

BULLYING PREVENTION

The Manchester Essex Regional Schools is committed to maintaining a school environment where students are free from bullying and cyber-bullying and the effects thereof. Acts of bullying and cyber-bullying are prohibited:

(i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by the school district; or through the use of technology or an electronic device owned, leased or used by the school district and

(ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by the school district, if the acts create a hostile environment at school for the ~~targetVictim~~, infringes on the rights of the ~~targetVictim~~ at school or materially and substantially disrupts the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying also is prohibited.

A. Definitions

Aggressor is a student or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying, cyber-bullying, or retaliation.

Bullying, as defined in M.G.L. c.71, s. 37O, is the repeated use by one or more students or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a ~~targetVictim~~ that:

- (i) causes physical or emotional harm to the ~~targetVictim~~ or damage to the ~~targetVictim~~'s property;
- (ii) places the ~~targetVictim~~ in reasonable fear of harm to himself or of damage to his property;
- (iii) creates a hostile environment at school for the ~~targetVictim~~;
- (iv) infringes on the rights of the ~~targetVictim~~ at school; or
- (v) materially and substantially disrupts the education process or the orderly operation of a school.

Bullying may include conduct such as physical intimidation or assault, including intimidating an individual into taking an action against his/her will; oral or written threats; teasing; putdowns; name-calling; stalking; threatening looks, gestures, or actions; cruel rumors; false accusations; and social isolation.

Cyber-bullying, as defined in M.G.L. c.71, s. 37O is bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying also includes:

- (i) the creation of a web page or blog in which the creator assumes the identity of another person;
- (ii) the knowing impersonation of another person as the author of posted content or messages, if the

creation or impersonation creates any of the conditions enumerated above in clauses (i) to (v), inclusive, of the definition of bullying; and

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(iii) the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated above in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying may include conduct such as sending derogatory, harassing or threatening email messages, instant messages, or text messages; creating websites that ridicule, humiliate, or intimidate others; and posting on websites or disseminating embarrassing or inappropriate pictures or images of others.

Hostile Environment, as defined in M.G.L. c. 71, s. 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Target is a student against whom bullying, cyber-bullying or retaliation has been perpetrated.

Commented [HL1]: M.G.L. c.71, s. 37O uses the language of "Victim" rather than "Target"

B. Bullying and Retaliation Are Prohibited and Will Lead to Discipline

The Manchester Essex Regional Schools absolutely prohibits bullying, cyber bullying and retaliation as defined above. Students who engage in bullying or retaliation will be subject to disciplinary action, however, disciplinary action taken must balance the need for accountability with the need to teach appropriate behavior. The range of disciplinary action includes, but is not limited to, one or more of the following: verbal warnings, written warnings, reprimands, detentions, short-term or long-term suspensions, or expulsions from school as determined by the school administration and/or school committee, subject to applicable procedural requirements. Nothing in this policy is intended to prevent the school administration and/or school committee from taking disciplinary action against a student for conduct that does not meet the definition of bullying or cyber-bullying, as defined above, but nevertheless is inappropriate for the school environment.

C. Reporting Obligations

Reporting by Staff: A member of school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation s/he has witnessed or become aware of to the school principal or designee.

Reporting by Students, Parents/Guardians, and Others: The district expects students, parents/guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the school principal or designee. An individual may make an anonymous report of bullying or retaliation, however, no disciplinary action may be taken against a

student solely on the basis of an anonymous report. A student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

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Reporting to Local Law Enforcement: At any point after receipt of a report of bullying or retaliation, or during or after an investigation, if the school principal or designee has a reasonable basis to believe that the incident may involve criminal conduct, the school principal or designee will notify the local law enforcement agency. In addition, if an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the Superintendent of the Manchester Essex Regional Schools or designee will notify local law enforcement if s/he believes that criminal charges may be pursued.

Reporting to Administrator of Another School District or School: If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school and the Manchester Essex Regional Schools is the first to be informed of the bullying or retaliation, then the Superintendent of the Manchester Essex Regional Schools or designee must, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action.

D. Investigation

The school principal or designee shall investigate promptly a report of bullying or retaliation, giving consideration to all the circumstances at hand, including the nature of the allegations and the ages of the students involved. The following are general guidelines for responding to a report of bullying or retaliation. The guidelines will be adapted as necessary to respond appropriately to the complaint.

Pre-Investigation: Even before fully investigating allegations of bullying or retaliation, school personnel will consider whether there is a need to take immediate steps to support the alleged ~~target~~Victim and/or protect the alleged ~~target~~Victim from further potential incidents of concern. In taking any such action, however, the rights of both the alleged ~~target~~Victim and alleged ~~aggressor~~Perpetrator must be considered.

Written statement of the complaint: The investigator will seek to determine the basis of the complaint, gathering information from the complainant, including such matters as: what specifically happened, who committed the alleged acts, who was present or may have information about the events, when the events occurred (date, time of day), and where the events occurred.

It is helpful to have these facts in writing. If age appropriate, the complainant may be asked to put the complaint in writing and to sign and date it. If the complainant cannot or chooses not to write a complaint, the investigator will record the allegations, read them to the complainant to confirm accuracy, and ask the complainant to sign the document. If the complainant cannot or chooses not to sign, the investigator may sign and date the document her/himself.

Interviews: Once the allegations of the complainant are established, the investigator will gather other evidence, which often involves interviews of the alleged ~~aggressor~~Perpetrator and/or other witnesses. If appropriate, the investigator should remind the alleged ~~aggressor~~Perpetrator and witnesses that retaliation against persons whom they believe might have reported the incidents or cooperated with the investigation is strictly prohibited and will result in disciplinary action.

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Confidentiality: The confidentiality of the complainant and the other witnesses will be maintained to the extent practicable given the school's obligation to investigate and address the matter.

E. Determination

School personnel must weigh all of the evidence objectively to determine whether the alleged events occurred and, if they did, whether the events constitute bullying or retaliation. The determination must be based upon all of the facts and circumstances and the perspective of a reasonable person. When applied to children, the "reasonable person" standard is generally "that of a reasonable person of like age, intelligence, and experience under like circumstances." See *Ellison v. Brady*, 924 F.2d 872 (9th Cir. 1991).

If bullying or retaliation is substantiated, the school will take steps reasonably calculated to prevent recurrence and ensure that the targetVictim is not restricted in participating in school or in benefiting from school activities. As with the investigation, the response will be individually tailored to all of the circumstances, including the nature of the conduct and the age of the students involved. In addition to taking disciplinary action, the following are examples of steps that may be taken to prevent the recurrence of bullying or retaliation:

Holding parent conferences;

Limiting or denying student access to a part, or area, of a school;

Enhancing adult supervision on school premises;

Excluding from participation in school-sponsored or school-related functions, after-school programs, and/or extracurricular activities;

Providing relevant educational activities for individual students or groups of students. Guidance counselors and others in the school setting who have been trained in working with students on interpersonal issues may be helpful in providing such programs.

Personalized Action Plan and directives for future conduct, including providing the targetVictim with a process for reporting any concerns about future conduct immediately. It is critical to involve the student in creating an action plan that involves a reporting process that works for that particular student.

Arranging for communication between the parties, if appropriate, to assist them in resolving issues which have arisen between them. (Such an approach will be used cautiously since communication can sometimes exacerbate, rather than alleviate, the targetVictim's concerns and since the conduct often involves an imbalance of power.)

Providing counseling (or other appropriate services) or referral to such services for the targetVictim and/or the aggressorPerpetrator and/or for appropriate family members of said students.

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F. Closing the Complaint and Possible Follow-Up

School staff will promptly provide notice to the parent/guardian of a targetVictim and an aggressorPerpetrator about whether or not the complaint was substantiated and, if substantiated, what action is being taken to prevent any further acts of bullying or retaliation. Specific information about disciplinary action taken generally will not be released to the targetVictim's parents or guardians—unless it involves a “stay away” or other directive that the targetVictim must be aware of in order to report violations.

If appropriate, within a reasonable time period following closure of the complaint, the administrative staff or designee will contact the targetVictim to determine whether there has been any recurrence of the prohibited conduct.

The district will retain a report of the complaint, containing the name of the complainant, the date of the complaint, investigator, school, a brief statement of the nature of the complaint, the outcome of the investigation, and the action taken.

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended
Federal Regulation 74676 issued by EEO Commission
Title IX of the Education Amendments of 1972
603 CMR 26.00
M.G.L. 71:37O; 265:43, 43A; 268:13B; 269:14A

REFERENCES: Massachusetts Department of Elementary and Secondary Education's Model
Bullying Prevention and Intervention Plan

CROSS REFS.: AC, Nondiscrimination
ACAB, Sexual Harassment
JBA, Student-to-Student Harassment
JICFA, Prohibition of Hazing
JK, Student Discipline Regulations

SOURCE: MANCHESTER ESSEX
Revised 10.13