

**SWIFT RIVER SCHOOL
NEW SALEM/WENDELL DISTRICT
BULLYING INTERVENTION AND PREVENTION PLAN**

I. PRIORITY STATEMENT

Swift River School (SRS) expects that all members of the school community will treat each other in a civil manner and with respect for differences.

SRS is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We understand that members of certain student groups, such as students with disabilities, students who are gay, lesbian, bisexual, or transgender, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or taunting. The school or district will take specific steps to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or taunting.

We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curriculum, instructional programs, staff development, extracurricular activities, and parent/guardian involvement.

The SRS Bullying Prevention and Intervention Plan (Plan) is a comprehensive approach to addressing bullying and cyberbullying, and SRS is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Plan for prevention, intervention, and response to incidents of bullying, cyberbullying, and retaliation.

II. DEFINITIONS

Aggressor is a student who engages in bullying, cyberbullying, or retaliation.

Bullying, as defined in M.G.L. c. 71, § 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 herself or of damage to his or her 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.

Cyberbullying, as defined in M.G.L. c. 71, § 37O is bullying through the use of technology or any electronic communication, which shall include, but shall 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 shall also include:

- i. the creation of a web page or blog in which the creator assumes the identity of another person or
- 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 in clauses (i) to (v) above, inclusive, of the definition of bullying.

Cyber-bullying shall also include 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 in clauses (i) to (v) above, inclusive, of the definition of bullying.

Hostile environment, as defined in M.G.L. c. 71, § 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 student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

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

III. RESPONSE AND INVESTIGATION PROCEDURES

A. Reporting bullying or retaliation. Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the principal or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents/guardians, or other individuals who are not school or district staff members, may be made anonymously. The school or district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form, a voicemail box, a dedicated mailing address, and an email address.

Use of an Incident Reporting Form is not required as a condition of making a report. The school or district will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the psychologist's office, and the school nurse's office; and 3) post it on the school's website.

At the beginning of each school year, SRS will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

A staff member will report immediately to the principal or designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. Filing an Incident Reporting Form (IRF) should follow up any verbal reports. 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.

2. Reporting by Students, Parents or Guardians, and Others

The school or 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. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from staff to complete an Incident Reporting Form (IRF). Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee.

B. Safety. Before fully investigating the 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 may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. The principal or designee will work closely with classroom teachers to insure that a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation are protected. Remedies may include, but are not limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur; identifying a staff

member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target.

C. Counseling and other services. Swift River School will identify the availability of culturally and linguistically appropriate resources within the school and district. A listing will be available with the principal or designee. If resources need to be developed, Swift River School will identify linkages with community based organizations, including Community Service Agencies (CSAs) for Medicaid eligible students. In addition, the teacher, the school psychologist, nurse, and principal will assist in developing safety plans for students who have been targets of bullying or retaliation, providing social skills programs to prevent bullying, and offering education and/or intervention services for students exhibiting bullying behaviors. Swift River School will utilize current tools including, but not limited to behavioral intervention plans, social skills groups, bullying prevention curricula and individually focused curricula.

D. Students with disabilities. As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or taunting because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or taunting.

E. Referral to Outside Services. Swift River School will establish a referral protocol for referring students and families to outside services. This protocol will include the school psychologist in collaboration with the principal and/or designee and nurse will help students and families access appropriate and timely services. In addition, a listing of local outside services will be available to parents/guardians. Referrals must comply with relevant laws and policies. Current local referral protocols should be evaluated to assess their relevance to the Plan, and revised as needed.

F. 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 ages of the students involved. During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents/guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

The principal or designee, other staff members as determined by the principal or designee, and in consultation with the school psychologist, as appropriate, may conduct interviews. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

G. Determinations. The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to

prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary actions are necessary.

Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school psychologist, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The principal or designee will promptly notify the parents/guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

IV. RANGE OF DISCIPLINARY ACTIONS

If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and the basic underlying rules for SRS: Be Kind, Be Safe, Be Responsible.

The federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline, govern discipline procedures for students with disabilities.

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

V. NOTIFICATION PROCEDURES

A. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this incident and of the procedures for response. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

B. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education 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 communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

C. Notice to Law Enforcement. At any point after receiving 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 will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the Superintendent of Union 28 and other individuals the principal or designee deems appropriate.

VI. BULLYING PREVENTION CURRICULUM

A. Specific bullying prevention approaches. Bullying prevention curriculum will be informed by current research, which, among other things, emphasizes the following approaches:

- • using scripts and role-plays to develop skills
- • empowering students to take action by knowing what to do when they
- witness other students engaged in acts of bullying or retaliation, including
- seeking adult assistance
- • helping students understand the dynamics of bullying and cyberbullying,
- including the underlying power imbalance
- • emphasizing cyber safety, including safe and appropriate use of electronic
- communication technologies
- • enhancing students' skills for engaging in healthy relationships and
- respectful communications
- • engaging students in a safe, supportive school environment that is
- respectful of diversity and difference.
- Initiatives will also teach students about the student-related sections of the Bullying
- Prevention and Intervention Plan.

B. General teaching approaches that support bullying prevention efforts. The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- setting clear expectations for students and establishing school and classroom routines
- creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students
- using appropriate and positive responses and reinforcement, even when students require discipline
- using positive behavioral supports

- encouraging adults to develop positive relationships with students
- modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors
- using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development
- using the Internet safely
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

C. Swift River School - Bullying Prevention and Intervention Curriculum. The foundation of behavior expectations at SRS is the three underlying rules Be Safe, Be Kind, Be Responsible. Each grade at SRS has 30 minutes of social curriculum instruction, including bullying prevention and intervention per week. In Kindergarten through Grade 3, Second Steps is the evidence-based curriculum used and MARC anti-bullying curriculum supplements the Second Step lessons. Steps to Respect is the evidence-based curriculum used in Grades 4, 5, and 6.

VII. PROFESSIONAL DEVELOPMENT

A. Annual staff training on the Plan. Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to participate in school-based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

B. Ongoing professional development. The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 37O, the content of school wide and district-wide professional development will be informed by research and will include information on:

- (i) developmentally (or age-) appropriate strategies to prevent bullying;
- (ii) developmentally (or age-) appropriate strategies for immediate, effective interventions to stop bullying incidents;
- (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying;
- (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
- (v) information on the incidence and nature of cyberbullying; and
- (vi) Internet safety issues as they relate to cyberbullying.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

C. Buses

Kuzmeskus Bus Company provides training for Swift River School bus drivers on an annual basis. Video Communications publishes the training guide, "How to Control Bullying on a School Bus," used by Kuzmeskus' trainers.

VIII. COLLABORATION WITH FAMILIES

A. Parent education and resources. The school or district will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the PTCA, School Council, Special Education Parent Advisory Council, or similar organizations.

B. Notification requirements. Each year the school or district will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including 9 cyberbullying and online safety. The school or district will send parents written notice each year about the student-related sections of the Plan and the school or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic format. The school or district will post the Plan and related information on its website.

IX. CREATION AND MANTAINANCE OF THIS PLAN

This Bullying Prevention and Intervention Plan was written in October 2010. Resources used to write it included An Act Relative to Bullying in Schools M.G.L. c. 71, § 37O; Model Bullying Prevention and Intervention Plan, Massachusetts Department of Elementary and Secondary Education. The draft BIPP Plan was reviewed and edited by the SRS staff, the SRS School Council (including parents and members of the community), the School Safety Committee (including members of local law enforcement agencies), and the SRS School Committee. The draft was then published for Public Comment in November 2010. The Plan was formally adopted by the New Salem/Wendell School Committee December 2, 2010 and then submitted to the Department of Elementary And Secondary Education as required by law. The SRS Student Contract for Internet Use, the Behavior and Discipline section of the Student Handbook, and the Staff Handbook were reviewed and amended to be in compliance with this Plan. The School Committee revised and adopted the Prohibition on Harassment, Sexual Harassment, Hazing & Bullying Policy File: ACAB. This plan will be reviewed and if necessary, revised and amended annually by the Safety Committee and the School Committee.

The Second Step and the Steps to Respect programs are published by Committee for Children.

K-5 Bullying and Cyberbullying Prevention

Massachusetts Aggression Reduction Center (MARC) www.bridgew.edu/MARC

AN ACT RELATIVE TO BULLYING IN SCHOOLS M.G.L. c. 71§ 37O – a copy of the law regarding this plan is available online or may be requested from the school office.

APPENDICES

**APPENDIX A: INCIDENT REPORTING FORM (IRF)
(INCLUDING INVESTIGATING AND CONCLUSION)**

APPENDIX B: PROHIBITION ON HARASSMENT, SEXUAL HARASSMENT, HAZING & BULLYING POLICY, File: ABCB; NEW SALEM/WENDELL SCHOOL COMMITTEE

Appendix A

1. INCIDENT REPORT FORM

1. Name of Reporter/Person Filing the Report: _____

(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)

2. Check whether you are the: _____ Target of the behavior

_____ Reporter (not the target)

3. Check whether you are a: _____ Student _____ Parent

_____ Staff member (specify role) _____

_____ Other (specify) _____

4. Your contact information including telephone number:

5. If student, state your school: _____ Grade:

6. If staff member, state your school or work site:

7. Information about the incident:

Name of Target (of behavior): _____

Name of Aggressor (Person who engaged in the behavior): _____

Date(s) of Incident(s): _____

Time When Incident(s) Occurred: _____

Location of Incident(s) (Be as specific as possible): _____

8. Witnesses (List people who saw the incident or have information about it):

Name: _____ Staff/s

Name: _____ Student/s

Other/s _____ Name

Other/s _____ Name

9. Describe the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used). Please use additional space if necessary.

10. Name of Person Filing this Report:

_____ Date: _____ Signature: _____

(Note: Reports may be filed anonymously.)

Form Given to:

_____ Position: _____ Date: _____

Signature: _____ Date Received: _____

2. INVESTIGATION

Date: _____

Investigator's Role _____ Name: _____

Incident Date/Place/Time

_____/_____/_____

Report: (include ages of students)

Dismissed: yes _____ no _____ Signature: _____ Date: _____

If yes:

Any prior documented incidents by the aggressor? __Yes __No

If yes, have incidents involved target or target group previously? __Yes __No

Any previous incidents with findings of:

Bullying __Yes __No

Retaliation __Yes __No

3. CONCLUSIONS FROM THE INVESTIGATION

1. Finding of bullying or retaliation:

Bullying Yes No Retaliation Yes No

Incident documented as _____

Discipline referral only _____

2. Contacts:

Target's parent/guardian _____
Date: _____

Aggressor's parent/guardian _____
Date: _____

Law Enforcement _____
Date: _____

3. Action Taken:

Loss of Privileges Detention Suspension

Community Service Education

Other _____

Describe Safety Planning: _____

Seating: Bus Cafeteria Classroom Escort: _____

Follow-up with Target: scheduled for _____

Initial and date when completed: _____

Follow-up with Aggressor: scheduled for _____

Initial and date when completed: _____

If principal's designee investigated, report was forwarded to Principal

Date: _____

Signature and Title: _____ Date: _____

Principal received: _____ Date: _____

APPENDIX B

New Salem /Wendell School Committee PROHIBITION ON HARASSMENT, SEXUAL HARASSMENT, HAZING & BULLYING

It is the policy of the New Salem/Wendell School District to provide a learning and working atmosphere for students, employees and visitors free from intimidation generally and harassment, sexual harassment, bullying, and hazing, in particular. These terms are referenced herein as “acts of intimidation.” Such actions may occur on the basis of race, color, religion, national origin, ethnicity, age, gender, sexual orientation or disability, political beliefs, or for any other reason.

It is the responsibility of every employee or representative of the school district, student, parent/guardian, or volunteer to be alert to acts of intimidation and to take every action necessary to ensure that the applicable policies and procedures of the New Salem/Wendell School District are implemented. It is critical that all actions be immediately taken to stop the alleged behavior. Anyone who observes or is aware of acts of intimidation is expected to report incidents to the appropriate district personnel. It is a violation of the New Salem/Wendell School District policy for any administrator, teacher, district employee, district representative, student, parent/guardian, or volunteer to engage in or condone intimidation in school or to fail to report or otherwise take reasonable appropriate measures when they become aware of an incident of intimidation.

Any employee, district representative, volunteer, or student who believes that he or she has been subjected to any intimidating act has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Further, all reasonable efforts shall be made to maintain confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received. Maintaining safety for individuals will be a priority in handling cases of intimidation. Specific procedures for harassment, sexual harassment, hazing and bullying may be outlined in district guidelines that are approved by the School Committee.

Definitions

Harassment means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble someone. Harassment has the effect of creating an intimidating, hostile, or offensive work or learning environment that takes place under any of the following circumstances:

- a. When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in school activities or programs;
- b. When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personal or academic decisions affecting the individual subjected to sexual advances;
- c. When such conduct has the effect of unreasonably interfering with the individual's work, attendance at school or participation in academic or curricular activities, or
- d. When such conduct has the effect of creating an intimidating, hostile, or offensive work or learning environment.

“Sexual Harassment” means unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, electronically transmitted, or physical conduct of a sexual nature, including but not limited to unwelcome comments, touching, written notes, pictures/cartoons or other inappropriate conduct, such as leering, whistling, brushing up against the body, commenting on sexual activity or body parts or other activity referred to by the Model MCAD policy prohibiting such behavior.

Bullying may take a variety of forms. Bullying and cyber bullying means unwelcome written, electronic, verbal or physical acts or gestures where a student or employee feels coerced, intimidated, harassed or threatened and under the circumstances (1) may cause a reasonable person to suffer physical or emotional harm to a student or employee, (2) may cause damage to another student’s or employee’s property, or (3) may cause a disruptive or hostile school environment. The behavior must interfere with an employee’s ability to perform his or her duties or with a student’s academic performance or ability to learn, or interfere with a student’s ability to participate in or benefit from services, activities, or privileges:

- a. That are being offered through the school district; or
- b. During any education program or activity; or
- c. While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events.

Cyber bullying, in particular, means bullying through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network or any public education institute. As used in this policy, “electronic communication” means any communication through an electronic device including a telephone, cellular/smart phone, computer, pager or similar electronics communications device.

Hazing means any conduct or method of initiation, even if consented to, into any organization or group, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student, employee or other person. Such conduct shall include, but is not limited to, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Perpetrator means the person who engages in harassment, sexual harassment, hazing, bullying or retaliation.

School grounds means property on which a school building or facility is located; or property that is owned, leased or used by a school district, commonwealth charter school or non-public school for any school-sponsored activities, functions, programs, instruction or training.

Victim means the student who has been the subject of harassment, sexual harassment, hazing, bullying or retaliated against.

Adult: school employee, school representative, volunteer, parent/guardian, or visitor to the school who is of legal age (18 years of age).

Child: person who is a minor.

Investigation of Acts of Intimidation (Bullying, Cyber bullying, Harassing, Hazing)

In school systems, acts of intimidation may take many forms and cross many lines. The situation may be an instance of staff member to staff member, staff member to student, student to staff member, or student to student or involve volunteers, parents/guardians or district representatives.

By law, acts of intimidation are defined by the victim's perception in combination with objective standards or expectations. What one person may consider acceptable behavior may be viewed as intimidation by another person. Therefore, in order to protect the rights of both parties, it is important that the victim make it clear to the intimidating party that the behavior is objectionable.

Guidelines for dealing with any charge of acts of intimidation are as follows:

The Principal or his/her designee shall be responsible for assisting employees or representatives of the school district, parents/guardians, or volunteers and students seeking guidance or support in addressing matters relating to any form of harassment, sexual harassment, bullying, or hazing. Additional information about these guidelines or additional help with any form of intimidation is available from the New Salem/Wendell School District's designated Harassment Coordinator – the Superintendent for the District.

Reporting Incidents (Bullying, Cyber bullying, Harassing, Hazing)

Whoever knows that another person is the victim of intimidation, and is at the scene of such activity, shall, to the extent that such person can do so without danger or peril to her/himself or others, report such activity to an appropriate official as soon as reasonably practicable. Whoever fails to report such behavior shall be subject to discipline.

Any employee or representative of the school district, student, parent/guardian or volunteer that has reliable information that would lead a reasonable person to suspect that a person is a target of harassment, sexual harassment, bullying, or hazing shall immediately report it to the appropriate party. Students should report to a teacher or school employee. All school employees or representatives, volunteers, parents/guardians shall immediately report it to the administration. Each school shall document any prohibited incident that is reported and confirmed, and report all incidents of intimidation, including, harassment, sexual harassment, bullying (or cyber bullying), hazing and the resulting consequences, including discipline and referrals, to the Superintendent's office as they occur.

In all charges of intimidation, the victim should provide an oral, or if possible a written, description of the specifics of the intimidation to ensure that the subsequent investigation is focused on the relevant facts. Oral and anonymous complaints will be reviewed but are inherently difficult to investigate and may not be procedurally fair; as a result no disciplinary action shall be taken on anonymous complaints unless verified by clear and

convincing evidence. All other complaints will be reviewed based on a preponderance of evidence standard.

- If an instance of child to child intimidation is reported to a school employee or school representative other than an administrator, that person must inform the Principal.
- If a situation involving a charge of an adult to child intimidation is brought to the attention of another school employee or school representative, that person should notify the Principal immediately.
- In a situation involving a charge of child to adult intimidation, the victim should notify the Principal.
- In a situation involving a charge of an adult to an adult intimidation, the victim should notify the Principal.

A good faith report from a staff member renders an employee immune from discipline for making a report and is considered to have been made in the course of the staff member's employment for purposes of M.G.L. c. 258. As a result, the school district shall indemnify staff members from any cause of action arising out of a good faith report of harassment or the district's subsequent actions or inaction in connection thereto.

Investigation (Bullying, Cyber bullying, Harassing, Hazing)

Once a charge of harassment has been made, including charges of mental, emotional or physical intimidation, as well as threats to a person's safety or position in the school or work environment, the following course of action should be taken:

The Principal should investigate the charge through discussions with the individuals involved. In situations involving allegations against a staff member, he/she should be informed of his/her rights to have a third party present at the time of the discussion. In situations involving students, the Principal should engage the appropriate classroom or special subject area teacher. Parents will be informed of the situation and invited to participate in resolution discussions. It is important that the situation be resolved as confidentially and as quickly as the circumstances permit.

Reports of cyber bullying by electronic or other means, occurring in or out of school will be reviewed and, when a nexus to work or school exists, this will result in disciplinary action.

If the alleged perpetrator is responsible for conducting an investigation, the Superintendent or the School Committee shall designate an alternative Harassment Coordinator.

The rights and safety of the victim are paramount in any efforts of resolutions.

Efforts at Resolution (Bullying, Cyber bullying, Harassing, Hazing)

Child-to-Child: A face-to-face resolution meeting will never be required. The victim will decide if he/she wants to meet with the perpetrator, but such a meeting is not

recommended. Instead, the Principal will meet with the perpetrator (and his/her parents/guardians) and identify the offending behavior. A plan of repentance, resolution and reconciliation will be discussed and created.

Child-Adult: If the perpetrator is a child and the victim an adult, a resolution meeting may be helpful. However, if the victim is not comfortable with such a meeting, it will not be required. Instead, the Principal will meet with the perpetrator (and his/her parents/guardians), to identify the offending behavior. A plan for repentance, resolution and reconciliation will be developed with the perpetrator. If the adult victim is willing to meet, he/she may want an advocate or union representative to be present.

Adult-Child: If the perpetrator is an adult and the victim a child, a face-to-face resolution meeting will never be required. The victim, in consultation with his/her parents or guardians will decide if he/she wants to meet with the perpetrator, but such a meeting is not recommended. If the child's parents or guardians want to meet with the Principal, a separate meeting shall be scheduled. The Principal will meet with the perpetrator and identify the offending behavior. A plan for repentance, resolution, and reconciliation will be developed. An MTA or Union representative will be present for the meeting if the perpetrator is an employee of the school district.

Adult-Adult: A face-to-face resolution meeting will never be required. The victim can choose not to meet with his/her perpetrator. The Principal will meet with the perpetrator and identify the offending behavior. A plan for repentance, resolution and reconciliation will be developed. An MTA or Union representative will be present for the meeting if the perpetrator is an employee of the school district.

Parents of students alleged to have engaged in cyber harassment will be asked to attend a due process hearing at which time the activity, words or images subject to the complaint will be reviewed.

Disciplinary Action (Bullying, Cyber bullying, Harassing, Hazing)

If after a resolution meeting with the involved parties, the Building Principal determines that further disciplinary action must be taken, the following could occur:

- a. In instances involving child to child or child to adult, the student may be subject to discipline including but not limited to counseling, suspension, and in appropriate cases expulsion.
- b. In instances involving adult to child, and adult to adult intimidation, findings will be reported to the Superintendent of Schools for further action. Personnel action may also be initiated at this point, consistent with the applicable law and collective bargaining agreement.
- c. In all cases, a referral to law enforcement will be considered by the Principal or Superintendent based on the circumstances. School officials will coordinate with the Police Department to identify a police liaison for intimidation cases.
- d. There may be cases in which incidents are required to be reported to the Department of Children and Families or responsible state agency.

A student disciplined for cyber bullying will not be re-admitted to the regular school program until his or her parent(s) attend such meeting, meet with the principal and develop an action plan for restitution.

Retaliation: (Bullying, Cyber bullying, Harassing, Hazing)

Retaliation in any form against any person who has made or filed a complaint relating to harassment is forbidden. If it occurs, it could be considered grounds for dismissal of staff personnel and/or removal from the educational setting for a student. A referral to law enforcement may be made.

Confidentiality: (Bullying, Cyber bullying, Harassing, Hazing)

Reports of harassment should be kept completely confidential, consistent with necessary investigation procedures, with the goal of protecting the victim and stopping the behavior.

The goal of confidentiality is to protect the victim and all persons at Swift River School. It is not to provide protection for the perpetrator.

LEGAL REFERENCES

1. Title VII of the 1964 Civil Rights Act, Section 703
2. Title IX of the 1972 U.S. Civil Rights Act.
3. Chapter 151C, Massachusetts General Laws
4. M.G.L. Chapter 76 § 5
5. M.G.L. Chapter 269 § 17, 18, 19
6. M.G.L. Chapter 71, §§82, 84

First Reading: 09-02-10

Second reading, first vote: 10-07-10

Final vote: 11-04-10