



# SAN MATEO UNION HIGH SCHOOL DISTRICT POLICY bulletin

ROUTING  
All Employees  
All Locations

## Responding to and Reporting Bullying, Hazing, and Hate Incidents and Crimes

**DATE:** March 1, 2022

**POLICY:** The San Mateo Union High School District (District) is committed to providing a safe learning and working environment that is free from discrimination and harassment. The District denounces bullying, hazing, hate incidents or any behavior that infringes on the safety or well-being of students, employees, or any person within the District's jurisdiction without regard to intent.

Current law requires school districts to document and report any and all hate incidents and crimes to permit the development of effective programs and techniques to combat crime on school campuses. The District completes bi-annual Civil Rights reports. Incidents are archived in our student information system and our cloud archive system. District policy requires all schools and all personnel to promote mutual respect, and acceptance among students and staff. Article 1, Section 28(c) of the California State Constitution states: "All students and staff of public, primary, elementary, junior high and senior high have the inalienable right to attend campuses which are safe, secure and peaceful." Schools' compliance with ensuring "safe, secure and peaceful" campuses shall also be referenced and reflected in the development of each school's Safe School Plan.

This policy shall encompass behaviors or actions that occur among students, District employees, and associated adults. This policy is applicable to all areas of the District's jurisdiction, including school and District-related activities, events, programs, and traveling to and from school.

This bulletin is aligned with District policy and procedures for the documentation and reporting of hate incidents incidents/ that manifests evidence of hostility toward the target because of their actual or perceived race, color, national origin, religion, disability, sex, sexual orientation or gender identity. Such action includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols, or fire bombings. This also includes threats or hate mail sent by electronic communication.

**RESPONSIBILITY  
FOR UPDATING:** Don Scatena  
Director of Student Services

Deputy Superintendent, HR and Student Services  
Kirk Black, Ed.D,

## Documents and Forms for Reporting

- [Discipline and Intervention Matrix - SMUHSD.Update - External Version](#)
- [Complaint Investigation Record](#) (To be completed by Site Admin)
- [Title IX Complaint Form](#) (To be used by student/parent/guardian; to be used by victim or witness)
- [Uniform Complaint Procedure](#) (To be completed by guardian or student)
- [Student Incident Report Form - Universal](#) (To be used for statements related to investigations)
- [BP 4319.2 Title IX Sexual Harassment Complaint Procedures](#)

## Guidelines

### I. Definitions

- A. Associated individuals: Non-students who are affiliated with the District, including but not limited to parents/guardians, campus volunteers, vendors, contracted service providers, former students, former employees, domestic partners and relatives or friends of employees or students.
- B. Bullying and Hazing: Bullying and hazing are part of a continuum of aggressive or violent behaviors. Some acts of bullying or hazing can and do constitute other categories of misconduct such as assault, battery, child abuse, hate incidents incident, criminal activity or sexual harassment and, as such, violate other District policies.
1. Bullying is any severe or pervasive physical or verbal act(s) or conduct, including electronic communications committed by a pupil(s) that has, or can be reasonably predicted to have, the effect of one or more of the following:
    - (a) Reasonable fear of harm to person or property.
    - (b) Substantially detrimental effect on physical or mental health.
    - (c) Substantial interference with academic performance.
    - (d) Substantial interference with the ability to participate in or benefit from school services, activities, or privileges.
  2. Hazing is a method of initiation or pre-initiation into a pupil organization or body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury, personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. (Ed. Code §48900(q)).
- C. Discrimination: All pupils have the right to participate in the educational process free from discrimination and harassment. *Discrimination* is different treatment of a student on the basis of a protected category in the context of an educational program or activity, without a legitimate nondiscriminatory reason, that interferes with or limits the ability of the student to

participate in or benefit from the services, activities or privileges provided by the District. Protected categories include an individual's actual or perceived age, ancestry, color, disability ethnic group identification, gender, gender identity, gender expression, marital status, national origin, race, religion, sex, pregnancy and sexual orientation, as well as their association with a person or group of these protected categories, or any other basis protected by federal, state, local law, ordinance, or regulation.

- D. Hate Crime: A “hate incident” that has been investigated by law enforcement and determined to be criminal in nature and a violation of the law. This includes any criminal action. Police were involved and investigated.
- E. Hate Incident: An or attempted act which constitutes an expression against a person, property, or institution because of the target’s real or perceived race, color, national origin, religion, disability, sex, sexual orientation, or gender-identity. This may include using bigoted insults, taunts, or slurs, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets, or sending insulting or threatening messages by text message, social media posts, phone, e-mail, Web sites, or any other electronic or written communication.
- F. Hostile Environment Harassment: Occurs when: (1) the target is subjected to unwelcome conduct related to a protected category; (2) the harassment is both subjectively offensive to the target and would be offensive to a reasonable person of the same age and characteristics under the same circumstances; and (3) the harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities or opportunities offered by the school.
- G. Sexual Harassment: An unwanted or demeaning conduct or comments directed at or about an individual on the basis of actual or perceived gender, sex, sexual behavior, sexual orientation, or other related personal characteristics, with the impact or intent to humiliate (California Ed Code §201 (b-c)). Anti-gay and sexist epithets are forms of sexual harassment. Schools should investigate and respond to these incidents as they would any form of harassment or discrimination.
- H. Students: Any person enrolled in a San Mateo Union High School District school, including adult students. Adult students are also held to the guidelines associated with their enrollment in an adult education program.

## II. **Types of Bullying**

All incidents must meet the impact criteria of bullying to be considered as such:

- A. Cyberbullying is bullying by electronic act, which includes transmission of a communication by text, sound, image, video, message, website post, social network activity, or other form of communication sent by an electronic device (Ed. Code 32261(g)). Includes incidents involving sharing of explicit text, sound, image, video, and/or messages.
- B. Indirect bullying is the use of intimidation or peer pressure to cause harm to a third part(ies).

- C. Non-verbal bullying includes the use of threatening gestures, staring, stalking, graffiti or graphic images, and destruction of property to cause distress, intimidation, discomfort, pain or humiliation.
- D. Physical bullying includes intentional, unwelcome acts of beating, biting, fighting, hitting, kicking, poking, punching, pushing, shoving, spitting and tripping.
- E. Social or relational bullying includes spreading rumors, manipulating relationships, exclusion, blackmailing, isolating, rejecting, using peer pressure and ranking personal characteristics
- F. Verbal bullying includes hurtful gossiping, making rude noises, name-calling, spreading rumors and teasing. This includes slut shaming, a practice of criticizing a person who lives their sexuality in a different way to what is socially expected.
- G. Revenge porn - revealing or sexually explicit images or videos of a person posted on the internet, or social media, typically by a former sexual partner, without the consent of the subject and in order to cause them distress or embarrassment

## II. Indicators in Identifying Hate Incidents/Crimes

The following questions may assist in determining whether an act or action is a hate incident/crime. Consider that lack of knowledge of word use and/or intent is not a key factor:

1. Was an actual crime or attempted crime, such as vandalism, assault or battery committed? Both verbal and written threats may be included in this consideration.
2. Was the incident/crime directed at a particular person or group of persons because of the actual or perceived race, color, national origin, religion, disability, nationality, sex, sexual orientation, or gender identity of the person or group of persons (protected categories)?
3. Did the perpetrator select the target because they belong to a protected category (listed in #2 above)? There must be some indication that the perpetrator's actions were motivated by bias/prejudice against the deliberately selected target (a person who is actually, or perceived to be a member of or affiliated with one of the above-referenced "protected" categories.)
4. Was a **substantial motivation** for the perpetrator's action **because the target was a member or perceived member of one of the "protected" classes referenced above?**
5. Did the perpetrator perceive that the target fell within one of the protected categories (listed in #2 above)?

If the answers to the above-listed indicators have been determined to be true, then the incident may be hate incidents or rise to the level of a hate incidents crime. **However, conduct that does not rise to the level of a "hate crime" may still be considered to be a hate incident,**

**unlawful discrimination, and/or inappropriate behavior, and may require follow-up, some type of corrective or administrative action, and/or discipline, as appropriate.**

### **III. School Principal or Site Administrator(s) Responsibilities**

Safe campuses require a multi-faceted approach with strategies to prevent, respond to and recover from incidents of bullying and hazing. The school principal and site administrators shall create an environment where the school community upholds the standards of respect and civility and understands that bullying and hazing are inappropriate, harmful and are unacceptable. While SMUHSD takes ALL reported cases of bullying, hazing and harassment seriously, we utilize positive behavior support strategies, interventions and corrective measures to address inappropriate behaviors.

Each school principal will:

- A. As part of the school's Safe School Plan, monitored by the District's Title IX Compliance Officer:
  - 1. Identify the Administrator(s)/designee(s) responsible for documenting and overseeing complaints of bullying, hazing, harassment, or hate incident acts.
  - 2. Establish a system for reporting suspected bullying or hazing that ensures that reporting can be done easily, safely and privately.
  - 3. Develop directions for response and assistance to the target with and/or reporting to Local Law Enforcement, use of disciplinary action, and District reporting procedures.
- B. Ensure that all reports of bullying, hazing, harassment or hate incidents are investigated and documented, and that appropriate interventions are implemented and monitored in a timely manner. Incidents that result in physical injury, or require ongoing monitoring or additional resources should also be documented in the Student Information System (SIS) (AERIES) and documented using district e-forms. Behaviors that constitute criminal behavior or suspected child abuse must also be reported to the appropriate authorities.
- C. Communicate with and ensure that all employees, students, parents, volunteers, coaches, activity leaders or other adults are informed of District and school policies regarding bullying, hazing, and hate incidents acts and requiring the promotion of mutual respect and acceptance.
- D. Provide annual training to ensure that certificated and classified staff, coaches, activity directors and other adults on campus are familiar with and able to identify the indicators of hate incidents, bullying and hazing, and understand their individual responsibilities to respond to, intervene, and report any act or incident of hate, bullying or hazing.
- E. Provide instruction to ensure that students are educated about appropriate online behavior, including cyberbullying awareness and response and how to interact with others on social networking websites and in direct messaging. Acceptable Use Policy (AUP) for District Computer and Network Systems. This shall include, but not limited to presenting the District's related policies and administrative regulations as part of the student orientation

program conducted at the beginning of each academic term and included in parental rights and responsibilities.

- F. Inform students, parents, and employees of this policy and the reporting procedures for targets of or witnesses to bullying, hazing, harassment or hateful behaviors.
- G. Review on a quarterly basis all documented hate incidents incidents/crimes in accordance with the Safe School Plan – Volume I, and alert school personnel of any developing trends or areas of concern that might merit further attention/response.

#### **IV. Title IX/Bullying Complaint Manager Responsibilities**

- A. The Title IX//Bullying Complaint Manager shall ensure that the school employs a comprehensive system through which allegations of bullying can be safely and easily reported, and that the ensuing investigations, interventions and monitoring are documented. This comprehensive system should be designed in consultation with the principal or designee, and be communicated to the school community. As delineated above, all staff are responsible for responding to incidents. The principal or designee has the authority to assign the task of investigation, response and monitoring of alleged bullying and hazing to the individual(s) who would be most appropriate to assume those responsibilities.

#### **V. Staff Responsibilities**

Every certificated and classified school site staff member has a shared responsibility for modeling appropriate behavior and creating an environment where mutual respect, tolerance, civility, and acceptance among students and staff are promoted, and students understand that bullying and hazing are inappropriate, harmful and are taken seriously.

All certificated and classified school staff members shall:

- A. Staff will consistently demonstrate and share in the responsibility for creating an environment where students and staff know that hate incidents/crimes will not be tolerated.
- B. Support the District's efforts to prevent bullying, hazing, harassment, hate incidents behaviors by learning to recognize the indicators of such actions and effectively taking steps to intervene immediately when such actions occur.
- C. Understand their individual responsibility to report such situations/incidents to the site administrator and or administrator-designated Complaint Manager/Administrator.
- D. Encourage anyone alleging that they are a target of, or a witness to, a hate motivated incident/crime to report such an incident to site administration and/or the Title IX Complaint Manager.
- E. Cooperate in any investigation of hate incidents/crimes.
- F. Discuss all aspects of the Bullying, Hazing, Harassment, and hate incidents behaviors policy with students including strategies to prevent and respond to bullying and hazing.

- G. Provide instruction to ensure that students are educated about appropriate online behavior, including cyberbullying awareness and response and how to interact with others on social networking websites and in direct messaging (See Acceptable Use Policy (AUP) for District Computer and Network Systems.
- H. Intervene immediately and safely with any act of discrimination, harassment, intimidation, hazing or bullying.
- I. Cooperate in any investigation of a hate incident/crime.
- J. Guard against any actions that could be considered retaliatory against anyone who has made a report or is participating in an investigation of a hate incidents incident/crime.
- K. Hate speech should never be repeated even when giving an example nor when explaining an incident what.

## **VI. Student Responsibilities**

Students have a shared responsibility for creating a safe school environment and that they can do that by treating others with mutual respect and acceptance, and by being sensitive as to how others might perceive their actions and/or words.

- A. Do not engage in or contribute to bullying, hazing, harassment, or hate behaviors, actions or words.
- B. Treat everyone with respect.
- C. Be sensitive as to how others might perceive their actions or words. Focus on the impact of the act over the intention.
- D. In cases where they may be a witness to or a target of a hate incidents incident/crime, they have the responsibility to report such an incident to the site administrator or trusted teacher or staff member.
- E. Never engage in retaliatory behavior or ask, encourage, or consent to anyone retaliating on their behalf.

## **VII. District Responsibilities**

The Director of Student Services shall:

- Review all copies of the “Incident Report Form – Complaint/ Investigation Record” for completeness and determine whether additional information might be needed and whether appropriate District policy procedures were followed. For example, did the reported incident also require the reporting of child abuse or sexual harassment, school police or local law enforcement contact, or any other type of action, according to District policy procedures?
- Determine whether additional resources or assistance might be required or suggested to the school.

- As appropriate, provide copies of the “Incident Report Form – Complaint/Investigation Record” to: Deputy Superintendent of Human Resources and Student Services.
- On a quarterly basis, provide a summary of the incident reports to the Superintendent.

## **VIII. Immediate Responses to hate incidents Incidents/Crimes**

It is imperative that schools thoroughly investigate allegations of bullying, hazing, harassment, or hate incidents acts to determine if the incident was an isolated event or part of a larger pattern of behaviors. The following procedures should be followed in addressing incidents:

- A. Intervene immediately to witnessed events, respond quickly to reported incidents, and take action to stop the hate incidents behavior.
- B. Ensure the safety of the target by offering any assistance that may be appropriate and by advising the target to contact the complaint manager/administrator who can stop the behavior and help if the situation continues, escalates, or arises again.
- C. Assure all parties involved in bullying, hazing, harassment or hate incidents behavior that the District takes such behavior seriously, has a strong policy against such behavior, and will not tolerate such behavior.
- D. Investigate to gain an understanding of the situation to include:
  1. Specific information relevant to the situation; where and when the incident occurred; and, whether this was an isolated incident, related to previous incidents, or suggestive of a broader pattern requiring further administrative action.
  2. Obtain names and statements from the target and from witnesses, as appropriate.
  3. Provide all parties involved with assurances regarding District policies on confidentiality and non-retaliation in the complaint investigation process.
  4. As appropriate, develop an Individualized Student Safety Plan.
- E. Under the Penal Code, notification to local law enforcement should be made under the following circumstances:
  - i. Assault with a deadly weapon
  - ii. Possession or sale of narcotics or a controlled substance
  - iii. Possession of a firearm at a public school
  - iv. Possession of a dirk, dagger, ice pick, knife having a fixed blade longer than 2 1/2 inches, folding knife with a blade that locks into place, razor with an unguarded blade, Taser or stun gun, BB or pellet or other type of air gun, or spot marker upon the grounds of any school within a K-12 school district.
- F. Reasonable efforts should be made to document and/or preserve evidence relating to the incident. As appropriate, consult with Local Law Enforcement on the reporting of hate

incidents incidents/crimes, as well as procedures for securing the location or the gathering of evidence.

- G. If the bullying, hazing, harassment, or hate incidents behavior constitutes suspected child abuse, the suspected child abuse must be immediately reported to the appropriate child protective services authority.
- H. For incidents involving employees, elected parent officials, contracted service providers and associated individuals as the suspected or alleged perpetrator bullying, hazing, harassment or a hate incidents incident/crime, consult with your supervisor and the Deputy Superintendent of HR and Instruction.
- I. For additional assistance, consult with the Director of Student Services

## **IX. Responding after the Incident**

1. Move forward with appropriate disciplinary action that is consistent with the District's student discipline policy and procedures. Site administrators should use:  
[☰ Discipline and Intervention Matrix - SMUHSD.Update - External Version](#)
2. The "Incident Report Form – Complaint/Investigation Record" must be used to document any incidents suspected of being or alleged to be hate incidents, regardless of whether the incident meets the criteria of a crime, is deemed to be an act of unlawful discrimination, or is merely inappropriate behavior.
3. Determine whether additional follow-up activities are necessary, for example, a staff development or student educational activity. Whenever possible, restorative practices should be used that could include the following: restorative circles, restorative meetings, research and essay papers, prevention and intervention instructional sessions with trained adults.
4. After monitoring to ensure that the action is not continuing, forward a copy of the completed "Incident Report Form – Complaint/Investigation Record" to the Director of Student Services. Keep the originals of these forms for the quarterly review of the Safe School Plan by the Safe School Planning Committee.
  - a) Complainants who are dissatisfied with the response from the Director of Student Services may appeal at the central office Human Relations Department.

## **X. Confidentiality and Non-Retaliation**

Reports of bullying or hazing shall be handled confidentially to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to those persons who need to know within the confines of the District's reporting procedures and investigation process.

The District will not tolerate retaliation against anyone who reports suspected bullying or hazing, or participates in the investigation process. Confidentiality and non-retaliation requirements extend to all parties involved.

**AUTHORITY:**

The following legal standards are applied in this policy:  
Article 1; Section 28(c) of the California State Constitution

California Education Code §200—(Educational Equity)  
*Title 5, California Code of Regulations, §4900(a) and §4910(k)*

[BP 5131.2 Students: Bullying](#)

[AR 5131.2 Bullying](#)

[BP 5137 Positive School Climate](#)

[BP 5138 Conflict Resolution/Peer Mediation](#)

[BP 5141.4 Child Abuse Prevention and Reporting](#)

[AR 5141.4 Child Abuse Prevention And Reporting](#)

[BP 5144 Discipline](#)

[AR 5144 Discipline](#)

[BP 5144.1 Suspension And Expulsion/Due Process](#)

[AR 5144.1 Suspension And Expulsion/Due Process](#)

[BP 5145.3 Nondiscrimination/ Harassment](#)

[AR 5145.3 Nondiscrimination/Harassment](#)

[BP 5145.7 Sexual Harassment](#)

[AR 5145.7 Sexual Harassment](#)

[BP 4319.2 Title IX Sexual Harassment Complaint Procedures](#)

**RELATED  
RESOURCES:**

Policy Bulletin Guidelines for Due Process for Suspension and Expulsion of  
Special Education Students

Policy Bulletin Expulsion of Students – Policy and Procedures

**ASSISTANCE:**

Based on the information in this policy bulletin and related resources, seek  
assistance as needed or contact a supervisor from one of the following District  
offices:

For assistance please contact:

**Director of Student Services:** Don Scatena  
650-558-2257, [dscatena@smuhsd.org](mailto:dscatena@smuhsd.org)

For assistance with determining whether an incident should be reported as  
suspected child abuse/neglect, contact the Department of Children and Family  
Services Hotline at (800) 540-4000.

For general assistance with all matters related to student services:

**Deputy Superintendent, Human Resources and Student Services**  
Kirk Black, Ed.D  
650-558-2209, [kblack@smuhsd.org](mailto:kblack@smuhsd.org)