

Reporting Bullying in the District of Columbia

The Role of the Citywide Bullying Prevention Program and the Office of Human Rights

When children and youth are bullied in the District of Columbia, the Youth Bullying Prevention Act of 2012 (YBPA) requires schools and other youth-serving agencies to take action. Specifically, these agencies must implement a comprehensive bullying prevention policy, investigate all reports of bullying, provide training for staff on responding to incidents of bullying, maintain and report incident data, and provide resolution in cases where bullying is confirmed. The Citywide Bullying Prevention Program, housed within the DC Office of Human Rights (DC OHR), provides oversight to ensure that each school or youth-serving agency complies with the YBPA and its accompanying regulations. When entities that are covered under the YBPA, including schools, do not follow the YBPA's requirements, youth, parents, and/or guardians may file complaints with DC OHR.

Throughout this resource, there will be references to DC City Code and DC Municipal City Regulations. The DC City Code provides more detail on the requirements of the YBPA. Readers can find this description in DC Code § 2-1535.01 *et seq.*

This tipsheet provides stepwise guidance for youth, parents, and/or guardians on how to respond if they suspect that a covered entity is not fulfilling the requirements of the YBPA. Schools and other youth-serving agencies are covered entities under YBPA. Parents and guardians are also encouraged to review [DC OHR's tips for parents brochure](#), which provides tips on talking to children about bullying and taking next steps to resolve incidents.

Step 1: Become familiar with the requirements of the YBPA.

Prior to contacting DC OHR, individuals should review how the YBPA defines bullying and the specific requirements set forth for schools and other youth-serving agencies (DC Code § 2-1535.01.).

The YBPA defines bullying as:

"... any severe, pervasive, or persistent act of conduct that can be reasonably predicted to:

- a. Place the youth in reasonable fear of physical harm to their person or property;
- b. Cause a substantial detrimental effect on the youth's physical or mental health;
- c. Substantially interfere with the youth's academic performance or attendance; or
- d. Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution or grantee."

Many behaviors that may colloquially be referred to as "bullying" may not fall within this statutory definition; however, this does not mean that these behaviors are not hurtful for the youth involved. Nevertheless, if a behavior does not fall under the statutory definition of bullying, schools do not have the same legal obligations to intervene.

DC OHR provides [several resources](#) for schools, parents, and youth to better understand the YBPA's statutory requirements, along with tips for distinguishing bullying from other peer conflict and guidance for intervention.

Step 2: Follow the school or agency's procedures for reporting bullying.

Youth, parents, and/or guardians should report bullying to the school or youth-serving agency prior to escalating to DC OHR. Each covered entity is required to maintain a bullying prevention policy that details procedures for reporting and investigating bullying incidents. Schools and other agencies are required to allow anonymous reporting. However, such entities are *not* required to take action solely on the basis of an anonymous report. [See DC Code § 2-1535.03.]

DC OHR maintains a [database](#) on its website of bullying prevention policies and points of contact for each local education agency and other youth-serving agency.

Step 3: File an informal complaint to DC OHR.

Youth, parents, and/or guardians who are concerned that a covered entity is not fulfilling its obligations under the YBPA may contact DC OHR at any time to file an informal complaint and receive support from the Citywide Bullying Prevention Program. Informal complaints are strongly encouraged—but not required—before escalating to a formal complaint. [See 4 DCMR § 1513.1.] The informal complaint process is designed to address bullying-related issues quickly, whereas the formal complaint process can take significantly more time to resolve. There is no specific timeframe in which an informal complaint must be made. [See 4 DCMR § 1513.2(a).]

To file an informal complaint, youth, parents, and/or guardians should contact OHR’s Youth Bullying Prevention Program Manager by email at bullyingprevention@dc.gov or by phone at (202) 519-3333. The Program Manager will work with the complainant and the covered entity to determine if further action may be required. Resolutions to informal complaints are typically incident-specific but may involve broader program or policy changes at the covered entity. [See 4 DCMR § 1513.2(a).]

Step 4: File a formal complaint to DC OHR.

Should a youth, parent, and/or guardian not find successful resolution with an informal complaint, they may wish to file a formal complaint through DC OHR. Formal complaints must be made within one year of the alleged YBPA violation, by an individual over age 18. [See 4 DCMR § 1513.2(b).] Formal complaints can only be made alleging that a school or other youth-serving agency has not complied with the requirements of the YBPA (See 4 DCMR §1513.3.). Complainants can file a formal report when they believe a school or other youth-serving agency:

- Has not investigated a report of bullying or retaliation adequately;
- Fails to initiate an investigation into a report of bullying, retaliation, or other violation of the bullying prevention policy in a timely fashion; or,
- Fails to follow any other requirements of the YBPA

If an individual is unsure whether their complaint falls within the requirements for filing a formal complaint, they should contact the Bullying Prevention Program Manager for help determining if their complaint would be an alleged violation of the law.

To file a formal complaint, individuals should use the [Education Intake Questionnaire](#) found on the DC OHR website. For the basis of the complaint, individuals should check “other” and fill in “YBPA” as the basis. The complaint should include the name and address of the respondent (the school or youth-serving entity), a description of the incident, and any other information required by DC OHR.

DC OHR may ask the complainant and the covered entity to attend mediation to see if they can resolve the complaint prior to a formal investigation. If not, the OHR Enforcement Green Team conducts formal complaint investigations. Investigations are tailored to the specific incident and may include witness and party interviews, respondent position statements, and written requests for information. OHR will inform a complainant if they lack jurisdiction to pursue the complaint, or if they require further information to confirm a violation of YBPA [See 4 DCMR §§ 708.1, 1071.]

For formal complaints solely related to YBPA noncompliance, OHR will issue a Letter of Determination (LOD) that states whether a violation occurred and which may include recommendations for the covered entity. If a violation is found, the covered entity is required to meet with the Youth Bullying Prevention Program Manager within 60 days of the LOD to discuss the findings and any corrective actions. [See 4 DCMR § 1513.7.] The entity must then agree on corrective actions within 90 days of the determination. [See 4 DCMR § 1513.8.]

Note, the YBPA does not provide grounds for individuals or organizations to handle violations of YBPA or bullying prevention policies privately. Addressing violations should always be done in collaboration with OHR. YBPA also does not provide grounds for complainants to request monetary repayment or restitution from any parties involved in the complaint. YBPA complaints are meant to remedy noncompliance by schools, youth-serving agencies, and other covered entities. The Youth Bullying Prevention Program Manager can discuss the outcomes you are seeking and whether the DC OHR complaint process is appropriate for your situation.