IMMIGRATION / CITIZENSHIP STATUS
ANTI-BULLYING & HARASSMENT

APRIL2022

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.

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.

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

- 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, ETHNICIT 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
    - IMMIGRATIONSTATUS
    - 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 BULLYIN 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).

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

- IN ACCORDANCE WITH LAW, THE DISTRICT SHALL PROVIDE THE INVESTIGATOR WITH ACCESS

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 II STAFF, TAFFC3 (H)3EG, TATS TAIP3 (E)-6.7