


**Safe and Respectful Environment**

**Addressing Student Bullying and Unlawful Harassment**

2016-2017 School Year



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**Disclaimer**

- This information is presented as guidance and is not a substitute for legal advice.
- Individuals are encouraged to seek the advice of legal counsel with specific question or concerns.



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**Introduction**

- Gina C. Session, Director of the Department of Civil Rights Compliance
- Newly Created Department



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### Role of Director

- Support site administrators with complaint resolution and appeal process;
- Act as a resource on civil rights matters/bullying;
- Develop and provide system wide training; and
- Assist with investigative support.



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### Provision for a Safe and Respectful Learning Environment

- Prohibits Bullying and Cyber-Bullying at school and school-sponsored events
- Clarifies and Expands Definition of Bullying
- Establishes Mandatory Reporting Timelines for Staff
- Establishes Investigation Protocols for Administrators

**NRS 388.121-388.145**



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### Applicable Federal Laws

- Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973
- First Amendment
- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Title IX of the Educational Amendments of 1972



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### Office of Civil Rights (OCR)

- Regional Office in Seattle, Washington
- Enforces Title IX and VI
- Audits, Complaints
- Resolution Agreements
- Dear Colleague Letters



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### Essential Elements of Compliance

- Once ANY District staff member has actual or constructive notice of "bullying," the school must:
  - INVESTIGATE the incident
  - Take prompt and effective action to STOP the bullying, REMEDY the effects, and PREVENT the recurrence



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### Prohibited Behaviors

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>• Bullying</li> <li>• Cyber-Bullying</li> <li>• Harassment</li> <li>• Discrimination</li> <li>• Sexual Harassment</li> </ul> |  | <ul style="list-style-type: none"> <li>• Hazing</li> <li>• Intimidation</li> <li>• Stalking</li> <li>• Dating Violence</li> <li>• Retaliation</li> </ul> |
|---|---|--|



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### Law Enforcement

- Involvement of police **DOES NOT** eliminate or replace the mandatory administrative investigation; In most cases, administrative investigations shall run concurrently
- Don't interfere with criminal investigations
- It is possible for School Police to say no bullying violation occurred (on a criminal level) while administrator finds bullying did occur (on an administrative level).



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### Bullying

- Bullying
  - unwanted, aggressive behavior;
  - generally involves a real or perceived power imbalance; and,
  - is repeated or could be repeated over time, or is a single severe act.
- Peer Conflict
  - A struggle for power, property; strong disagreement between people, groups, etc.; a difference that prevents agreement



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### Harassment, Discrimination

- Under federal laws, harassment or discrimination is unwelcome conduct based on a protected class
- Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- In Nevada, this includes “any other distinguishing characteristic”



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### Title IX - Sexual Harassment

- Title IX is sex or gender based harassment, discrimination or violence
- Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
- Sexual harassment or discrimination can include slurs related to gender, sexual orientation and transgender status.



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### Title IX – Gender-Based Discrimination

- Transgender Status, Gender Non-Conformity
- Gender Stereotypes
- Names/Pronouns
- Right to Privacy
- Restrooms, Locker Rooms
- Uniforms, Supplies...
- Fields and Facilities
- PE and Athletic Participation



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### Hazing

- Hazing is an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association or athletic team.
  - Includes physical brutality or brutal treatment, including, without limitation, whipping, beating, branding, forced calisthenics, exposure to the elements or forced consumption of food, liquor, drugs or other substances



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### Retaliation

- Reinforce the school's prohibition against retaliation
- Retaliation is defined as any adverse action taken against a person participating in a protected activity (i.e. reporting bullying or hostile work environment, participating in an investigation) because of their participation in that protected activity.



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### WCSD 3-Point Criterion

1. Did Harm or Threat of Harm Occur to the person or his/her property and/or Is the Victim a Member of a Protected Class? (Is There a Real or Perceived Imbalance of Power?)
2. Was the Action Unwelcome?
3. Was the Action Severe, Persistent or Pervasive?



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### Mandatory Reporting

- Any staff member who witnesses or receives information that bullying has occurred **must report** the information to the principal or designee **on the same day** on which the bullying occurred or the information was received.
- Disciplinary consequences may result if a staff member knowingly and willfully fails to comply.
- Parent or guardian may file legal action compelling performance of duty against school officials.



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## Complaint Process/Ease of Access

- Verbal, Email to your administrator
- Online: "Bully Free Zone" ([www.wcsdbullying.com](http://www.wcsdbullying.com))
- Don't Leave School Without Ensuring Administrator Received Information
- What about Non-School Day/Holiday
- Additional support: Email [titleix@washoeschools.net](mailto:titleix@washoeschools.net)




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## Resources

**BULLYING & DISCRIMINATION PROHIBITED**

The Washoe County School District is committed to providing a safe and respectful learning and working environment for all students, staff, and visitors. The District prohibits bullying, cyber-bullying, harassment, sexual harassment, and/or discrimination based on an individual's actual or perceived race, color, religion, sex (including pregnancy), national origin, age, sexual orientation, gender identity or expression, genetic information, veterans or military status, marital status, disability or the presence of any sensory, physical or mental handicap in any of its educational programs/activities and employment, or in any program or activity conducted or funded by the U.S. Department of Agriculture. The District prohibits discrimination against any youth group listed in Title 36, as a patriotic society, (i.e. Boy Scouts of America) from access to public school facilities use.

To file a complaint or for additional information, please contact the District's Title IX Coordinator or visit the District's anti-bullying website at [www.wcsdbullying.com](http://www.wcsdbullying.com). Additional information regarding the District's complaint resolution processes can be found [here](#). Complaints alleging discrimination can also be filed with the U.S. Department of Education's Office for Civil Rights.

[Staff Resources](#)



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## Risk Factors

- Some Risk Factors:
  - perceived as different
  - perceived as weak
  - depressed, anxious
  - less popular or have few friends
  - do not get along with others – seen as annoying
- Some groups are at an increased risk
  - LGBT youth
  - Youth with Disabilities
  - Socially isolated youth



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### Crucial Tips

- Staff Members Should Not:
  - ignore the situation or assume students can work it out without adult help.
  - force other students to say publicly what they saw or question the students involved in front of other students.
  - attempt to mediate the situation.
  - “Tip of the iceberg” – don’t assume what you are seeing is the complete story



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### Confidentiality

- Let student know he/she was right to report
- Never promise a student or other reporter that information will be held in absolute confidence
- Make sure he/she understands your responsibility as a mandatory reporter

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### Investigation Process

- Staff must report to the principal/designee the same day, regardless of the time
- What if it is after hours or a non-school day?
  - Email Principal, if known
  - Email [titleix@washoeschools.net](mailto:titleix@washoeschools.net)
  - Log into [www.wcsdbullying.com](http://www.wcsdbullying.com)



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### Staff Reporting Mechanisms

- Staff have the Right to file a Bullying or Hostile Work Environment Complaint:
  - WUSD Labor Relations Department
  - Office for Civil Rights, U.S. Department of Education
  - U.S. Equal Employment Opportunity Commission
  - Nevada Equal Rights Commission



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### Questions?



Still have questions?  
I encourage all staff to submit questions and/or comments to [gsession@washoeschools.net](mailto:gsession@washoeschools.net) or [titleix@washoeschools.net](mailto:titleix@washoeschools.net).



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