



IMMIGRATION / CITIZENSHIP
STATUS
ANTI-BULLYING & HARASSMENT

APRIL 2022

INTRODUCTION

THE WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT (“DISTRICT”) IS COMMITTED TO PROVIDING A SAFE AND WELCOMING SCHOOL ENVIRONMENT FOR ALL STUDENTS AND THEIR FAMILIES IRRESPECTIVE OF THEIR IMMIGRATION STATUS. (BOARD POLICY 5145.13) UNLAWFUL DISCRIMINATION, INCLUDING BULLYING, OF STUDENTS BASED ON THEIR IMMIGRATION STATUS IS PROHIBITED BY DISTRICT POLICY AND STATE LAWS.

AS SUCH, IT IS UNLAWFUL FOR STUDENTS TO BE DISCRIMINATED AGAINST, HARASSED OR BULLIED BECAUSE OF THEIR OR THEIR FAMILY’S IMMIGRATION STATUS BY ANOTHER STUDENT, EMPLOYEE OR PERSON AT SCHOOL OR SCHOOL ACTIVITY.

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT

BOARD POLICY

- BOARD POLICY 5131.2 PROHIBITS BULLYING, INCLUDING CYBERBULLYING. BOARD POLICY 5131.2 PROVIDES, IN PERTINENT PART:
 - NO STUDENT OR GROUP OF STUDENTS SHALL, THROUGH PHYSICAL, WRITTEN, VERBAL, OR OTHER MEANS, HARASS, SEXUALLY HARASS, THREATEN, INTIMIDATE, CYBERBULLY, CAUSE BODILY INJURY TO, OR COMMIT HATE VIOLENCE AGAINST ANY OTHER STUDENT OR SCHOOL PERSONNEL.
- CYBERBULLYING IS DEFINED BY ADMINISTRATIVE REGULATION 5131.2 TO INCLUDE, “THE TRANSMISSION OF HARASSING COMMUNICATIONS, DIRECT THREATS, OR OTHER HARMFUL TEXTS, SOUNDS, OR IMAGES ON THE INTERNET, SOCIAL MEDIA, OR OTHER TECHNOLOGIES USING A TELEPHONE, COMPUTER, OR ANY WIRELESS COMMUNICATION DEVICE. CYBERBULLYING ALSO INCLUDES BREAKING INTO ANOTHER PERSON'S ELECTRONIC ACCOUNT AND ASSUMING THAT PERSON'S IDENTITY IN ORDER TO DAMAGE THAT PERSON'S REPUTATION.”

WHAT IS BULLYING?

- DEFINITION OF BULLYING: PHYSICAL, VERBAL OR PSYCHOLOGICAL ATTACKS OR INTIMIDATION AGAINST A PERSON WHO CANNOT PROPERLY DEFEND HIMSELF OR HERSELF. IT INCLUDES TWO KEY COMPONENTS:
 - 1: REPEATED HARMFUL ACTS
 - 2: IMBALANCE OF POWER
- NORMALLY WHEN WE THINK OF BULLYING WE THINK OF SOMEONE WHO WOULD YELL, HIT OR BOTHER YOU ON A DAILY BASIS. BUT THERE ARE MANY TYPES OF BULLYING.
- REVIEW THE 4 MAIN TYPES OF BULLYING:
 - PHYSICAL
 - GOSSIP
 - INAPPROPRIATE REMARKS
 - CYBERBULLYING



DEFINITION BY CALIFORNIA DEPARTMENT OF EDUCATION

THE CALIFORNIA DEPARTMENT OF EDUCATION DEFINES SCHOOL BULLYING GENERALLY AS A FORM OF VIOLENCE THAT INVOLVES A REAL OR PERCEIVED IMBALANCE OF POWER, WITH THE MORE POWERFUL CHILD OR GROUP ATTACKING THOSE WHO ARE LESS POWERFUL. BULLYING CAN BE PHYSICAL, VERBAL OR EMOTIONAL AND IT CAN OCCUR FACE-TO-FACE OR ONLINE.

BULLYING BASED ON IMMIGRANT STATUS?

- STUDENTS WHO ARE TARGETED FOR IMMIGRATION BASED BULLYING ARE TARGETED BECAUSE OF THEIR ACTUAL OR PERCEIVED IMMIGRATION STATUS OR THEIR FAMILY'S ACTUAL OR PERCEIVED IMMIGRATION STATUS. TYPICALLY, STUDENTS ARE BULLIED BECAUSE THEY ARE PERCEIVED AS NOT BEING CITIZENS OF THE UNITED STATES. OFTEN PERPETRATORS ATTRIBUTE CERTAIN FACTORS, SUCH AS ENGLISH-SPEAKING ABILITIES AND RACE TO IMMIGRANT STATUS, OR LACK OF CITIZENSHIP. BULLYING BASED ON IMMIGRATION STATUS IS TYPICALLY TIED TO BIAS OR PREJUDICE AGAINST IMMIGRANTS.

DEFINITIONS

- WHAT “IMMIGRATION STATUS” MEANS. IMMIGRATION STATUS REFERS TO WHETHER AN INDIVIDUAL IS A CITIZEN, A DOCUMENTED OR UNDOCUMENTED IMMIGRANT, OR A REFUGEE.
- BIAS MEANS PREJUDICE IN FAVOR OF OR AGAINST ONE THING, PERSON, OR GROUP COMPARED WITH ANOTHER, USUALLY IN A WAY CONSIDERED TO BE UNFAIR.

BULLYING BASED ON IMMIGRANT STATUS?

- MIGRANT, REFUGEE AND NEWCOMER STUDENTS TYPICALLY FACE HIGHER RATES OF IMMIGRANT STATUS BULLYING. THEY ARE OFTEN TARGETED BECAUSE OF THEIR ENGLISH SPEAKING SKILLS AND CULTURAL DIFFERENCES.
- BULLYING BASED ON A STUDENT'S ACTUAL OR PERCEIVED IMMIGRANT STATUS IS PROHIBITED BY DISTRICT BOARD POLICY 5145.13 AND CALIFORNIA LAW. (EDUCATION CODE SECTION 200.) BULLYING BASED ON IMMIGRANT STATUS CAN ALSO BE FORM OF UNLAWFUL DISCRIMINATION. DISTRICT BOARD POLICY 5134.13 PROHIBITS THE UNLAWFUL DISCRIMINATION, INCLUDING BULLYING, OF A STUDENT ON THE BASIS OF THE STUDENT'S ACTUAL OR PERCEIVED IMMIGRATION STATUS.

BULLYING BASED ON IMMIGRANT STATUS?

- BULLYING BASED ON IMMIGRATION STATUS IS DISCRIMINATORY
- BULLYING A STUDENT BECAUSE OF HIS OR HER OR THEIR FAMILY'S IMMIGRATION STATUS IS CONSIDERED DISCRIMINATION. BULLYING A STUDENT BECAUSE OF THEIR ACTUAL OR PERCEIVED IMMIGRATION STATUS IS PROHIBITED BY DISTRICT RULES AND THE LAW.

IDENTIFY THE SIGNS OF BULLYING OR HARASSING BEHAVIOR

- **INTIMIDATION.** OVERT OR VEILED THREATS; FEAR-INDUCING COMMUNICATION AND BEHAVIOR
- **IGNORING.** PURPOSEFULLY IGNORING, AVOIDING, OR NOT PAYING ATTENTION TO SOMEONE; “FORGETTING” TO INVITE SOMEONE TO A MEETING; SELECTIVELY GREETING OR INTERACTING WITH OTHERS BESIDES A VICTIM
- **ISOLATION/EXCLUSION.** INTENTIONALLY EXCLUDING SOMEONE OR MAKING THEM FEEL SOCIALLY OR PHYSICALLY ISOLATED FROM A GROUP; PURPOSEFULLY EXCLUDING SOMEONE FROM DECISIONS, CONVERSATIONS, AND WORK-RELATED EVENTS
- **MINIMIZATION.** MINIMIZING, DISCOUNTING, OR FAILING TO ADDRESS SOMEONE’S LEGITIMATE CONCERNS OR FEELINGS

IDENTIFY THE SIGNS OF BULLYING OR HARASSING BEHAVIOR

- **SHAME AND GUILT.** MAKING AN EMPLOYEE CONSTANTLY FEEL THAT THEY ARE THE PROBLEM, SHAMING THEM FOR NO REAL WRONGDOING, OR MAKING THEM FEEL INADEQUATE AND UNWORTHY.
- **CONSTANT CHANGE AND INCONSISTENCY.** CONSTANTLY CHANGING EXPECTATIONS, GUIDELINES, AND SCOPE OF ASSIGNMENTS; CONSTANT INCONSISTENCY OF WORD AND ACTION (E.G. NOT FOLLOWING THROUGH ON THINGS SAID)
- **MOOD SWINGS.** FREQUENTLY CHANGING MOODS AND EMOTIONS; SHARP AND SUDDEN SHIFTS IN EMOTIONS
- **AGGRESSION.** YELLING OR SHOUTING AT AN EMPLOYEE; EXHIBITING ANGER OR AGGRESSION VERBALLY OR NON-VERBALLY (E.G. POUNDING A DESK)

REPORTING IMMIGRANT STATUS BULLYING

- THE DISTRICT HAS ADOPTED AND PUBLICIZED POLICIES THAT PROHIBIT DISCRIMINATION, HARASSMENT, INTIMIDATION, AND BULLYING ON THE BASIS OF A STUDENT'S ACTUAL OR PERCEIVED NATIONALITY, ETHNICITY, OR IMMIGRATION STATUS.
- THE DISTRICT SHALL NOTIFY PARENTS AND GUARDIANS OF THEIR CHILDREN'S RIGHT TO A FREE PUBLIC EDUCATION, REGARDLESS OF IMMIGRATION STATUS OR RELIGIOUS BELIEFS.
 - THE INFORMATION OF "KNOW YOUR RIGHTS" IS SENT OUT ANNUALLY TO ALL PARENTS.
 - THE DISTRICT SHALL INFORM STUDENTS WHO ARE VICTIMS OF HATE CRIMES OF THEIR RIGHT TO REPORT SUCH CRIMES.

REPORTING IMMIGRANT STATUS BULLYING

- **PROCESSING COMPLAINTS OF HARASSMENT AND BULLYING**
 - THE DISTRICT HAS ADOPTED A PROCESS FOR RECEIVING COMPLAINTS OF AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, INTIMIDATION, AND BULLYING BASED ON THE ANY OF THE FOLLOWING ACTUAL OR...
 - **PERCEIVED CHARACTERISTICS:**
 - DISABILITY
 - GENDER
 - GENDER IDENTITY
 - GENDER EXPRESSION
 - IMMIGRATION STATUS
 - NATIONALITY
 - RACE OR RELIGION
 - SEXUAL ORIENTATION
 - ETHNICITY
 - ASSOCIATION WITH A PERSON OR GROUP WITH ONE OR MORE OF THE AFOREMENTIONED CHARACTERISTICS

REPORTING IMMIGRANT STATUS BULLYING

- STUDENTS WHO FEEL THEY HAVE BEEN SUBJECTED TO DISCRIMINATION OR BULLYING BECAUSE OF THEIR IMMIGRATION STATUS, OR STUDENTS WHO OBSERVE ANY SUCH CONDUCT, SHOULD IMMEDIATELY REPORT THE CONDUCT TO A TEACHER, THE PRINCIPAL, A COMPLIANCE OFFICER, OR ANY OTHER AVAILABLE SCHOOL EMPLOYEE. (ADMINISTRATIVE REGULATION 5131.2).
- DISTRICT EMPLOYEES ARE REQUIRED TO REPORT ANY DISCRIMINATION OR BULLYING IN ACCORDANCE WITH (ADMINISTRATIVE REGULATION 5131.2).
- ANY STUDENT WHO ENGAGES IN BULLYING ON THE BASIS OF A STUDENT'S IMMIGRATION STATUS IS SUBJECT TO DISCIPLINE, INCLUDING SUSPENSION OR EXPULSION IF THE BEHAVIOR IS SEVERE OR PERVASIVE AS DEFINED IN EDUCATION CODE SECTION 48900.(ADMINISTRATIVE REGULATION 5131.2).

REPORTING IMMIGRANT STATUS BULLYING

- THE DISTRICT DESIGNATES THE INDIVIDUAL IDENTIFIED BELOW AS THE EMPLOYEE RESPONSIBLE FOR COORDINATING THE DISTRICT'S RESPONSE TO COMPLAINTS AND FOR COMPLYING WITH STATE AND FEDERAL CIVIL RIGHTS LAWS. THE INDIVIDUAL ALSO SERVE AS THE COMPLIANCE OFFICER(S) SPECIFIED IN AR – 5145.3 DISCRIMINATION/HARASSMENT INTIMIDATION, AND/OR BULLYING COMPLAINT PROCEDURES AS THE RESPONSIBLE EMPLOYEE TO HANDLE COMPLAINTS REGARDING UNLAWFUL DISCRIMINATION (SUCH AS DISCRIMINATORY HARASSMENT, INTIMIDATION, OR BULLYING). THE INDIVIDUAL SHALL RECEIVE AND COORDINATE THE INVESTIGATION OF COMPLAINTS AND SHALL ENSURE DISTRICT COMPLIANCE WITH LAW.
- RHONDA HANEY
DIRECTOR, OFFICE OF EDUCATIONAL EQUITY / TITLE IX COORDINATOR / EQUITY COMPLIANCE OFFICER

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INVESTIGATION OF COMPLAINT

- WITHIN 10 CALENDAR DAYS AFTER THE COMPLIANCE OFFICER RECEIVES THE COMPLAINT, THE COMPLIANCE OFFICER SHALL BEGIN AN INVESTIGATION INTO THE COMPLAINT.
- WITHIN ONE BUSINESS DAY OF INITIATING THE INVESTIGATION, THE COMPLIANCE OFFICER SHALL PROVIDE THE COMPLAINANT AND/OR HIS/HER REPRESENTATIVE WITH THE OPPORTUNITY TO PRESENT THE INFORMATION CONTAINED IN THE COMPLAINT TO THE COMPLIANCE OFFICER AND SHALL NOTIFY THE COMPLAINANT AND/OR HIS/HER REPRESENTATIVE OF THE OPPORTUNITY TO PRESENT THE COMPLIANCE OFFICER WITH ANY EVIDENCE, OR INFORMATION LEADING TO EVIDENCE, TO SUPPORT THE ALLEGATIONS IN THE COMPLAINT. SUCH EVIDENCE OR INFORMATION MAY BE PRESENTED AT ANY TIME DURING THE INVESTIGATION.
- IN CONDUCTING THE INVESTIGATION, THE COMPLIANCE OFFICER SHALL COLLECT ALL AVAILABLE DOCUMENTS AND REVIEW ALL AVAILABLE RECORDS, NOTES, OR STATEMENTS RELATED TO THE COMPLAINT, INCLUDING ANY ADDITIONAL EVIDENCE OR INFORMATION RECEIVED FROM THE PARTIES DURING THE COURSE OF THE INVESTIGATION. HE/SHE SHALL INDIVIDUALLY INTERVIEW ALL AVAILABLE WITNESSES WITH INFORMATION PERTINENT TO THE COMPLAINT, AND MAY VISIT ANY REASONABLY ACCESSIBLE LOCATION WHERE THE RELEVANT ACTIONS ARE ALLEGED TO HAVE TAKEN PLACE. AT APPROPRIATE INTERVALS, THE COMPLIANCE OFFICER SHALL INFORM BOTH PARTIES OF THE STATUS OF THE INVESTIGATION.

INVESTIGATION OF COMPLAINT

- TO INVESTIGATE A COMPLAINT ALLEGING RETALIATION OR UNLAWFUL DISCRIMINATION (SUCH AS DISCRIMINATORY HARASSMENT, INTIMIDATION, OR BULLYING), THE COMPLIANCE OFFICER SHALL INTERVIEW THE ALLEGED VICTIM(S), ANY ALLEGED OFFENDERS, AND OTHER RELEVANT WITNESSES PRIVATELY, SEPARATELY, AND IN A CONFIDENTIAL MANNER. AS NECESSARY, ADDITIONAL STAFF OR LEGAL COUNSEL MAY CONDUCT OR SUPPORT THE INVESTIGATION.
- A COMPLAINANT'S REFUSAL TO PROVIDE THE DISTRICT'S INVESTIGATOR WITH DOCUMENTS OR OTHER EVIDENCE RELATED TO THE ALLEGATIONS IN THE COMPLAINT, FAILURE OR REFUSAL TO COOPERATE IN THE INVESTIGATION, OR ENGAGEMENT IN ANY OTHER OBSTRUCTION OF THE INVESTIGATION MAY RESULT IN THE DISMISSAL OF THE COMPLAINT BECAUSE OF A LACK OF EVIDENCE TO SUPPORT THE ALLEGATION. SIMILARLY, A RESPONDENT'S REFUSAL TO PROVIDE THE DISTRICT'S INVESTIGATOR WITH DOCUMENTS OR OTHER EVIDENCE RELATED TO THE ALLEGATIONS IN THE COMPLAINT, FAILURE OR REFUSAL TO COOPERATE IN THE INVESTIGATION, OR ENGAGEMENT IN ANY OTHER OBSTRUCTION OF THE INVESTIGATION MAY RESULT IN A FINDING, BASED ON EVIDENCE COLLECTED, THAT A VIOLATION HAS OCCURRED AND IN THE IMPOSITION OF A REMEDY IN FAVOR OF THE COMPLAINANT. (5 CCR 4631)

INVESTIGATION OF COMPLAINT

- IN ACCORDANCE WITH LAW, THE DISTRICT SHALL PROVIDE THE INVESTIGATOR WITH ACCESS TO RECORDS AND OTHER INFORMATION RELATED TO THE ALLEGATION IN THE COMPLAINT AND SHALL NOT IN ANY WAY OBSTRUCT THE INVESTIGATION. FAILURE OR REFUSAL OF THE DISTRICT TO COOPERATE IN THE INVESTIGATION MAY RESULT IN A FINDING BASED ON EVIDENCE COLLECTED THAT A VIOLATION HAS OCCURRED AND IN THE IMPOSITION OF A REMEDY IN FAVOR OF THE COMPLAINANT. (5 CCR 4631)

TIMELINE FOR DECISION

- PURSUANT TO 5 CCR 4631, THE DISTRICT'S WRITTEN DECISION MUST BE SENT TO THE COMPLAINANT WITHIN 60 CALENDAR DAYS OF RECEIVING THE COMPLAINT. OPTION 1 IS FOR DISTRICTS THAT DO NOT ALLOW COMPLAINANTS TO APPEAL THE COMPLIANCE OFFICER'S DECISION TO THE GOVERNING BOARD. OPTION 2 IS FOR DISTRICTS THAT ALLOW APPEALS TO THE BOARD, AND IT REQUIRES THE COMPLIANCE OFFICER'S DECISION WITHIN 30 CALENDAR DAYS SO THAT THE BOARD'S DECISION CAN STILL BE GIVEN WITHIN THE 60-DAY TIME LIMIT.

NEGATIVE IMPACT OF BULLYING ON STUDENTS

- STUDENTS WHO ARE BULLIED BECAUSE OF THEIR OR THEIR FAMILY'S ACTUAL OR PERCEIVED IMMIGRATION STATUS SUFFER SOCIALLY, EMOTIONALLY, AND IT CAN EVEN NEGATIVELY IMPACT THEIR ACADEMIC ACHIEVEMENT.
- DISCUSSION:
 - WHAT OTHER IMPACTS CAN HAPPEN DUE TO BULLYING?

KNOWING YOUR EDUCATIONAL RIGHTS

▶ IN CALIFORNIA:

- ▶ ALL CHILDREN HAVE THE RIGHT TO A FREE PUBLIC EDUCATION.
- ▶ ALL CHILDREN AGES 6 TO 18 YEARS MUST BE ENROLLED IN SCHOOL.
- ▶ ALL STUDENTS AND STAFF HAVE THE RIGHT TO ATTEND SAFE, SECURE, AND PEACEFUL SCHOOLS.
- ▶ ALL STUDENTS HAVE A RIGHT TO BE IN A PUBLIC SCHOOL LEARNING ENVIRONMENT FREE FROM DISCRIMINATION, HARASSMENT, BULLYING, VIOLENCE AND INTIMIDATION.
- ▶ ALL STUDENT HAVE EQUAL OPPORTUNITY TO PARTICIPATE IN ANY PROGRAM OR ACTIVITY OFFERED BY THE SCHOOL, AND CANNOT BE DISCRIMINATED AGAINST BASED ON THEIR RACE, NATIONALITY, GENDER, RELIGION, OR IMMIGRATION STATUS, AMONG OTHER CHARACTERISTICS.