

BULLYING PREVENTION – INTERIM POLICY^{1/}

The Cohasset Public School District 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 target, infringes on the rights of the target 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 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 of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

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

Bullying shall included cyber-bullying and may include conduct such as physical intimidation or assault, including intimidating an individual into taking an action

^{1/} Consistent with M.G.L. c. 71, s. 37O, the School Committee adopts this bullying prevention policy on an interim basis given that the district is in the process of developing its Bullying Prevention and Intervention Plan ("Plan") that must be established no later than 12/31/10 and that the final Plan may necessitate making changes to this policy.

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
- (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.

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

The Cohasset Public 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, loss of recess, 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 designed or intended to limit the authority of school administrators and/or the school committee (a) from taking disciplinary or other 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 or (b) from taking disciplinary or other action under General Laws Chapter 71, §§ 37H or 37H1/2, other applicable laws, or local school handbook provisions or district policies, regardless of whether this policy covers the conduct.

C. Reporting Obligations

Reports of bullying or retaliation may be made by staff, students, parents/guardians, or others and may be oral or written. Oral reports made by, or to, a staff member must be recorded in writing. The district has developed an Incident Reporting Form, however, use of this form is not required as a condition of making a report.

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 report immediately to the principal or designee when s/he witnesses or become aware of conduct that may be bullying or retaliation. The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

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 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. Students, parents/guardians, and others may request assistance from others to complete a written report. Students will be provided practical, safe, and age-appropriate ways to report and discuss an incident of bullying or retaliation with a staff member or with the principal or designee. A student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

D. Responding to A Report of Bullying or Retaliation

1. Safety

Even before fully investigating allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to

promote safety must consider the rights of both the alleged target and alleged aggressor. The principal or designee may take additional steps to promote safety during the course of, and after, the investigation, as necessary.

2. Obligation to Notify Others

- a. Notice to parents or guardians. While there may be circumstances in which a principal or designee contacts parents or guardians of an alleged target or an alleged aggressor prior to any investigation, notice is not required until there is an investigation and determination that bullying or retaliation has occurred.
- b. Notice to 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, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communication will be in accordance with state and federal privacy laws and regulations and 603 CMR 49.00.
- c. Reporting to Local Law Enforcement. At any point after receipt of a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the 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 school, the principal or designee of the school informed of the bullying or retaliation will notify the local law enforcement agency if s/he has a reasonable basis to believe that criminal charges may be pursued against the aggressor. The principal shall document the reasons for his or her decision to notify law enforcement.

E. Investigation.

The principal or designee will investigate promptly all reports of bullying or retaliation, and, in doing so, will consider all available information known, including the nature of the allegation(s) and the age 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 report of bullying or retaliation.

Written statement: The investigator will seek to determine the basis for the report of bullying or retaliation, gathering information from the person making the report, 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.

Given that it is helpful to have these facts in writing, if age appropriate, the person making the report may be asked to put the report in writing and to sign and date it. If the person making the report cannot or chooses not to put the report in writing, the investigator will record the allegations, read them to the person making the report to confirm accuracy, and ask the person making the report to sign the document. If the person making the report cannot or chooses not to sign, the investigator may sign and date the document her/himself.

Interviews: Once the allegations are established, the investigator will gather other evidence, which often involves interviews of the alleged aggressor and/or other witnesses. The investigator will remind the alleged aggressor, alleged target, 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.

Confidentiality: The confidentiality of the person making the report of bullying or retaliation and the other witnesses will be maintained to the extent practicable given the school's obligation to investigate and address the matter.

F. Determinations.

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).

G. Responses to Bullying or Retaliation.

1. **Taking Disciplinary Action.** 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. In addition, 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. The range of possible disciplinary action includes, but is not limited to, one or more of the following: verbal warnings, written warnings, reprimands, loss of recess, 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 Plan is designed or intended to limit the authority of school staff, administrators and/or the school committee (a) from taking disciplinary or other 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 or (b) from taking disciplinary or other action under General Laws Chapter 71, §§ 37H or 37H1/2, other applicable laws, or local school handbook provisions or district policies, regardless of whether this Plan covers the conduct.

2. Taking Other Steps to Prevent Recurrence. In addition to taking disciplinary action, the following are examples of steps that the principal or designee may take in an effort to prevent the recurrence of bullying or retaliation:

- (i) offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- (ii) providing relevant educational activities for individual students or groups of students, in consultation with a guidance counselor(s) and/or other appropriate school personnel;
- (iii) implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- (iv) meeting with parents/guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- (v) adopting behavioral plans to focus on developing specific social skills;
- (vi) making a referral for an evaluation;
- (vii) transferring student's classroom or school;
- (viii) limiting or denying student access to a part, or area, of a school;
- (ix) enhancing adult supervision on school premises;
- (x) excluding from participation in school-sponsored or school-related functions, after-school programs, and/or extracurricular activities;
- (xi)** developing a Personalized Action Plan for the target and directives for future conduct, including providing the target 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;

- (xii) 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 target's concerns and since the conduct often involves an imbalance of power.) ;
- (xiii) providing counseling (or other appropriate services) or referral to such services for the target and/or the aggressor and/or for appropriate family members of said students.

3. Promoting Safety for the Target and Others. Within a reasonable period of time following a determination of bullying or retaliation and the ordering of disciplinary action and possible remedial action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement additional supportive measures promptly.

H. Closing the Complaint.

The principal or designee shall promptly notify the parents of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what the school district or school's procedures are for responding to the bullying or retaliation. The principal shall inform the target's parent of actions that school officials will take to prevent further acts of bullying or retaliation. Because of the legal requirements regarding confidentiality of student records, the principal or designee cannot report specific information to the target's parent about any disciplinary action or other action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

The district will retain a written record of the investigation, including the name of the person making the report of bullying or retaliation, the date of the report, a brief statement of the nature of the report, the outcome of the investigation, and the action taken.