools shall implement processes to prevent and mitigate acts of bullying, including:

1. Posting this policy in every classroom and in a prominent location within each school building;[1]
2. Providing professional development on the prevention, identification, reporting, investigation, and resolution of allegations of bullying and cyberbullying;
3. Informing students and parents/guardians about this policy and administrative procedures, including the availability and use of the online reporting process, during orientation/open house sessions within the first month of school, and through appropriate school communication (i.e., school website, email, parent/student handbook, posters, flyers); [1]
4. Informing students and parents/guardians that bullying and cyberbullying will not be tolerated and providing student training on the definitions of bullying and cyberbullying, examples of bullying/cyberbullying, the reporting process, and consequences of participating in bullying/cyberbullying towards students and staff;
5. Conducting developmentally appropriate prevention activities such as:
 - a. Holding frequent classroom meetings or town hall meetings with students to discuss safety concerns;
 - b. Establishing, teaching, and reinforcing rules against bullying/cyberbullying;
 - c. Incorporating social and emotional learning into the curriculum whenever possible;
 - d. Conducting classroom lessons on relevant topics such as inclusion, sensitivity, empathy, diversity, communication, problem solving, and tolerance;
 - e. Including bullying/cyberbullying on every agenda for building committee/leadership team, grade group, and/or school-based staff meetings;
 - f. Celebrating the annual national bullying awareness month (October); and
 - g. Conducting student and/or parent focus groups or administering school-wide surveys to assess the nature and prevalence of bullying at the school, and identify bullying hot spots in and around the building

Responsibilities of All District Personnel:

Any person, whether the alleged Complainant or not, may submit a complaint alleging bullying, harassment, or discrimination by any means that results in the Director, Compliance Monitoring receiving the person's verbal or written complaint including:

1. Completing the online [Bullying, Harassment/Discrimination Reporting form](#);³
2. Calling the Bullying/Harassment hotline at 215-400-SAFE;
3. Submitting a complaint via [Safe2Say](#);⁴
4. Emailing the Director, Compliance Monitoring directly at antiharassment@philasd.org;
or
5. Reporting the incident to the building principal or designee, or to any other member of the school staff, including teachers, guidance counselors, bilingual counseling assistants (BCAs), coaches, and administrators.

A report may be made at any time, including during non-business hours. Any employee receiving a report alleging discrimination or harassment must 1) notify the student or parent/guardian of their right to file a formal complaint using the above methods and 2) offer to provide them with a copy of these procedures. Complaints **must** be treated the same, regardless of whether they are made verbally or in writing.

In addition, any school employee who receives a complaint or witnesses, suspects, or is notified that a student may have been subject to conduct that constitutes a violation of [Policy 103](#) - Nondiscrimination in School and Classroom Practices; [Policy 248](#) - Harassment of Students; or [Policy 249](#) - Bullying/Cyberbullying or other applicable Board policy related to discrimination must themselves immediately complete the [online Bullying, Harassment, and Discrimination Reporting form](#); report the incident to the building principal or bullying designee; and promptly make any mandatory police or child protective services reports required by law. Any District employee accepting the complaint shall handle the report objectively, neutrally, and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of violation of applicable Board policy.

If the building principal is the subject of a complaint, the student, parent/guardian, third party, or employee shall report the incident directly to the Director, Compliance Monitoring.

The building principal or designee shall be responsible to complete the following duties:

1. Notify the parent or guardian of the Complainant and Respondent of the complaint
2. Take interim action, as necessary and permissible by law, to address prohibited conduct prior to the completion of the investigation.

³ The online Bullying, Harassment, and Discrimination Reporting Form is available at <https://www.philasd.org/studentrights/>

⁴ The Safe2Say complaint form is available at safe2saypa.org

Parents/Guardians have the right to act on behalf of their student who is a Complainant, Respondent, or witness at any time.

NOTE: It is critical that school employees who witness behavior that may constitute bullying, harassment, or discrimination or who receive a complaint determine whether immediate steps must be taken to avoid the immediate risk of further harm, such as keeping students separated, getting medical/behavioral health aid for anyone harmed, etc.

Assessment

All reports of bullying, harassment, discrimination, or retaliation shall be reviewed by the Director, Compliance Monitoring, who shall conduct an assessment to determine whether the reported conduct falls within the scope of [Policy 103](#) - Nondiscrimination in School and Classroom Practices, [Policy 248](#) - Harassment of Students, [Policy 249](#) - Bullying/Cyberbullying, another Board policy, or the [Code of Conduct](#)⁵ and shall determine whether to assign the complaint to the school's bullying designee or to the appropriate individual in the central office to investigate the allegations and offer supportive measures.⁶

If the assigned investigator has a personal relationship with any person substantially involved in the conduct that is the subject of the investigation or believes their role as investigator may constitute a conflict of interest they shall immediately notify the Director, Compliance Monitoring who will reassign the investigation if they determine that a conflict may exist.

If the reported conduct, as alleged, would be sufficient to meet the definition of Title IX sexual harassment the Director, Compliance Monitoring shall address the complaint through [Administrative Procedure B: Title IX Sexual Harassment](#).

The assigned investigator shall take immediate and appropriate action to conduct an investigation which shall be completed within seven (7) school days from the reporting of the complaint. Extenuating circumstances for an extension must be approved by the Director, Compliance Monitoring. If any extension is granted, it must be a specified period of time not exceeding fourteen (14) school days unless approved by the Director, Compliance Monitoring, and must be communicated to the Complainant and Respondent.

The Complainant shall not be required to meet face-to-face with the Respondent. The obligation to conduct an investigation shall not be negated by the fact that the Complainant cannot identify the Respondent. The limited English proficiency of a Complainant, witness, or the Respondent is not an acceptable reason for failure to secure a statement from them⁷.

⁵ The Code of Conduct (attachment to Policy 218) is available at <https://www.philasd.org/schoolboard/policies/>

⁶ Examples of relevant Board policies include, but are not limited to, policies 102, 103, 103.1, 104, 113.1, 218, 234, 247, 248, 249, 252, 348, and 906.

⁷ Information about translation and interpretation services can be found at <https://www.philasd.org/face/contact-us/interpretation-translation-services/>

To determine whether the alleged bullying, harassment, or discrimination occurred the investigator shall:

1. Conduct individual interviews with the Complainant, the Respondent, and others with knowledge relative to the incident.
2. Consult with the Office of Employee and Labor Relations, when necessary, to confirm compliance with any applicable contractual obligations related to the investigation of allegations against staff members.
3. Evaluate any other information and materials relevant to the investigation including a review of any records, notes, statements, or other documents related to the complaint.
4. Document, in writing, interviews with individuals who have knowledge of the complaint, including but not limited to, the Complainant, Respondent, witnesses, and anyone mentioned as having information regarding the subject matter of the complaint;
5. Attempt to secure statements and other evidence from all participants in, and witnesses to, the incident(s).
6. Offer interpretation and/or translation services when a student or parent/guardian with limited English proficiency is a party or witness to a complaint.
7. Follow all District guidelines and training to conduct a thorough and unbiased investigation.

Based upon their investigation, the investigator shall determine whether the alleged conduct is found to be a violation of a Board policy or policies or [Code of Conduct](#) and notify the parents of both the Complainant and Respondent as set forth below under Parental Notification. If the investigator is a central office investigator they or the Director, Compliance Monitoring also shall notify the principal and bullying designee regarding the outcome.

The investigator shall document the investigation in *HIBster*, including a determination of whether the complaint has been substantiated as factual and whether the alleged conduct is founded or unfounded, based on a preponderance of the evidence. If the investigator does not have access to *HIBster*, the investigator shall coordinate with the Director, Compliance Monitoring who will enter the information into *HIBster*.

Notification of Outcome

IEP Team/Section 504 Team Notification

If a complaint is substantiated and either the Respondent or the Complainant is a student with a disability who has an Individualized Education Plan (“IEP”) or a Section 504 Plan, the principal or bullying designee must notify the student’s IEP Team or Section 504 Team.

The appropriate team must convene to make a determination of whether and how the student’s IEP or 504 plan should be amended and the extent to which additional or different services or evaluations are needed and ensure that any needed changes are made promptly. If a change of placement is considered, Section 504 or IEP services must be provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

Parental Notification

The following steps shall be taken by the Principal/Bullying Designee or Director, Compliance Monitoring:

1. Communicate to the parent/guardian(s) of the Complainant and the Respondent the findings based on the evidence gathered;
2. As to each allegation, communicate to the parent/guardian(s) of the Complainant and Respondent the District's conclusion(s) as to whether discrimination and/or harassment that relate to the subject of the complaint occurred;
3. Notify the parent/guardian(s) of the Complainant and Respondent of the availability of an appeal process.

Founded complaints:

1. The parent/guardian(s) of the Complainant will be informed of the specific steps that the school will take to intervene and support the Complainant.
2. The parent/guardian(s) of the Complainant and the Respondent will be invited to participate in the development of a safety plan for their respective child, when appropriate, and provided a copy of that plan if one is created. Each plan must also be documented in the Infinite Campus Student Information System
3. The parent/guardian of the student Respondent will be informed of any consequences as stipulated in the [Code of Conduct](#).
4. The parent/guardian(s) of the Complainant will be notified to immediately report to the District any recurrence of the conduct or of acts of retaliation.

Unfounded complaints: Parents/guardians of the Complainant and Respondent(s) shall be notified in writing of the type of incident that occurred as well as the specific steps that the school will take, regarding their child, to address the complaint and monitor future interactions. This notification shall also encourage ongoing communication with District staff.

District Action

If the investigation determines that the Respondent engaged in conduct that constitutes a violation of [Policy 103](#) - Nondiscrimination in School and Classroom Practices, [Policy 248](#) - Harassment of Students, [Policy 249](#) - Bullying/Cyberbullying, or another Board policy, the District shall take prompt and effective steps reasonably calculated to end the bullying, harassment, or discrimination; eliminate any hostile environment; remedy the discriminatory effect on the Complainant and other affected individuals; and prevent the behavior from recurring.

Supportive Measures

Schools must provide intervention and support to Complainants, Respondents, and/or witnesses to address acts of bullying, harassment, or discrimination. Supportive measures should also be considered when the reported conduct violates The Code of Conduct but is not determined to be bullying, discrimination, or harassment. Possible interventions for individual students include, but are not limited to, the following actions:

1. Parent/student conferences;
2. Offer of one-to-one counseling with appropriate professional staff;
3. Behavioral supports, such as Functional Behavioral Assessments, check in/check out, and Positive Behavior Support Plans;
4. Increased adult supervision in hot spot areas and during transition times (e.g. admission and dismissal, classroom changes, lunch, recess);
5. Social skills training, including role playing;
6. Positive incentives and reinforcements for appropriate or improved behavior;
7. Development of a safety plan for the Complainant; and
8. Daily report.

Schools should also consider supportive measures when conduct may have impacted the larger school community, or when there is no clear individual complainant. Supportive measures for a school community can include restorative justice practices, learning circles, community communications and anti-discrimination/harassment training for students and/or staff.

Disciplinary Action

While all founded incidents of bullying, harassment, or discrimination require intervention, some incidents may require disciplinary action/consequences for the Respondent(s). Appropriate disciplinary action/consequences for persons engaging in acts of bullying, harassment, discrimination, or retaliation; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations should be applied, when appropriate, after the investigation has determined that such an offense has occurred. The disciplinary action/consequences may vary depending on the severity of the bullying, harassment, discrimination, or retaliation. A range of disciplinary actions/consequences are set forth in the [Code of Conduct](#), [Employee Code of Ethics](#),⁸ Collective Bargaining Agreement, or applicable Board policy.

Confidentiality

The District makes every effort to protect the Parties' privacy. In situations involving suspected child abuse, the District will immediately report the matter as required by child abuse reporting/Mandated Reporting under State law consistent with Policy 317.

Confidentiality of all parties, witnesses, the allegations, the filing of a report, and the investigation related to any form of harassment, discrimination, or retaliation shall be handled in accordance with applicable law, regulations, this policy, the administrative procedures to this

⁸ The Employee Code of Ethics (attachment to Policy 300) is available at <https://www.philasd.org/schoolboard/policies/>

policy, and the District's legal and investigative obligations.[18][19][24][25][26][27]

The basic rights of all concerned shall be respected at all times. All parties will be treated with dignity and due process.

Retaliation

The Board prohibits retaliation by the District or any other person against any person for: [26]

- Reporting or making a formal complaint of any form of harassment, discrimination or retaliation;
- Testifying, assisting, participating, or refusing to participate in a related investigation, process, or other proceeding or hearing; or
- Acting in opposition to practices the person reasonably believes to be discriminatory. The District, its employees, and others are prohibited from intimidating, threatening, coercing, or discriminating against anyone for actions described above. Individuals are encouraged to contact the Title IX Coordinator and/or the Compliance Officer immediately if retaliation is believed to have occurred.

Appeal Procedure

If the Complainant or Respondent is not satisfied with the finding of the investigation, a written appeal may be filed using the appeal form. The appeal form must be received by the Office of Student Rights and Responsibilities within fifteen (15) calendar days of the date the parent was notified of the decision. The appeal will be conducted in an impartial manner by an impartial decision-maker in that office. Information about the appeal process, including the required appeal form, is available on the Office of Student Rights and Responsibilities' [webpage](#).⁹

Central Office Support

In the event that the District fails to investigate a complaint, or a parent/guardian has not received notification of the outcome of an investigation, or if the reported conduct continues after an investigation has concluded, support may be requested by calling the Office of Family and Community Engagement ("FACE") at 1-215-400-SAFE. FACE will notify the District's Director, Compliance Monitoring who will address the concern. Parents/guardians may also email bullying@philasd.org or antiharassment@philasd.org.

Data Reporting Regarding Bullying Complaints

The Office of Student Support Services will post on its website quarterly the number of bullying and harassment complaints filed as well as the number of complaints found to constitute bullying or harassment by school or network.

⁹ The Office of Student Rights and Responsibilities' webpage is available at <https://www.philasd.org/studentrights/>

Maintenance Schedule

These procedures originate with the Office of Student Support Services. Regular updating of these procedures will be accomplished, as needed.