



## **Action Plan of the Clovis Swim Club to Address Bullying**

### **PURPOSE**

Bullying of any kind is unacceptable at Clovis Swim Club and will not be tolerated. Bullying is counterproductive to team spirit and can be devastating to a victim. The Club is committed to providing a safe, caring and friendly environment for all of our members. If bullying does occur, all athletes and parents should know that incidents will be dealt with promptly and effectively. Anyone who knows that bullying is happening is expected to tell a coach, CUSD Aquatics Manager, CUSD Assistant Superintendent for Educational Services or athlete/mentor.

Objectives of the Club's Bullying Policy and Action Plan:

1. To make it clear that the Club will not tolerate bullying in any form.
2. To define bullying and give all board members, coaches, parents and swimmers a good understanding of what bullying is.
3. To make it known to all parents, swimmers and coaching staff that there is a policy and protocol should any bullying issues arise.
4. To make how to report bullying clear and understandable.
5. To spread the word that Clovis Swim Club takes bullying seriously and that all swimmers and parents can be assured that they will be supported when bullying is reported.
6. Conform to CUSD Board Policy No. 2116

### **WHAT IS BULLYING?**

Generally, bullying is the use of aggression, whether intentional or not, which hurts another person. Bullying results in pain and distress. Bullying is the severe or repeated use, regardless of when or where it may occur, by one or more USA Swimming members of an oral, written, electronic or technological expression, image, sound, data or intelligence of any nature (regardless of the method of transmission), or a physical act or gesture, or any combination thereof, directed at any other member or Participating Non-Member that to a reasonably objective person has the effect of causing physical or emotional harm to the other member or damage to the other member's property;

- i. Placing the other member in reasonable fear of harm to himself/herself or of damage to his/her property;
- ii. Creating a hostile environment for the other member at any USA Swimming activity;
- iii. Infringing on the rights of the other member at any USA Swimming activity; or
- iv. Materially and substantially disrupting the training process or the orderly operation of any USA Swimming activity (which for the purposes of this section shall include, without limitation, practices, workouts and other events of a member club or LSC).
- v. Also see CUSD Board Policy No. 2116.



## **REPORTING PROCEDURE**

An athlete who feels that he or she has been bullied is asked to do one or more of the following things:

- Talk to your parents;
- Talk to a Club Coach, CUSD Aquatics Manager, or CUSD Assistant Superintendent for Educational Services;
- Write a letter or email to a Club Coach, CUSD Aquatics Manager, or CUSD Assistant Superintendent for Educational Services;
- Make a report to the USA Swimming Safe Sport staff.

There is no express time limit for initiating a complaint under this procedure, but every effort should be made to bring the complaint to the attention of the appropriate club leadership as soon as possible to make sure that memories are fresh and behavior can be accurately recalled and the bullying behavior can be stopped as soon as possible.

## **HOW WE HANDLE BULLYING**

If bullying is occurring during team-related activities, we **STOP BULLYING ON THE SPOT** using the following steps:

1. Intervene immediately. It is okay to get another adult to help.
2. Separate the kids involved.
3. Make sure everyone is safe.
4. Meet any immediate medical or mental health needs.
5. Stay calm. Reassure the kids involved, including bystanders.
6. Model respectful behavior when we intervene.

If bullying is occurring at our club or it is reported to be occurring at our club, we address the bullying by **FINDING OUT WHAT HAPPENED** and **SUPPORTING THE KIDS INVOLVED** using the following approach:

### ***FINDING OUT WHAT HAPPENED***

1. **First, we get the facts.**
  - a. Keep all the involved children separate.
  - b. Get the story from several sources, both adults and kids.
  - c. Listen without blaming.
  - d. Don't call the act "bullying" while you are trying to understand what happened.
  - e. It may be difficult to get the whole story, especially if multiple athletes are involved or the bullying involves social bullying or cyber bullying. Collect all available information.
2. **Then, we determine if it's bullying.** There are many behaviors that look like bullying but require different approaches. It is important to determine whether the situation is bullying or something else.



- a. Review the USA Swimming definition of bullying;
- b. To determine if the behavior is bullying or something else, consider the following questions:
  - What is the history between the kids involved?
  - Have there been past conflicts?
  - Is there a power imbalance? Remember that a power imbalance is not limited to physical strength. It is sometimes not easily recognized. If the targeted child feels like there is a power imbalance, there probably is.
  - Has this happened before? Is the child worried it will happen again?
- c. Remember that it may not matter “who started it.” Some kids who are bullied may be seen as annoying or provoking, but this does not excuse the bullying behavior.
- d. Once you have determined if the situation is bullying, support all of the kids involved.

### ***SUPPORTING THE KIDS INVOLVED***

#### **3. Support the kids who are being bullied**

- a. Listen and focus on the child. Learn what’s been going on and show you want to help. Assure the child that bullying is not their fault.
- b. Work together to resolve the situation and protect the bullied child. The child, parents, and fellow team members and coaches may all have valuable input. It may help to:
  - i. Ask the child being bullied what can be done to make him or her feel safe. Remember that changes to routine should be minimized. He or she is not at fault and should not be singled out. For example, consider rearranging lane assignments for everyone. If bigger moves are necessary, such as switching practice groups, the child who is bullied should not be forced to change.
  - ii. Develop a game plan. Maintain open communication between the Club and parents. Discuss the steps that will be taken and how bullying will be addressed going forward.
- c. Be persistent. Bullying may not end overnight. Commit to making it stop and consistently support the bullied child.

#### **4. Address bullying behavior**

- a. Make sure the child knows what the problem behavior is. Young people who bully must learn their behavior is wrong and harms others.
- b. Show kids that bullying is taken seriously. Calmly tell the child that bullying will not be tolerated. Model respectful behavior when addressing the problem.
- c. Work with the child to understand some of the reasons he or she bullied. For example:
  - i. Sometimes children bully to fit in or just to make fun of someone is a little different from them. In other words, there may be some insecurity involved.
  - ii. Other times kids act out because something else—issues at home, abuse,



stress—is going on in their lives. They also may have been bullied. These kids may be in need of additional support.

- d. Involve the kid who bullied in making amends or repairing the situation. The goal is to help them see how their actions affect others. For example, the child can:
  - i. Write a letter apologizing to the athlete who was bullied.
  - ii. Do a good deed for the person who was bullied, for the Club, or for others in your community.
  - iii. Clean up, repair, or pay for any property they damaged.
- e. Avoid strategies that don't work or have negative consequences:
  - i. Zero tolerance or "three strikes, you're out" strategies don't work. Suspending or removing from the team swimmers who bully does not reduce bullying behavior. Swimmers may be less likely to report and address bullying if suspension or getting kicked off the team is the consequence.
  - ii. Conflict resolution and peer mediation don't work for bullying. Bullying is not a conflict between people of equal power who share equal blame. Facing those who have bullied may further upset kids who have been bullied.
- f. Follow-up. After the bullying issue is resolved, continue finding ways to help the child who bullied to understand how what they do affects other people. For example, praise acts of kindness or talk about what it means to be a good teammate.

**5. Support bystanders who witness bullying.** Every day, kids witness bullying. They want to help, but don't know how. Fortunately, there are a few simple, safe ways that athletes can help stop bullying when they see it happening.

- a. Be a friend to the person being bullied;
- b. Tell a trusted adult – your parent, coach, or club board member;
- c. Help the kid being bullied get away from the situation. Create a distraction, focus the attention on something else, or offer a way for the target to get out of the situation. "Let's go, practice is about to start."
- d. Set a good example by not bullying others.
- e. Don't give the bully an audience. Bullies are encouraged by the attention they get from bystanders. If you do nothing else, just walk away.

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### STUDENT SERVICES *Rights & Responsibilities* BULLYING

In accordance with Board Policy No. 2116 prohibiting bullying, the purpose of this administrative regulation is to provide procedures to process complaints of bullying, to investigate such complaints, to prohibit retaliation against victims of bullying, and to work toward the prevention of bullying.

#### Bullying Defined

Bullying, as defined by Education Code section 48900, subd. (r)(1), is any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Education Code sections 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

For these purposes, an "electronic act" means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager. "Reasonable pupil" means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

"Cyberbullying" is bullying that includes 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.

#### Bullying Prevention

The District and school sites shall promote procedures for preventing acts of bullying, including cyberbullying. Many of these procedures are described throughout Board Policy and Administrative Regulation 2116 and include the following :

1. Providing educational programs for students on the scope of physical and verbal acts that can

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cause bullying and the negative impacts that can result.

2. Notifying District employees, who witness an act of bullying against a student, of their responsibility to immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)
3. Notifying students and parents/guardians of school rules related to bullying, procedures for reporting incidents or threats related to bullying, and the consequences for perpetrators of bullying.
4. Providing educational programs for students and parents/guardians regarding social media and the potential negative consequences for failing to use social media responsibly.

### Discipline for Bullying

Any student who engages in bullying of another student related to a school activity or during school attendance within a school under the jurisdiction of the District Superintendent, or in a manner that causes or is likely to cause a substantial disruption of a school activity or school attendance, whether on or off campus, may be subject to discipline, which may include suspension or expulsion, in according with District policies and regulations.

### Retaliation Prohibited

It is the District's policy not to discourage persons from filing bullying complaints. Retaliation against any student or other person for exercising the right to file a bullying complaint is strictly prohibited. To avoid retaliation and the appearance of retaliation, students are directed:

1. To refrain from taking any action which dissuades any person from exercising the right to file a bullying complaint.
2. To keep confidential the facts of any complaints or investigation made pursuant to this policy, including the identity of any witnesses or any facts which disclose the identity of the claimants or witnesses.
3. The person against whom a complaint has been filed is directed not to communicate with any complainant, witness or other person involved in the complaint either in person, by mail or telephone, or through any intermediary, in an attempt to discourage persons from cooperating in the investigation of a bullying complaint or to retaliate against them for their involvement with a bullying complaint.

### Confidentiality

All matters pertaining to the filing, investigation, and resolution of bullying complaints shall be confidential, as appropriate. Files pertaining to bullying complaints shall not become public record to the extent allowed by law.

### Notice to Students

Each site administrator or designee shall post a public notice, in the form of the Uniform Complaint Procedure Statement, in all school offices, schools, staff lounges and student government meeting

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rooms.

### Responsible District Officer

Subject to the authority of the Governing Board and the Superintendent, the Associate Superintendent, School Leadership shall be responsible for overall implementation of policies and regulations prohibiting bullying. The site administrator, or designee, will conduct the investigation into formal complaints of bullying. The Associate Superintendent, School Leadership shall ensure that this policy and regulation is appropriately distributed to employees and students, and, with the consent of the Superintendent, may initiate training and education programs as appropriate to enable employees and students to better understand the problems and consequences of bullying.

### Interdistrict Transfer

As set forth more fully in Administrative Regulation No. 2210, at the request of a parent/guardian, students who have been determined by school personnel to have been the victim of an act of bullying shall be given certain priority and/or consideration with regard to an interdistrict transfer agreement.

### Intervention and Complaint Process

All school personnel who witness an act of discrimination, harassment, intimidation, or bullying, shall take immediate steps to intervene when safe to do so.

Students who witness an act of discrimination, harassment, intimidation, or bullying, or who suspect that another student is a victim of such acts, are encouraged to notify school staff. When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages sent to them that they feel constitute cyberbullying and to notify staff of the same.

When a student is reported to be engaging in bullying off campus, the site administrator of the school the student attends, or designee, investigating the complaint may document the activity and shall identify specific facts or circumstances that explain any impact or potential impact on school activity, school attendance, or the targeted student's educational performance.

Students who feel aggrieved because of conduct that may constitute bullying are encouraged, but not required, to directly inform the person engaging in such conduct that such conduct is unwelcome or offensive and should stop. However, if a direct discussion is uncomfortable or otherwise deemed inappropriate or dangerous by the individual aggrieved because of alleged bullying, then the individual aggrieved should file a complaint as described below, and the following steps shall be taken:

#### A. COMPLAINT PROCESS

##### 1. Informal Complaint

The purpose of the informal complaint process is to allow an individual, who believes he or she has been bullied, to resolve the issue through a consultation process rather than the formal complaint process provided by this Regulation. This is an optional step. Pursuant to the Complaint Process Flow Chart (Section D), and if acceptable to the complainant, an informal complaint is initiated within five (5) business days of the alleged occurrence by discussing the

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incident or matter with the site administrator, or designee. The site administrator, or designee, will use his or her best efforts to resolve an informal complaint within seven (7) business days.

2. If the complaint cannot be resolved at the informal level, or if the complainant rejects the
3. informal complaint process or resolution, the complainant may file a formal complaint which shall be investigated and resolved in accordance with law and the District's Uniform Complaint Procedures specified in Board Policy and Administrative Regulation 9208.

### Relationship to other Enforcement Mechanisms

The District's bullying policies and procedures are intended to supplement, and not replace, any applicable state and federal laws and regulations. Students may also request that other state and federal governmental agencies investigate complaints of bullying. For example, any student who thinks he or she has been bullied or retaliated against for resisting or complaining about bullying may file a complaint with the following agencies:

California Department of Education  
721 Capitol Mall, P.O. Box 944272  
Sacramento, California 94244  
(916) 657-2451

Office for Civil Rights  
50 United Nations Plaza, Room 239  
San Francisco, California 94102  
(415) 556-4275

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*Education Code sections 200, et seq., 220, 234 et seq.,  
32261, 32282, 32283, 46600, 48900 et seq.*

*Penal Code sections 288.2, 422.55, 653.2*

*Title 42 of the United States Code sections 2000d-2000e; 2000h-2 – 2000h-6*