



DOCUMENTATION GUIDE

This is a Documentation Guide for parents, mental health counselors, or parent advocates to use when working with a young person who is being bullied or harassed in school.

This Documented Guide uses student voice because it is necessary to fully engage young people in the documentation of what is happening to them and the resolution. It is advisable that the results of this documentation be written in the student voice. This will provide the student with greater feeling of control over the situation—critical to seeking to empower this student.

In addition, it is felt that a document written from the perspective of “this is what is happening to me and how this is making me feel” will likely be more powerful in achieving a positive resolution than a document where adults present what is happening to a young person.

DOCUMENTATION OF WHAT HAS BEEN HAPPENING

PROTECTED CLASS

- Establishing that you are in a protected class is absolutely necessary to be able to file a discriminatory harassment complaint. Students who are treated differently based on race, color, religion, sex, sexual orientation or identity, national origin, marital status, familial status, source of income or disability are within a protected class. Note that you are considered to be in a protected class if you are a member of that class—or are perceived to be. So if you are being harassed based on a perception that you are a member of a sexual minority, even if you are not, you are considered to be in a protected class. You can also be in more than one protected class.
 - Are you in a protected class? Alternatively, are you perceived to be in a protected class? If so, what protected class or classes?
 - How are the hurtful acts relate to your protected class status? Demonstrate this based on what been said, written, or other acts. This especially should include any name calling based on membership or perceived membership in one or more of these classes.
 - If you do not think you are in a protected class, or perceived to be, it will be necessary to establish that you are now suffering from mental health concerns that are associated with what has been happening and this is negatively impacting your learning and participation. If there is good evidence from the questions below related to Harmful Emotional Impact and Harmful Interference with Learning and Participation that you are experiencing a significant negative emotional impact and this is interfering with your learning and participation, steps can be taken to ensure that you are considered to be in a protected class.

TREATED BADLY BY STUDENTS AT SCHOOL

- Describe how you have been treated badly by other students while at school. If there are frequent hurtful acts, describe a sufficient number of these incidents. Especially describe the more serious incidents, incidents where staff were present, incidents that were reported, and incidents where there were witnesses.
 - What has happened? Where and how has this happened? Who was being hurtful? Who was supporting the hurtful acts?
 - Do you have any thoughts about the motivations of the student or students who are being hurtful? Does this student or students appear from your perspective to have any challenges? Is this student or students being hurtful in a way you think may be to attract attention and gain social status? Have you had past interactions with this student or students that may be related to what is happening?
 - Identify other students who were present who might be willing to confidently describe what happened.
 - If this is happening regularly and can be predicted, consider asking a friend to capture what is happening on their cell phone video. Ask for this only if it would be safe for your friend to do so.

STAFF RESPONSE WHEN TREATED BADLY BY STUDENTS AT SCHOOL

- Further describe or identify from above any hurtful incidents that occurred in front of staff members or that you reported to a staff member and how that staff member responded.
 - What staff member was present? What staff member did you tell? How did the staff member respond? What happened after this?

TREATED BADLY BY STUDENTS ONLINE

- Describe how you have been treated badly by other students from this school or other schools in the district when using digital media, either while at school or outside of school. Describe how these hurtful digital acts are related to what is happening in school.
 - What has happened? Where and how has this happened? Who was being hurtful? Who was supporting the hurtful acts?
 - Are there ways in which the hurtful online acts are related to what is happening at school? Describe this relationship.
 - Save and print out all hurtful digital communications or posts. In some cases, it may be possible to get verification of what is happening at school using digital communications. If you or a friend are in communication with the person being hurtful, you could write: “I really did not like it when you (describe what this person did in some detail). I would ask that you stop.” If this person then responds in a way that essentially admits that this is what happened, you essentially have this person’s admission of this.

TREATED BADLY BY SCHOOL STAFF

- Describe any situations where a school staff member has denigrated, bullied, harassed, or sexually harassed you. This includes “micro-aggressions”—brief verbal or behavioral acts that communicate negative prejudicial insults, especially directed towards you or other students who may be in the same protected class.
 - What has happened? Where and how has this happened? How frequently?

- Were any other staff members were close by. If so, specifically describe how this other staff person reacted.
- Identify other students who were present who might be willing to confidently describe what happened.
- If this is happening regularly and can be predicted, consider asking a friend to be prepared to capture what is happening on their cell phone video.

SEXUAL HARASSMENT

- Sexual harassment is: Unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature that unreasonably interferes with a person's education and/or a person's participation in school activities, or that creates an intimidating, hostile or offensive school-related environment. Technically, sexual harassment is different from being harassed based on sex.
- If you are being sexually harassed, these are the things to describe:
 - Describe the nature of the harassment. What has happened? Where and how has this happened? Who was engaging in harassment? Who was supporting the harassment?
 - Save and provide all digital communications or posts that relate to what has or is happening.
 - Identify other students who were present who might be willing to confidently describe what happened.
 - If you have experienced a sexual assault, talk with your parents and call the police.

RESPONSE IF REPORTED TO SCHOOL

- Describe what happened upon any reports of the above incidents or situations to the school by you or by your parent or guardian.
 - If you reported that students were hurtful to you at school or online, describe who you reported to, what happened in response, and what happened after this? Did things get better, stay the same, or get worse? Did you feel as though your concerns were heard and responded to effectively?
 - Did you experience retaliation in any way from the student who was hurtful, other students, or staff? If so, describe in full.
 - If you reported to the school that you were treated badly and a staff member saw this and did nothing in response, describe who you reported to, what happened in response, and what happened after this? Did things get better, stay the same, or get worse? Did you feel as though your concerns were heard and responded to effectively?
 - Did you experience retaliation? If so, describe in full.
 - If you reported to the school that you were treated badly by a staff member, describe who you reported to, what happened in response, and what happened after this? Did things get better, stay the same, or get worse? Did you feel as though your concerns were heard and responded to effectively?
 - Did you experience retaliation? If so, describe in full.
 - If you decided not to report in any of the above incidents or situations, why did you make the decision not to report?

HARMFUL EMOTIONAL IMPACT

- Describe how, as a result of these hurtful acts, you are feeling. This can be after each act or in general. Describe these concerns in as much detail as possible.
 - Do find that you are re-experiencing or frequently thinking about what has been happening to you? Are you having upsetting memories of what has been happening? Do these memories occur at times when you are not at school? Do you have dreams where people are hurtful to you? Do you feel distressed just thinking about going to school? If so, describe.
 - Do you find that you are avoiding or trying to avoid thinking about things that can bring up memories of how you are being treated? Are you avoiding or trying to avoid people, places, or activities that relate to how you are being treated? If so, describe.
 - Are you feeling anxious, sad, angry? Do you have negative thoughts about yourself, other people, school, the world? Do you sometimes blame yourself? Are you avoiding activities that you used to like to do? Do you feel disconnected from others? Do you have difficulties feeling positive emotions like being happy and joyful? If so, describe.
 - Do you find that sometimes you are upset or become aggressive? Are you engaging in impulsive or self-harmful behavior? Especially when you are at school, do you feel like you constantly have to be on guard because someone might be hurtful to you? Do you sometimes startle when people come up to you? Do you have difficulties concentrating? Do you have problems sleeping?
 - Are you having headaches or stomach pain or other unexplained feelings of physical discomforts?

HARMFUL INTERFERENCE WITH ON YOUR LEARNING OR PARTICIPATION

- Describe how as a result of these hurtful acts, you have been unable to concentrate, learn, and/or participation in school activities. This also can be after each act or in general. Describe this interference in as much detail as possible.
 - Have you skipped school one or more days, skipped a class one or more times, had difficulties concentrating in class, found it hard to complete assignments, received lower grades, or not felt comfortable participating in class discussions?
 - Have you avoided riding the bus, certain areas of the school building, using the bathroom, using the locker room, or going into the cafeteria?
 - Have you avoided participating in school clubs, participating on a school sports team, or attending school activities?

ASPECTS OF THE SCHOOL ENVIRONMENT THAT MAY BE CONTRIBUTING

- Describe any aspects of the school environment that appear to be reinforcing the way you are being treated badly by others. This may include district policies, school practices, statements made by staff, curriculum choices, books or lack of books in the library, as well as overall aspects of the school climate. This could also include offensive graffiti that is not quickly removed. The micro aggressions by staff are also relevant here.
 - Describe what aspects of the environment make you feel unwelcome or uncomfortable.
 - Specifically focus on how you have been treated by school staff in presence of other students and how school staff respond if they witness you being treated badly by students.

- Is the school using a rewards approach that rewards students who do not have challenges and are compliant—and who are also being hurtful to you?

RETALIATION BY YOU

- Describe any incidents or situations where you responded badly because of how you were being treated and engaged in some form of retaliation or fought back. Be sure to accept personal responsibility for your actions.
 - Specifically describe how you were treated right before you responded badly.
 - What was any consequence to you? Was this reported? Were you punished? Did you try to explain the entire situation? What was the result?
 - Describe what has happened in the past that relates to this. This might include recent incidents when school staff saw you being treated badly and did nothing or just laughed and prior incidents that were reported and nothing was done or what was done was not effective or made things worse.

WRITING THE DOCUMENTATION

This could be written in either student or parent voice. I will use student voice in the example. This is language that can be used for the potential situations. Omit text that is not relevant. If student is not in a protected class or being treated badly based on the perception of being in a protected class, substitute the term “bullying” for the term “harassment.”

My name is _____. I am in ___ grade, attending _____.

I am (what protected class) and am being harassed based on this. I am being harassed as if I were (protected class). I have a disability/mental health condition and am being bullied.

I am being treated badly on a frequent basis (Describe frequency). I am being treated badly on a frequent and wide-spread basis. (Describe frequency and pervasiveness. If materials have been posted online, this is very pervasive.)

Sometimes, these incidents are more serious. Sometimes these incidents are more minor, but they are still very hurtful.

These are some examples of what is happening to me.

(Provide examples.)

The staff at my school often do not respond effectively, even though they see other students being hurtful. Sometimes they make things worse. These are some examples of how staff responded when someone was hurtful to me right in front of them.

It is my opinion that because staff never (or rarely) effectively step in to help me when students are being hurtful, that other students think that what they are doing is okay.

(Provide examples.)

I am also being treated badly by students online and through cell phones. Attached are some examples of what students have posted about me or sent to me. Because this is being posted online, this very pervasive. The hurtful digital incidents are connected to what is happening in school.

(Provide examples.)

I am being sexually harassed.

(Provide examples.)

I am also being treated badly by school staff. Sometimes, these are small things. But when school staff says things that are hurtful to me, especially in front of other students, this appears to make it okay for other students to treat me badly. These are some examples of what staff has said or done to me that is hurtful.

(Provide examples.)

Sometimes, I (or my parent/guardian and I) have reported the incident or incidents to the school.

(Describe the response by the school.)

Many times, after I reported, this made things worse. I have been harassed even more after reporting, including being called a “snitch.” At this point in time, I rarely report these incidents to the school. I know that the principal will not stop this from happening.

(Describe what happened to you from other students or staff after you reported.)

As a result of being treated like this for a long time, I am feeling emotionally distressed.

(Fully describe the harmful emotional impact.)

Being treated like this has also seriously damaged my ability to receive an education and participate in school activities.

(Fully describe impact on learning and activities.)

There have been times after when I was treated badly that I responded badly and also engaged in hurtful and inappropriate behavior. I accept personal responsibility for my inappropriate behavior. However, these are the reasons why I acted as I did.

(Provide examples, provide reasons, and accept personal responsibility)

My school has been doing things that appear to contribute to why students treat me and others badly.

(Provide examples.)

I am requesting an immediate appeal of my complaint to the Oregon Department of Education’s Office for Civil Rights. The reason I am making this request is that the district policy and complaint process are not written in a way that ensures my civil rights will be protected. There are three reasons for this:

- The district’s policy is not directed at hurtful conduct that is persistent or pervasive. Under civil rights laws, in addition to serious hurtful conduct, I am protected against persistent or pervasive hurtful conduct if this is resulting in a significant interference with my learning or participation.
- The only intervention under the district’s policy is discipline of the accused student. Under civil rights laws, the school is required to take prompt and effective steps that are reasonably calculated to stop the harassment, prevent retaliation, remedy the harm to me, and correct the hostile environment.
- The only basis for reviewing my complaint is a determination of whether disciplinary action was warranted. Thus, the district will not determine whether the school took prompt and effective steps that are reasonably calculated to stop the harassment, prevent retaliation, remedy the harm to me, and correct the hostile environment.