

PROHIBITING BULLYING

The Wareham Public 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 cyberbullying 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 victim, infringes on the rights of the victim 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.

Wareham strives to create safe school and classroom environments for all students and recognizes that certain students may be more vulnerable to becoming targets of bullying or harassment based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, 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 or more of these characteristics. In an effort to prevent bullying, Wareham will provide age-appropriate, evidence-based instruction on bullying prevention for students in each grade.

A. Definitions

Aggressor is a student or staff member 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, cyberbullying, or retaliation of a student.

Bullying, pursuant to M.G.L. c. 71, § 370, means the repeated use by one or more students or a school staff member of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- (a) Causes physical or emotional harm to the target or damage to the target's property;
- (b) Places the target in reasonable fear of harm to himself or herself or damage to his or her property;
- (c) Creates a hostile environment at school for the target;

- (d) Infringes on the rights of the target at school; or
- (e) Materially and substantially disrupts the education process or the orderly operation of a school.

Bullying shall include cyberbullying.

Cyberbullying, pursuant to M.G.L c. 71, § 370, means 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. Cyberbullying shall also include:

- (a) The creation of a web page or blog in which the creator assumes the identity of another person, or
- (b) 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 (a) through (e) of the definition of bullying. Cyberbullying 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 (a) through (e) of the definition of bullying.

Hostile environment, pursuant to M.G.L c. 71, § 370, means 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 the student's education.

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

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, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training.

Target means a student victim of bullying or retaliation as defined in M.G.L. c. 71, § 370.

B. Bullying, Cyberbullying, and Retaliation Reporting Procedures

Students who witness, are the target of, or have credible information that an act bullying, cyberbullying or retaliation has taken place are strongly encouraged to report all incidents to a staff member, who will, in turn, report it to the principal or designee. **School staff** must report any instance of alleged bullying, cyberbullying or retaliation that the staff member has witnessed or become aware of to the principal or designee. **All other members of the school community**, including, parents/legal guardians, volunteers, and visitors, are strongly encouraged to report any act that may be a violation of the anti-bullying law to an administrator or professional staff

member. If the principal is the alleged aggressor, the report should be made to the superintendent. In such circumstances, the superintendent or designee will be responsible for taking appropriate actions in accordance with this policy, the district's Bullying Prevention and Intervention Plan, and other applicable district policies and procedures, including providing for the safety of the alleged target. If the superintendent is the alleged aggressor, the report should be made to the school committee, which shall then be responsible for taking appropriate actions in accordance with this policy, the district's Bullying Prevention and Intervention Plan, and other applicable district policies and procedures, including providing for the safety of the alleged target.

Within each building, the principal or designee is responsible for receiving and investigating reports of bullying behavior. Written and oral reports shall be considered official reports, and oral reports will be reduced to writing. Anyone, except for a school staff member, may make an anonymous report. However, formal disciplinary action may not be based solely on an anonymous report. Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, learning or working environment, or work assignments.

C. **Investigating and Responding to Allegations of Student-on-Student Bullying**

Investigation

Each school is required to investigate allegations of bullying, cyber-bullying or retaliation promptly and determine whether bullying, cyber-bullying or retaliation occurred. Before fully investigating the allegations, 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 action/safety plan; pre-determining seating arrangements for the alleged target and/or student aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a "safe person" for the target; and altering the student 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 to protect from bullying or retaliation any student who has reported bullying or retaliation, witnessed bullying or retaliation, provided information during an investigation, or who has reliable information about a reported act of bullying or retaliation. The principal or designee may interview students, staff, witnesses, and others, as necessary, in order to investigate the allegation(s). The principal or designee will remind individuals (1) that retaliation is strictly prohibited and will result in disciplinary action and (2) of the importance of being truthful. To the extent practicable given the obligation to investigate and address the allegations at issue, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

Response

The principal or designee makes a determination based upon all of the facts and circumstances. If, after an investigation, bullying or retaliation is substantiated, the principal or designee takes steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or benefiting from school activities. The principal or designee: 1) determines what remedial action is required, if any, and 2) determines what corrective actions and/or disciplinary action are necessary. Disciplinary measures are left to the administrator's discretion, within the guidelines of the school's Code of Conduct and age appropriateness for students. Any discipline will reflect the severity of the offense, will balance the need for accountability with the need to teach appropriate behavior, and may include, but will not be limited to, verbal admonition, written reprimand, and/or suspension from school.

Upon investigation and determination that bullying or retaliation has occurred, the principal shall promptly notify the parents of the target and the student aggressor of the determination and the school district or school's procedures for responding to 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. Nothing prohibits the principal from contacting a parent of a target or student aggressor about a report of bullying or retaliation prior to a determination that bullying or retaliation has occurred.

Any required notice shall be provided in the primary language of the home. A principal's notification to a parent about an incident or a report of bullying or retaliation must comply with confidentiality requirements of the Massachusetts Student Records Regulations, 603 CMR 23.00, and the federal Family Educational Rights and Privacy Act regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07. If the principal concludes that the conduct may constitute criminal activity, he/she will contact the School Resource Officer (SRO) to review the findings. Parent consent is not required for collaboration with the SRO to review the incident.

D. Investigating and Responding to Allegations of Staff-on-Student Bullying

Investigation

Upon receipt of a report of alleged bullying of a student by school staff, the principal/designee will be responsible for taking appropriate actions in accordance with this policy, the district's Bullying Prevention and Intervention Plan, and other applicable district policies and procedures, including providing for the safety of the alleged target where necessary. If the principal is the alleged aggressor, then the superintendent/designee shall be responsible for such actions. In the event the superintendent is the alleged aggressor, the school committee/designee shall be responsible for such actions.

A staff member who is the subject of a complaint of a serious nature will be informed promptly and will be afforded the opportunity to present the facts as he/she sees them, in accordance with district policies and procedures, including any applicable collective bargaining agreements. Procedures for investigating reports of bullying and retaliation by staff are consistent with district policies and procedures for investigations of other alleged misconduct by staff. If necessary, the designated school official will consult with legal counsel about such procedures. Investigations may include interviews of staff, students and others as deemed

appropriate. School officials will remind individuals (1) that retaliation is strictly prohibited and will result in disciplinary action and (2) of the importance of being truthful. To the extent practicable given their obligation to investigate and address the allegations at issue, school officials will maintain confidentiality during the investigative process.

Response

In the event a designated school official determines that the staff member has engaged in bullying of, or retaliation against, a student, the student's parent/guardian will be notified of what action is being taken to prevent further acts and to restore the student's sense of safety. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of personnel records, the school official will not report specific information to the target's parent or guardian about any 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. In the event disciplinary action against an employee is under consideration, appropriate due process will be provided. Any disciplinary action imposed will be based upon facts found by the designated school official and appropriate standards and expectations in light of the employee's role and responsibilities. School officials will develop a method to record confirmed acts of bullying by staff.

E. **Problem Resolution Procedure**

When a parent disagrees with findings related to outcomes of investigations or response to reports of bullying, cyberbullying or retaliation, the parent should immediately identify the nature of the disagreement in writing and submit this written notification to the principal or designee. First level dispute response will be with the principal of the school. If not resolved at this level, the parent should contact the Director of Student Services, and the principal or designee will provide all documentation to the Director. The Director will complete any necessary additional investigation and meet with the parent. This meeting may include the participation of the principal or designee.

Any parent wishing to file a claim/concern or seeking assistance outside of the school district may do so with the MA Department of Elementary and Secondary Education Problem Resolution System (PRS). Information about the PRS can be found at <http://www.doe.mass.edu/pqa> or individuals may send emails to compliance@doe.mass.edu or may call 78-338-3700. In addition, the superintendent's office has hard copies of information about the PRS.

F. **Confidentiality of Records**

A principal may not disclose information from a student record of a target or student aggressor to a parent unless the information is about the parent's own child. A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 CMR 49.06 without the consent of a student or his or her parent. The principal 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. A principal

may disclose student record information about a target or student 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 CMR 23.07(4)(e) and 34 CFR 99.31(a)(10) and 99.36. 603 CMR 49.07(3) is limited to instances in which the principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals. It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exists.

G. Reporting Criminal Activity

Before the first day of each school year, the superintendent or designee shall communicate with the chief of police or designee of the local police department about the implementation of 603 CMR 49.06. At any point after receipt of a report of bullying or retaliation, including after an investigation, the principal shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The principal shall document the reasons for his or her decision to notify law enforcement. Nothing in 603 CMR 49.06 shall be interpreted to require reporting to a law enforcement agency in situations in which bullying and retaliation can be handled appropriately within the school district or school. In making the determination whether notification to law enforcement is appropriate, the principal may consult with the school resource officer and any other individuals the principal deems appropriate. Nothing in 603 CMR 49.06 shall prevent the principal from taking appropriate disciplinary or other action pursuant to school district or school policy and state law, provided that disciplinary actions for students balance the need for accountability with the need to teach appropriate behavior.

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 the school district or school, the principal of the school informed of the bullying or retaliation shall notify the local law enforcement agency if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

When involving local law enforcement, Wareham Public Schools will report incidents to the School Resource Officer as a first course of action. In absence of the SRO, the report will go to the Chief of Police or his/her designee.

H. Reporting to Administrator of Another School District of 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 Wareham Public Schools is the first to be informed of the bullying or retaliation, then the Superintendent of the Wareham Public 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.

I. **Discipline for False Reports**

Any student who knowingly makes a false accusation of bullying, cyber-bullying, or retaliation will be subject to disciplinary action, which may include a warning, detention or suspension (in or out-of-school).

J. **Relationship to Other Laws**

Nothing in this policy prevents the district from taking action to remediate discrimination or harassment based upon a person's membership in a legally protected category under local, state, or federal law, or the district's policies.

Additionally, nothing in this policy is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L., c.71, §§ 37H, 37H1/2, or 37H3/4, M.G.L. c. 71 §§ 41, 42, or 42D, other applicable laws, district policies, or collective bargaining agreements in response to violent, harmful, disruptive or other inappropriate behavior, regardless of whether the policy covers the behavior.

LEGAL REFERENCES: M.G.L. c. 71, §§ 37H and 37O and 603 C.M.R. 49.00

ADOPTED: JANUARY 27, 2016

WAREHAM PUBLIC SCHOOLS, WAREHAM, MASSACHUSETTS