

## **BULLYING IN SCHOOLS – POLICY #JICFB**

[www.somerville.k12.ma.us/no\\_bullying](http://www.somerville.k12.ma.us/no_bullying)

A safe learning environment is one in which every student develops emotionally, academically, and physically in a caring and supportive atmosphere free of intimidation and abuse. Bullying of any type has no place in a school setting. The Somerville Public Schools will endeavor to maintain a learning and working environment free of bullying. The Somerville School Committee and all of the Somerville Public Schools shall not tolerate bullying.

### **Definition:**

“Bullying” is 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 victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

“Cyber-bullying” 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), 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), inclusive, of the definition of bullying.

Bullying shall be 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 a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school 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 a school district or school, if the bullying creates 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. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

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

**Plan:**

The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals.

The school district shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based. The school district shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

Each plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation; (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.

The school district plan shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally 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 a perpetrator, victim 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 cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying.

The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and

guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying. The plan also requires that the school principal or designee notify the parents or guardians of a victim about DESE problem resolution system, and the process for seeking assistance or filing a claim under the problem resolution system. The principal is required to provide that information when they notify the parent or guardian about the bullying incident.

The school district shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

The school district shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook. The plan shall be posted on the website of each school district.

Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at their school. A member of a school staff, including, but not limited to, an educator, administrator, school nurse, administrative assistant, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.

If an incident of bullying or retaliation involves students from more than one school district, the school district or school first informed of the bullying or retaliation shall, 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. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, the school district or school informed of the bullying or retaliation shall contact law enforcement.

Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing. The anti-bullying plan is required to recognize that certain students may be more vulnerable to become a target of bullying or harassment on actual perceived "differentiating characteristics" that may make certain students more vulnerable to bullying 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 is perceived to have 1 or more of these characteristics.

## **HARASSMENT POLICIES**

### ***Student-To-Student Harassment***

Harassment of students by other students will not be tolerated in the Somerville Public Schools. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion.

Harassment means conduct of a verbal or physical nature that is designed to embarrass distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities;
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student, or;
- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Verbal, physical or written (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

The District will promptly and reasonably investigate allegations of harassment. The Principal of each building will be responsible for handling all complaints by students alleging harassment.

Retaliation against a student, because a student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. A student who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including suspension and expulsion.

The Superintendent will develop administrative guidelines and procedures for the implementation of this policy. SOURCE: MASC

LEGAL REF.: M.G.L. 151B:3A Title VII, Section 703, Civil Rights Act of 1964 as amended BESE 603  
CMR 26:00

REFS.: "Words that Hurt," American School Board Journal, September 1999  
National Education Policy Network, NSBA, Revised: October 15, 2012

### **Sexual Harassment**

All persons associated with the Somerville Public Schools including, but not necessarily limited to, the Committee, the administration, staff, and students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while

acting, as a member of the school community, will be in violation of this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

The Somerville Public Schools strictly enforces a prohibition against harassment and discrimination, sexual or otherwise, of any of its students or employees, by anyone, including any fellow student, teacher, supervisor, co-worker, vendor, or other third party, as such conduct is contrary to the mission of the Somerville Public Schools and its commitment to equal opportunity in education and employment.

The Somerville Public Schools will not tolerate harassing or discriminatory conduct that affects employment or educational conditions, that interferes unreasonably with an individual's school or work performance or that creates an intimidating, hostile, or offensive work or school environment.

Because the Somerville School Committee takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Please note that while this policy sets forth our goals of promoting a workplace and school environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definition of Sexual Harassment: Unwelcome sexual advances; requests for sexual favors; or other verbal or physical conduct of a sexual nature may constitute sexual harassment where:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or educational development.
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment or education decisions affecting such individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational
- D. Performance or creating an intimidating, hostile, or offensive working or educational environment.

The Grievance Officer:

Mariana MacDonald

Human Resources and Diversity Administrator

Somerville Public Schools

8 Bonair Street

Somerville, MA 02145

617-625-6600 x6017

The committee will annually appoint a sexual harassment grievance officer who will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure set out below:

Complaint Procedure:

1. Any member of the school community who believes that they have been subjected to sexual harassment will report the incident (s) to the grievance officer. All complaints shall be investigated promptly and resolved as soon as possible.
2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
  1. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, and may interview any witnesses.
  2. The grievance officer will then attempt to meet with the charged party in order to obtain their response to the complaint.
  3. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
  4. On the basis of the grievance officer's perception of the situation they may:
    - Attempt to resolve the matter informally through reconciliation.
    - Report the incident and transfer the record to the Superintendent or designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee may attempt to gather any more evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the committee for termination or expulsion. At this stage of the proceedings the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters involving sexual harassment complaints will remain confidential to the extent possible. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct.
4. The grievance officer, upon request, will provide the charging party with government agencies that handle sexual harassment matters.

SOURCE: MASC

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45  
Federal Regulation 74676 issued by EEO Commission  
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)  
Board of Education 603 CMR 26:00

Adopted by School Committee December 1, 2008  
Amended: November 7, 2011

### **Level 1**

Sexual harassment which includes any unwanted verbal or written sexual comments or randomly observed incidents involving complaints of unwanted actions which cause discomfort, but which do not involve fear.

1. All incidents should be reported to the Asst. Principal for review and intervention. A plan of action will be formulated after the Asst. Principal meets with the reporting student.
2. A meeting and/or mediation between the aggressor and the reporting student can be part of the resolution only if the reporting student desires the meeting and feels safe.
3. If students are in a dating relationship they may be referred to the Adjustment Counselor who will investigate further resources.

## **Level 2**

Sexual harassment or dating violence complaints which include a pattern of harassment, stalking, physical or emotional intimidation, non-homicidal threats (see Level 3), and fear for safety on the part of the reporting student. The goal of Level 2 is to assess how best to approach each student with the hope of deescalating violence and with an outcome of helping the aggressor deal with and change behavior.

1. Complaints are reported to a Asst. Principal who files an incident report and informs the Principal.
2. At this level there is a need to establish the physical safety of the victim. The Principal will determine at what point to notify parents/guardians or to make a referral to the police.
3. The incident may be referred to the weekly Guidance meeting if this ensures immediate follow-up, otherwise a plan of intervention will be formulated by the Asst. Principal, Principal, student, student's family/guardian and essential staff members which ensures the students safety
4. Confidentiality is required. Mediation or uniting the victim and the aggressor should be avoided if possible.
5. The Principal and Asst. Principal will make the final decision regarding discipline and assist the student and family/guardian with other interventions as needed.

## **Level 3**

Sexual harassment or dating violence involving physical harm which rises to the level of criminal assault, threats of homicide or suicide (particularly by a known violent person), violation of an existing restraining order, or an act of sexual assault or rape. The goal of Level 3 is to intervene immediately in a violent situation, interrupt serious threats of harm to self or others, involve police in appropriate situations and to assist students with further services (medical/psychological).

1. Complaints are reported to a Asst. Principal who discusses the situation with the Principal. At this level there is a need to ensure the physical safety of the victim.
2. The Principal contacts the police and the student's parents/guardians. A court advocate may be notified if necessary.
3. Students may be referred to the weekly Guidance meeting if the Principal deems necessary.

## **Parents and students should be aware of their rights.**

If they have any concerns, they may refer complaints or grievances regarding compliance to the Title IX or Chapter 622 coordinator, the Office of the Superintendent of Schools, 8 Bonair Street, Somerville, MA 02145 (617-625-6600 extension 6000).

Title IX of the 1972 Education Amendment prohibits sex discrimination in the programs, policies and practices of education. Chapter 622 of the General Laws Acts of 1971 states that "no person shall be excluded from or discriminated against in admission to a public school of any city or town, or in obtaining the advantages, privileges and courses of study for such public school on account of race, color, sex, sexual orientation, religion or national origin."

## NON-DISCRIMINATION

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The School Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business, including scholarships, prizes, and awards. No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer.

The Scholarship Committee is an affirmative action/equal opportunity committee and does not discriminate against any applicant because of race, color, religion, sex, national origin, age, marital status, veteran status, disability, sexual orientation, gender identity, age, ancestry, athletic performance, special-need, proficiency in the English language or a foreign language or prior academic achievement or any other legally protected group.

SOURCE: MASC

LEGAL REFS.: Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity

Act of 1972

Executive Order 11246, as amended by E.O. 11375

Equal Pay Act, as amended by the Education Amendments of 1972

Title IX, Education Amendments of 1972

Rehabilitation Act of 1973



Education for All Handicapped Children Act of 1975  
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)  
M.G.L. 76:5; Amended 2011  
M.G.L.76:16

BESE regulations 603CMR 26.00 Amended 2012  
BESE regulations 603CMR 28.00

CROSS REFS.: ACA- ACE, Subcategories for Nondiscrimination GBA, Equal  
Employment Opportunity JB, Equal Educational  
Opportunities.  
Revised: October 15, 2012