

KNOW YOUR RIGHTS

REPORTING BULLYING, CYBERBULLYING, AND HARASSMENT



Do I have the right to file a complaint if I am being bullied, cyberbullied, or harassed?

You have the right to be safe at school. You also have the right to be free from bullying and harassment, whether in-person or online, and to hold your school accountable to keeping you safe.

As a student, parent, or guardian, you have the right to file a complaint with your school, school district, or the Federal Department of Education's Office of Civil Rights if you or your dependent are the victim of bullying, harassment, or discrimination.

The Texas Education Code requires public schools to prohibit, and take steps to prevent, student bullying and harassment. Several federal courts have also found it unconstitutional if schools fail to enforce their anti-bullying and anti-harassment policies equally on behalf of all students.

What qualifies as harassment?

In Texas public schools, harassment can include threats to cause you harm or bodily injury, sexually intimidating conduct, damaging your property, physically confining or restraining you, or other malicious acts like name-calling that are severe enough to substantially harm your physical or emotional health or safety.

What is bullying?

Bullying is when one or more students exploit an imbalance of power against their peers, either through words or actions. Bullying occurs when a student causes physical harm to another; creates an intimidating, threatening, or abusive environment; disrupts the educational process for

their peers; or infringes on the rights of other students at school.

What is Cyberbullying?

Texas anti-bullying laws also prohibit cyberbullying. "Cyberbullying" is bullying that is done through the use of any electronic device, including through the use of a cellphone, camera, e-mail, instant messaging, text messaging, social media, a website, or any other Internet-based communication tool. Texas cyberbullying laws protect students both on and off campus.

How do I report harassment or bullying?

If you have been harassed or bullied by someone at your public school, the first thing you should do is make sure you are safe. After that, you should report what happened to you to your school. In most situations, your school only has a legal obligation to help when it knows what is happening. Every public school district in Texas has its own policy on how to report harassment, usually contained in what is called "Board Policy FFH." Almost every school district's board policies are available online through the Texas Association of School Boards. If you can't find your district's policies online, ask for a copy in the school office.

Most school districts have policies that allow students to report bullying and harassment anonymously. If a teacher or administrator is the one harassing you, you should also report to someone else at the school that you trust. When you report harassment or bullying, be sure to keep a written record of each step you take, including copies of anything you give the school and the dates each event happened.

What if the person I complained about tries to get back at me?

School employees may not retaliate against you for honestly reporting harassment. If they do, or if a student you complained about continues harassing you, make another written report to the school right away. You can also contact the ACLU of Texas to ask for help.

What if the school doesn't believe my report or ignores it?

Some districts allow you to file an appeal through an administrative grievance process if the school rejects, or fails to respond promptly to your report of harassment. If your school refuses to promptly and adequately investigate bullying and harassment, you can contact the ACLU of Texas to ask for help.

What happens after I file a report?

In many districts, the school will begin an investigation into the alleged bullying or harassment. The investigator may ask you for a written or oral description of what happened, review any documents, text messages, pictures, or other information relating to the incident, and interview witnesses about what happened. This investigation must be completed promptly – in some districts, within 10 business days of your report. If you have not heard back from the person you reported the harassment to after 10 business days, ask in writing about the status of your complaint. Keep a copy of every document and message that you give and receive from the school. If, after investigating, the school concludes

that you were harassed or bullied, it must respond promptly by taking disciplinary or corrective action to try to stop the harassment. If the school does not consider what happened to you to constitute bullying or harassment, then it must tell you the results of its investigation in writing and you have the choice of pursuing other options.

What Happens If the School Doesn't Help Me?

If the school doesn't take your claims seriously and doesn't do enough to protect you or your child from bullying and harassment, you still have other options. You can often submit a complaint to the superintendent and request a formal hearing based on your school district's guidelines. You can also file a complaint with the Texas Education Agency and/or the Federal Department of Education's Office of Civil Rights (OCR). If your bullying or harassment involves someone discriminating against you because of race, national origin, sex, disability, or age, you should file a complaint with the Office of Civil Rights. You can also reach out to the ACLU of Texas or a private attorney if your school has not done enough to protect you or your child from bullying and harassment.

Be sure to include the following information in all of your complaints: (1) your name and how to reach you, (2) demographic information about the person or group discriminated against, (3) the name and address of the school, and (4) detailed information on what happened (including when, what happened, and why it was discrimination). The more information, the better. Keep a copy for your own records.

How long do I have to file a complaint about harassment or bullying?

You should normally file a complaint of harassment, bullying, or discrimination as soon as possible. Generally, a complaint of discrimination must be filed with OCR within 180 days of the alleged discrimination if you want OCR to investigate. And if you ever need to file a lawsuit, then you must typically do so within two years of the discrimination, bullying, or harassment. Check with an attorney to make sure you preserve your legal rights, and be sure to document everything that happens to you and all of your correspondence with the school district.

