



May 15, 2018

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Cambridge Public Schools
Anti-Cyberbullying Policy

Recommendation: That the School Committee approve the revisions to the Anti-Cyberbullying Policy as detailed in the attached document.

Description: These revisions to the Anti-Cyberbullying Policy are being made to the list of protected categories to include pregnancy and pregnancy related conditions in accordance with the terms of Massachusetts' recently enacted Pregnant Workers Fairness Act, to provide for consistent order in the listing of protected categories within the policy and across all policies involving protected categories, and to ensure more gender inclusive terminology is utilized within the policy.

This is a second reading of these proposed revisions to the Anti-Cyberbullying Policy.

Supporting Data: Attached redline of revisions to Cambridge Public Schools Anti-Cyberbullying Policy.

Respectfully submitted,

Kenneth N. Salim, Ed.D.
Superintendent of Schools

File: JICFB-1

ANTI-CYBERBULLYING POLICY

The Cambridge Public Schools is committed to creating a safe, caring, respectful learning environment for all students and strictly enforces a prohibition against cyberbullying of any of its students by anyone, whether school staff or students, and also strictly enforces a prohibition against retaliation of any person who reports cyberbullying, provides information during an investigation of cyberbullying or witnesses or has reliable information about cyberbullying. Site-based initiatives, developed collaboratively between school administration and personnel, students, families and community members will seek to: (1) help students of all ages and abilities stay safe, act wisely, and believe in themselves; and (2) help adults respond effectively to students' reports and their own observations.

Cyberbullying is a form of bullying. Cyberbullying is defined as the repeated use by one or more students or by a 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 target/victim that: (i) causes physical or emotional harm to the target/victim or damage to the target/victim's property; (ii) places the target/victim in reasonable fear of harm to ~~themselves himself or herself~~ or damage to ~~theirhis/her~~ property; (iii) creates a hostile environment at school for the target/victim; (iv) infringes on the rights of the target/victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Cyberbullying is further defined as bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer or 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. Cyberbullying shall also include (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 following conditions: (a) causes physical or emotional harm to the target/victim or damage to the target/victim's property; (b) places the target/victim in reasonable fear of harm to ~~himself or herself themselves~~ or damage to ~~his/hertheir~~ property; (c) creates a hostile environment at school for the target/victim; (d) infringes on the rights of the target/victim at school; or (e) materially and substantially disrupts the education process or the orderly operation of a school; and/or (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 following conditions: (a) causes physical or emotional harm to the target/victim or damage to the target/victim's property; (b) places the target/victim in reasonable fear of harm to ~~himself or herself themselves~~ or damage to ~~his/hertheir~~ property; (c) creates a hostile environment at school for the target/victim; (d) infringes on the rights of the target/victim at school; or (e) materially and substantially disrupts the education process or the orderly operation of a school.

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Hostile environment, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying and/or cyberbullying 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 defined as any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of cyberbullying, or witnesses or has reliable information about cyberbullying.

Cyberbullying can take many forms and can occur in any setting. Cyberbullying of students occurring in the schools is prohibited by law and will not be tolerated by the Cambridge Public Schools. For purposes of this policy, "school" includes schools, school grounds, travel to and from school and/or school-sponsored events or functions, property immediately adjacent to school grounds, school-sponsored or school-related activities, functions, programs whether on or off school grounds (such as social events, trips, sports events, or similar school-sponsored events and functions), at a school bus stop, on a school bus or other vehicle owned, leased or used by the school district or a school, on the way to and from school or through the use of technology or an electronic device owned, leased or used by the school district or a school and 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 or school, if the act creates a hostile environment at school for the target/victim or witnesses, infringes on the rights of the victim or witnesses at school or materially and substantially disrupts the education process or the orderly operation of a school. Consistent with state law, the Cambridge Public Schools recognizes that certain students may be more vulnerable to becoming a target of cyberbullying or harassment based on actual or perceived differentiating characteristics, including: ~~race, color, religion, ancestry, national origin, sex, race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity or expression, sexual orientation, pregnancy, or pregnancy-related condition~~ socioeconomic status, homelessness, academic status, ~~gender identity or expression~~, physical appearance, ~~pregnant or~~ parenting status, ~~sexual orientation, mental, physical, developmental or sensory disability~~ or by association with a person who has or is perceived to have one (1) or more of these characteristics.

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The Cambridge Public Schools takes allegations of cyberbullying seriously and will respond promptly to complaints and allegations of cyberbullying. Additionally, allegations of retaliation against a person who reports cyberbullying, provides information during an investigation of cyberbullying or witnesses or has reliable information about cyberbullying also shall be taken seriously and the Cambridge Public Schools will respond promptly to such complaints and allegations.

If any student, parents/guardians/caregivers of a student, staff member or other community member believes that a student has been subjected to cyberbullying, or to retaliation for reporting cyberbullying, providing information during an investigation of cyberbullying or witnessing or having reliable information about cyberbullying, ~~he or she~~they should bring the matter to the attention of the principal/head of upper school of the school where the child attends. This may be done verbally or in writing. Reports of cyberbullying and/or reports or retaliation for reporting bullying, providing information during an investigation of cyberbullying or

witnessing or having reliable information about cyberbullying also may be made anonymously to the principal/head of upper school of the school where the child attends. Please note; however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report having been received.

Where it is determined that inappropriate conduct has occurred, the Cambridge Public Schools will act promptly to eliminate the conduct and will impose corrective action as necessary, which may range from requiring the aggressor to work with school personnel on better behavior, the recommendation for the provision of counseling or other therapeutic services and/or disciplinary action where appropriate, up to and including suspension, expulsion and/or court involvement. Additionally, consistent with state law, if it is determined that cyberbullying or retaliation has occurred, the principal/head of upper school, in conjunction with the Director of Safety and Security, shall (i) notify local law enforcement if the principal/head of upper school believes that criminal charges may be pursued against the aggressor; (ii) take appropriate disciplinary action; (iii) notify the parents/guardians/caregivers of the aggressor; and (iv) notify the parents/guardians/caregivers of the target/victim; and, to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of cyberbullying or retaliation.

Furthermore, if it is determined that a student has knowingly made a false accusation of cyberbullying or retaliation, they he/she shall be subject to discipline, up to and including suspension, expulsion and/or court involvement. All students shall be afforded the same protection regardless of their status under the law.

In notifying the parents/guardians/caregivers of the target and the aggressor, the principal/head of upper school must comply with the confidentiality requirements of the Massachusetts Student Record regulations, 603 C.M.R. 23.00, and the Federal Family Education Rights and Privacy Act regulations, 34 C.F.R. Part 99, as set forth in 603 C.M.R. 49.07. More specifically, a principal/head of upper school may not disclose information from a student record of a target or aggressor to a parents/guardians/caregivers unless the information is about the parents/guardians/caregivers's own child. A principal/head of upper school may disclose a determination of cyberbullying or retaliation to a local law enforcement agency under 603 C.M.R. 49.06 without consent of a student or the student's his/her parents/guardians/caregivers but the principal/head of upper school shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses and aggressors to the extent practicable under the circumstances. Additionally, if the principal/head of upper school has determined that there is an immediate and significant threat to the health or safety of the student or individuals, a principal/head of upper school may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 C.M.R. 23.07(4)(e) and 34 C.F.R. 99.13(a)(10) and 99.36. In this latter situation, the disclosure is limited to the period of the emergency and the principal must document the disclosure and the reasons that the principal/head of upper school determined that a health and safety emergency exists.

The Cambridge Public Schools Bullying Prevention and Intervention Plan will address training and professional development for staff and will also address sharing information with parents/guardians/caregivers and students about cyberbullying and sharing information with students about bullying, including information on prevention of cyberbullying, reporting of cyberbullying and the potential legal consequences of engaging in cyberbullying. Additionally, the Bullying Prevention and Intervention Plan will include specific steps that schools will take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying and harassment, including without limitation cyberbullying.

The provisions of this policy, the Cambridge Public Schools Anti-Bullying Policy and the procedures in the Cambridge Public Schools Bullying Prevention and Intervention Plan do not preclude a student from using the complaint process set forth in the Cambridge Public Schools "Non-Discrimination Policy and Prohibition Against Sexual Harassment Policy" to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity or expression, sexual orientation, pregnancy, or pregnancy-related condition ~~sex, race, color, ancestry, national origin, ethnicity, religion, age, disability, marital status, genetic information, gender identity or sexual orientation~~. It also should be noted that the provisions of this policy, the Cambridge Public Schools Anti-Bullying Policy and the procedures set forth in the Cambridge Public Schools Bullying Prevention and Intervention Plan do not preclude a student from using the complaint process set forth in Section 23.0 of the *Cambridge Public Schools Rights and Responsibilities Handbook* to seek resolution of any complaints regarding a student's deprivation of rights set forth in the *Cambridge Public Schools Rights and Responsibilities Handbook*.

Consistent with federal and state laws and regulations and the policies of the school district, no person shall be discriminated against in admission to a public school of any city or town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity or expression, sexual orientation, pregnancy, or pregnancy-related condition ~~race, color, sex, religion, national origin, genetic information, disability, gender identity or sexual orientation~~. Nothing in this policy and/or the Cambridge Public Schools Bullying Prevention and Intervention Plan and/or Anti-Bullying Policy prevents a school or the school district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law or school district policies. In addition, nothing in this policy and/or the Cambridge Public Schools Bullying Prevention and Intervention Plan is designed or intended to limit the authority of a school or the school district to take disciplinary action under M.G.L.c. 71, sections 37H and 37H 1/2, the Cambridge Public Schools Acceptable Use Policy, other applicable laws, or local school or school district policies in response to violent, harmful or disruptive behavior, regardless of whether this policy and/or the Cambridge Public Schools Bullying Prevention and Intervention Plan and/or Anti-Bullying Policy covers the behavior.

Students whose behavior is found to be in violation of this policy and/or the Cambridge Public Schools Acceptable Use Policy may be subject to a loss of computer privileges along with other disciplinary measures. Additionally, if an individual is found to have utilized a personal

communication device to engage in cyberbullying, the school district may revoke the privilege of that individual to bring any personal communication device onto school property or to any school-sponsored event, function, activity or program whether on or off school grounds.

LEGAL REFS: Title VII, Section 703 Civil Rights Act of 1964 as amended
Federal Regulation 74676 issued by United States Equal Employment
Opportunity Commission
Title IX of the Education Amendments of 1972
603 C.M.R. 26.00 et seq. M.G.L.c. 71, §37O as amended

Adopted: *September 8, 2015*