

<b>Anti-Bullying Policy for Students</b>	<b>Date of review: 10/09/2014</b>
<b>Related Policies and Procedures: University Anti-Discrimination &amp; Harassment Policy</b>	

**I. Statement: Objectives and Purpose**

A key responsibility of the University of the District of Columbia (“University”) is to provide services in a respectful and positive environment. University strives to provide an educational and working environment for all students, faculty, and staff that is free from all forms of bullying. Acts of bullying, harassment and intimidation are an attack on core University values. This policy protects the dignity and safety of University community members and describes bullying prevention strategies to identify and prevent incidents by connecting individuals to necessary services. The University will promptly investigate all incidents of bullying, and provide appropriate remedies for victims of an incident. Individuals who engage in such conduct may be subject to disciplinary action. Additionally, retaliation against any person who reports bullying or who cooperates in an investigation is strictly prohibited by this policy, and individuals who engage in retaliatory conduct may be subject to disciplinary action.

This policy is designed to do the following:

- Reaffirm the University's commitment to providing a positive environment for study and work free from bullying;
- Provide notice to all members of the University community of what kind of conduct is expected and what kind of conduct is prohibited;
- Inform victims of bullying behavior of their options and rights;
- Inform all members of the University community about the procedures available at the University for addressing, investigating, and resolving bullying complaints;
- Protect the rights and confidentiality of all parties to bullying complaints to the fullest extent possible;
- Prohibit retaliation against persons alleging bullying against persons cooperating in an investigation.

This policy serves as University’s bullying prevention plan.

### **III. Definition of Bullying**

“Bullying” is any severe, pervasive, or persistent act or conduct whether physical, electronic, or verbal that:

1. May be based on a student’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic or; on a student’s association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and
2. Can reasonably be predicted to:
  - Place the student in reasonable fear of physical harm to their person or property;
  - Cause a substantial detrimental effect on the student’s physical or mental health;
  - Substantially interfere with the student’s academic performance or attendance; or
  - Substantially interfere with the student’s ability to participate in or benefit from the services, activities, or privileges provided by the University.

### **IV. Prohibition against Bullying and Retaliation**

Acts of bullying, including cyber-bullying, whether by students, faculty, staff, contractors, or volunteers is prohibited:

- On University grounds;
- At University sponsored or related events on and off University grounds;
- On any vehicle used for University business;
- Through the use of any electronic devices owned by the University, leased by the University or used for University business; and
- Through the use of any electronic devices, including those not owned or leased by at University if the acts of bullying or cyber-bullying to the extent that it is directed at an individual and it substantially interferes with the individual’s ability to participate it or benefit from the services, activities, or privileges provided by the University.

Additional examples of bullying include, but are not limited to, the following:

- The use of physical force or violence to restrict the freedom or movement of another person or to endanger the health and safety of another person based on that person's actual or perceived membership in a protected class;
- Physical or verbal behavior that involves an express or implied threat to interfere

or has the reasonably foreseeable effect of interfering with a student's personal safety, academic efforts, or participation in University-sponsored extracurricular activities for any reason which causes that individual to have a reasonable apprehension that harm is about to occur;

- Any type of conduct that creates an intimidating, hostile or offensive working or learning environment; and
- Epithets, slurs or derogatory comments.

Retaliation against any individual, who reports bullying, provides information about an act of bullying, or witnesses an act of bullying are also prohibited. No faculty member, administrator or staff, applicant for employment or student may be subject to retaliation for action taken in good faith: to seek advice concerning a bullying matter; to file a bullying complaint; or to serve as a witness or a panel member in the investigation or adjudication of a bullying complaint.

It shall not be retaliation, however, for an accused to defend himself/herself against a charge of bullying under this policy. Nor shall it be considered retaliation to discipline an individual for false and malicious accusations as set forth in Part VIII, Section C (see below).

Retaliation, if established, may result in disciplinary action against the offending party up to and including dismissal/expulsion/termination from the University.

## **V. Duties of Members of the University Community**

Each member of the University community plays a significant role in ensuring that the University is free from all forms of bullying, and that any incidents of bullying are promptly reported.

If a student believes that he or she has been subjected to bullying, that individual is advised to report the matter to the EO Officer/Title IX Coordinator:

William Ramsay  
Office of Human Resources  
Administration Building (39), 2<sup>nd</sup> Floor  
4200 Connecticut Ave., NW, Washington DC  
202-274-5442  
william.ramsay@udc.edu

It is the responsibility of the faculty, staff, and students to discourage bullying. Any faculty member, staff employee, or student who witnesses bullying or receives a report of bullying is advised to refer the victim to the EO Officer/Title IX Coordinator.

## **VI. Dealing with Bullying**

In addition to reporting an alleged incident of bullying, any student who perceives himself or herself to be the victim of bullying in violation of this policy may consider taking one or more of the procedural steps described below, as applicable.

### **A. Self-Help**

An initial course of action for any student who feels that he or she has been bullied may be for that person to emphatically tell or otherwise inform the bully that the conduct is unwelcome, offensive, violates this policy, and must stop. This may solve the problem, and, if it does, further proceedings may not be necessary. This option is most appropriate when the alleged conduct is not of a severe or pervasive nature.

### **B. Counseling**

A student who perceives himself or herself as a victim of bullying may also contact one of the Counselors in the Division for Student Affairs for advice and counseling. Counseling staff will assist the student, and will also encourage reporting to the EO Officer/Title IX Coordinator.

## **VII. Filing a Bullying Complaint**

A student who believes that he or she has been bullied and wishes to file a formal complaint must avail themselves of the procedures set forth below. This allows the University and the individual to work together in an effort to obtain a resolution to allegations of bullying.

### **A. University Complaint Procedures**

#### **1. Reporting Complaints**

If a student who believes that he or she has been the victim of bullying decides that he or she wishes to file a complaint, the complaint must be filed with the EO Officer/Title IX Coordinator. A student who believes that he or she has been the victim of bullying will be identified as the "complainant" and the alleged offender will be identified as the "respondent."

#### **2. Required Information**

A complaint must be in writing and shall include the name(s), date(s), time(s) a detailed description of the allegations, requested corrective action and any other relevant information on which the complaint is based. In general, the complainant should sign the complaint and be willing to have their identity disclosed to the respondent, if necessary.

A complaint, however, may also be anonymous and share no self-identifying information in reporting the bullying incident. No formal response shall be taken solely on the basis of an anonymous report.

### **3. Filing Timelines**

The complaint must be filed with the EO Officer/Title IX Coordinator no later than one hundred eighty (180) days after the alleged incident. The University endeavors to complete its investigation within thirty (30) days from the date of notice of the complaint.

### **4. Investigation of Complaints**

The University shall use its best efforts to conclude the Complaint Procedure within thirty (30) days from the date of notice to the EO Officer/Title IX Coordinator, in so far as is practicable. If additional time is needed beyond thirty (30) days, the EO Counselor/Title IX Coordinator may extend the thirty (30) day time period for an additional thirty (30) days (the "extension period") and will so advise the complainant and the respondent.

During the course of the investigation, it shall be the responsibility of the EO Officer/Title IX Coordinator to discuss with the complainant the options available under this procedure.

The EO Officer/Title IX Coordinator will conduct the investigations of all bullying complaints. During the investigation, the EO Officer/Title IX Coordinator will:

- Formally apprise the respondent of the charge of discrimination or harassment, in writing.
- Elicit from the respondent an explanation of what occurred from his/her perspective.
- Arrange for interim relief for the complainant, if appropriate.
- Provide both parties with the opportunity to provide information and identify witnesses.
- Investigate the allegations by conducting interviews or gathering other relevant information.
- Attempt in a non-legalistic, non-threatening manner to facilitate a solution acceptable to both the complainant and the respondent.

Sometimes individuals who perceive themselves as victims of bullying in violation of this policy are reluctant to pursue the remedies provided by this policy. Similarly, the EO Officer/Title IX Coordinator may become aware of an alleged incident of bullying even though the alleged victim has not reported it. The EO Officer/Title IX Coordinator reserves the right to conduct University investigations into reported incidents of bullying and take appropriate measures even in the case of an alleged victim who is unwilling to report or pursue the matter.

### **5. Resolution of Complaints**

If the EO Officer/Title IX Coordinator believes that there is sufficient evidence to support a violation of this policy, the EO Officer/Title IX Coordinator will submit a written report of the investigation and recommendations to the Vice President of Student Affairs (or

designee) and, as applicable, to the Vice President for Human Resources (or designee), for further action. The EO Officer/Title IX Coordinator will subsequently conduct an exit interview with the complainant and respondent notifying them of the findings and will issue an exit letter to both parties.

If the EO Officer/Title IX Coordinator believes there is not sufficient evidence to support a violation of this policy, the complainant and respondent will be advised in writing.

A confidential, written summary of the investigation and the actions taken under this complaint procedure will be prepared by the EO Officer/Title IX Coordinator for the University's use and, together with any other documentation, maintained in an "EO" file for at least seven (7) years in accordance with the University's record retention policy and applicable law.

## **6. Appeal of Investigation**

A party who is not satisfied with the outcome of the initial investigation by the EO Officer/Title IX Coordinator may request a secondary investigation by submitting a written appeal to the Vice President for Student Affairs or, as applicable, to the Vice President for Human Resources within thirty (30) days of the issuance of the exit letter by the EO Officer/Title IX Coordinator.

The secondary investigation shall be completed within thirty (30) days of receipt of the appeal, unless:

- (A) Circumstances require additional time to complete a thorough investigation;
- (B) The Vice President for Student Affairs sets forth the circumstances in writing; and
- (C) The additional time does not exceed fifteen (15) days.

When an appeal for a secondary investigation is submitted, the University shall inform the party about his or her ability to seek further redress under the D. C. Human Rights Act.

## **7. Filing with External Agencies**

Students who believe that they have been subjected to bullying may be able to file a complaint with a District government agency, e.g., the D.C. Office of Human Rights. The University encourages students to utilize the internal complaint process prior to filing an external complaint.

## **B. Disciplinary Sanctions**

Disciplinary actions for bullying may include one or more of the following:

- Sanctions as stipulated in the Code of Student Conduct, as applicable;
- Requirement to attend training or other education;
- Requirement to obtain counseling;
- An oral or written warning (or letter of concern);
- A written reprimand;
- Suspension; and/or
- Dismissal/expulsion/termination.

The application of any disciplinary sanctions will be based on the individual incident and varied in method and severity based on the nature of the incident; developmental age of the person bullying; and any history of problem behavior from the person bullying.

To the extent any employee is disciplined for violation of this policy, disciplinary sanctions and processes will be implemented consistent with any applicable collective bargaining agreement and/or University policies, regulations, or other applicable rules.

### **C. Malicious and False Accusations**

If allegations of bullying are determined by the EO Officer/Title IX Coordinator to be both false and brought with malicious intent, the matter will be sent to the Vice President of Student Affairs (or designee) with a report and a written recommendation. The complainant may be subject to the disciplinary sanctions set forth in Part VII, Section B, as determined by the Division of Student Affairs.

## **VIII. Documentation**

Documentation concerning bullying allegations and investigations may consist of: testimonial evidence provided during an investigation or a hearing; documentary evidence submitted during an investigation or a hearing; an after-the-fact statement recounting a process or its results; and/or an explanation prepared for the record as to why the EO Officer/Title IX Coordinator or member of the University community took a particular step or reached a particular decision with regard to a bullying complaint. Documentation can be handwritten, voice transcribed, typewritten, or in any printed or electronic form.

The amount of documentation which is reasonable and prudent with regard to any of the processes outlined in this policy is left to the judgment of the EO Officer/Title IX Coordinator.

All documentation required to be maintained by EO Officer/Title IX Coordinator shall be available only to any person conducting an investigation under Section VII of this procedure, the University's legal counsel, or other duly authorized District or Federal agency.

## **IX. Confidentiality**

It is to be expected that, at all stages of any proceedings under this policy, confidentiality will be maintained to the greatest extent possible. Consistent with their obligations, all roles described herein are expected to maintain the highest standards of confidentiality. Communication by these persons with others with regard to bullying complaints can be only on a required "need to know" basis.

Others necessarily involved, such as the complainant, the respondent, and witnesses, will be encouraged to keep confidential to the greatest extent possible matters about which they or others provide testimony or information. With regard to such individuals, however, the University has no means by which to ensure strict confidentiality other than by providing notice of the standards of confidentiality by which the University expects all individuals involved to abide.

## **X. Duties of the Human Resources Department and the Division of Student Affairs**

The Human Resources Department and the Division of Student Affairs will implement the Bullying Policy and shall:

- A. Publicize this policy on a periodic basis;
- B. Conduct any training considered advisable with regard to this policy or issues under this policy;
- C. Act on bullying complaints directed to or which otherwise come to the attention of the EO Officer/Title IX Coordinator;
- D. Inform the University community about University counseling services to assist persons who perceive themselves victims of bullying;
- F. Implement any corrective actions to be taken under this policy;
- G. Act as an advisor to the President with regard to this policy and perform such other duties as may be assigned by the President in connection therewith;
- H. Act as an advisor to the University community with regard to issues of bullying and harassment; and
- I. Maintain the records required to be kept under this policy.

*This policy is written in accordance with Federal and District laws and regulations, which are subject to amendment. To the extent this policy becomes inconsistent with such amendments, the applicable provision of Federal or District law shall supersede this policy.*

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### **HISTORY/REVISION DATES**

**Last Amended Date: October 9, 2014**

**Next Review Date:**