



UPPER DARBY SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED: June 15, 2015

REVISED: August 1, 2019

249-AR-0. BULLYING/CYBERBULLYING

Reporting of Incidents

Reports of bullying/cyberbullying may be made verbally or in writing and may be anonymous, except where made by district staff. Any staff member who receives a report of bullying/cyberbullying from any source will encourage the Complainant/Reporter to directly meet with and report the allegations to the building principal or designee. Staff members who receive a report of bullying/cyberbullying will not directly investigate the allegations but will take appropriate action to protect the safety of involved students. Staff members who observe bullying/cyberbullying or who receive a report of bullying/cyberbullying will promptly provide a summary of what was observed or reported in a confidential email to the building principal.

Reports of bullying/cyberbullying may come to the district from different sources. For purposes of these administrative regulations a “Reporter” is someone, other than district staff, who makes a report alleging bullying/cyberbullying directed at one or more students and a “Complainant” is the alleged victim or target of bullying/cyberbullying. There are various circumstances in which a Complainant may be both a Reporter and a Complainant, for example, where more than one (1) person was subjected to bullying and only one (1) of them reports the matter.

The building principal or designee will encourage the Complainant/Reporter to promptly review and complete the Report Form for Complaints of Bullying/Cyberbullying. Oral and anonymous reports will be accepted, documented and investigated in accordance with Board policy and related administrative regulations. Staff members should complete the report form following receipt of an anonymous report to the best of their ability. Where the Complainant/Reporter is not able, due to age or incapacitation, to complete a form, the building principal or designee will interview the Complainant/Reporter and complete a Report Form for Complaints of Bullying/Cyberbullying and sign it as having received this report. If the initial report comes to the district from a Reporter, the Complainant and, in most circumstances, the Complainant’s parents/guardians will be contacted promptly, informed of the report and, if they believe bullying/cyberbullying has occurred, they will be encouraged to promptly review and complete the Report Form for Complaints of Bullying/Cyberbullying. If the Complainant/Reporter, school staff or others with professional knowledge relating to the Complainant’s health and well-being indicate that notifying the parents/guardians could cause serious harm to the Complainant’s health or well-being, the building principal will determine, in consultation with such individuals and upon advice of legal counsel, whether to withhold notification of the report from the Complainant’s parents/guardians.

Every report of bullying/cyberbullying will be subject to a sufficient investigation to address any misconduct, consistent with the protection and well-being of the Complainant.

A Complainant age fourteen (14) or older and the Complainant's parents/guardians who are otherwise being notified of the report of alleged bullying/cyberbullying will be provided with the Notice to Complainant and/or Parents/Guardians of Complainant at the outset of the investigation.

Investigation of Incidents

If, at the time of the report or at any time during the investigation of the reported bullying/cyberbullying, there is reason to believe that the conduct may fall within the district's discrimination/discriminatory harassment policies, this matter must immediately be handled in accordance with those policies and administrative regulations and may not be further investigated as a general bullying/cyberbullying matter.

After determining that this matter need not be handled under the discrimination/discriminatory harassment policies, the building principal will make an initial determination whether the alleged violations can be investigated by him/her or a building level designee or must be referred to or discussed with the Superintendent or other appropriate central administrator to determine who will perform the investigation.

If the police have been called or a police report is known to have been made or if proven allegations could lead to an expulsion, the building principal will discuss this matter with the Superintendent or appropriate central administrator, who will consult with legal counsel as appropriate.

Unless the investigation is turned over to the Superintendent, central administrator or legal counsel, the building principal or designee will conduct a timely, impartial, thorough and comprehensive investigation of the alleged bullying/cyberbullying. During the investigation, the investigator will use and complete the Investigative Fact Sheet.

Where permitted, confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation will be maintained consistent with the district's legal and investigative obligations necessary to enforce Board policy.

The investigation may include the following steps based on the specifics of the allegations:

1. Identifying and interviewing the complainant.
2. Identifying and interviewing the individual(s) accused of having participated in the alleged bullying/cyberbullying.
3. Identifying and interviewing any witnesses to the alleged bullying/cyberbullying.
4. Review of any physical evidence or documents related to the alleged bullying/cyberbullying.

5. Review of any other relevant evidence produced by those interviewed.
6. Any other reasonable investigation resulting from the information received during the course of the investigation or which the building principal deems necessary to reach a finding or address proven misconduct.

A report of bullying/cyberbullying must be investigated even if the report is anonymous and even if the Complainant/Reporter states that s/he does not want the district to do anything.

Investigative Report Findings

Investigated reports of bullying/cyberbullying will include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether the conduct violated Board policy and of any other violations of law or Board policy which may warrant further district action, and a recommended disposition of the complaint.

The Complainant/Reporter and the accused will be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused will not be notified of the individual remedies offered or provided to the Complainant.

District Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of Board policy, the district will take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. The district will promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the effect the prohibited conduct had on the Complainant and the school or school program environment. District staff will document the corrective action taken and, where not prohibited by law, inform the Complainant/Reporter. The investigator will follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters will be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions will be consistent with the Code of Student Conduct, Board policies and administrative regulations, district procedures, applicable collective bargaining agreements, and state and federal laws.

Appeal

If the complainant is dissatisfied with the progress of the investigation or the decision/resolution reached, the complainant has the right to file a written request, no later than ten (10) days after the complainant learns the investigation was completed, seeking a review by the Superintendent. The Superintendent will review the progress of the investigation, or the completed investigation,

and the decision/resolution materials and communicate a response to the complainant consistent with due process and other confidentiality rights of employees, witnesses and alleged perpetrators. Where possible, such a review will utilize information already gathered through the course of the investigation. This request may be filed by email to the Superintendent or by a letter addressed to the Superintendent outlining the reason for requesting a review.

References:

Board Policy- 249