



## LABBB COLLABORATIVE

### BULLYING AND HARRASSMENT PREVENTION AND INTERVENTION PLAN

#### POLICY

- A. It is the policy of the LABBB Collaborative to provide learning and working atmosphere for students, employees and visitors free from sexual harassment, bullying, hazing, and intimidation. These terms are referenced herein as "harassment". Such action may occur on the basis of race, color, religion, national origin, age, gender, sexual orientation or disability, or for any other reason.
- B. It is a violation of this policy for any administrator, teacher or other employee, or any student to engage in or condone bullying / harassment in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.
- C. This policy is not designed or intended to limit the school's authority to take disciplinary action or take remedial action when such harassment occurs out of school but has a nexus to school, or is disruptive to an employee's or student's work or participation in school related activities.

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, will result in discipline. Parents of students alleged to have engaged in cyber harassment will be invited to attend a meeting at which the activity, words or images subject to the complaint will be reviewed. A student disciplined for cyberbullying will not be re-admitted to the regular school program until his or her parent(s) attend such meeting.

- D. It is the responsibility of every employee, student and parent to recognize acts of bullying / harassment and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented.
- E. Any employee or student who believes that he or she has been subjected to bullying / harassment 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 the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received.

- F. The Building Principal/Designee shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of bullying / harassment.

## **BULLYING DEFINED**

Massachusetts General Law, Ch. 71 Section 370 defines bullying as, 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 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 cyberbullying.

### **Cyberbullying**

Under the same law is defined as, "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. Cyberbullying 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. 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 (i) to (v), inclusive, of the definition of bullying."

**Hostile Environment:** is defined as 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.

Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working/educational environment.

**Aggressor:** A student who engages in bullying, cyberbullying, or retaliation.

**Retaliation:** 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:** A student against whom bullying, cyberbullying, or retaliation has been perpetrated.

In accordance with Massachusetts General Law, Ch. 71 Section 37O “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.”

## **GUIDELINES AND PROCEDURES INVESTIGATING BULLYING CLAIMS**

The LABBB Collaborative staff will work with the district administrative staff in all buildings where LABBB programs are housed. All reporting procedures regarding bullying or harassment will be brought to building Principal or designee by LABBB Program Director or designee.

Procedural steps for bullying / harassment:

1. **Bullying incident Complaint Form** will be filled out detailing facts of the verbal allegations of the complaining party. If the Principal / Program Director determines that bullying has occurred the Principal or Program Director of the collaborative will notify the victim’s and perpetrator parents.
2. **Investigation:** The Principal / Program Director will conduct interviews with both parties and other students who may have witnessed incident, patterns of past incidents or behaviors, and relationships between parties. The Principal / Program Director will implement a safety plan to restore safety to the alleged target. All accommodations such as scheduling, seating arrangements will be taken into consideration to keep all parties safe.
3. **Within five school days** the Principal and Program Director will take necessary actions. Both the

complaining party and the aggressor will be informed of the results of the investigation. Students may be recommended for remedial actions including but not limited to training, education, or counseling. Students may also be subject to discipline including, but not limited to reprimand, detention, suspension, expulsion or other sanctions as determined by the school administration.

4. **Retaliation** in any form against any student who has filed a complaint relating to bullying will not be tolerated. No student will be subject to any form of coercion, intimidation, retaliation, or discrimination for filing a report of bullying. The consequences for retaliation will be the same as for bullying. On the other hand, false accusations made in bad faith will not be tolerated.

5. **Law enforcement** will be notified if when appropriate. A referral to the police department will be made by the Principal or Program Director of collaborative if they believe criminal charges should be pursued against the aggressor. Consultation with school office will be taken into consideration.

In school systems, bullying / harassment 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. Guidelines for dealing with any charge of harassment are as follows:

1. By law, harassment is defined by the victim's perception in combination with objective standards or expectations. What one person may consider acceptable behavior may be viewed as harassment by another person. Therefore, in order to protect the rights of both parties, it is important that the victim make it clear to the harasser that the behavior is objectionable.
2. In all charges of harassment, the victim should describe in writing the specifics of the complaint 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.
3. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of harassment, bullying, or intimidation shall immediately report it to the administration; each school shall document any prohibited incident that is reported and confirmed, and report all incidents of discrimination, harassment, intimidation, bullying or cyberbullying and the resulting consequences, including discipline and referrals, to the Superintendent's office as they occur.
4. A good faith report from a staff member renders the staff member 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.

5. If an instance of student to student harassment is reported to a staff member other than an administrator, the staff member must inform the Principal / LABBB Program Administrator.
6. If a situation involving a charge of staff member to student harassment is brought to the attention of any staff member, the staff member should notify the Principal / LABBB Program Administrator.
7. In a situation involving a charge of student to staff member sexual harassment the staff member should notify the Principal / LABBB Program Administrator.
8. In a situation involving a charge of staff member to staff member harassment the staff member should notify the Principal / LABBB Program Administrator.
9. Once a charge of harassment has been made, including charges of mental, emotional or physical harassment 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.
  - a. The Building Principal / Program Director 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 / Program Director 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.
  - b. If the harasser and the victim are willing to discuss the matter at resolution meeting in the presence of the, Principal / LABBB Program Administrator. A supportive faculty member and/or parent should be included in the discussion. During this discussion, the offending behavior should be described by the victim and administration, a request for a change in behavior should be made, and a promise should be made that the described behavior will stop. If circumstances do not permit a face to face meeting the administration will present the victim's position. Follow-up verification procedures will be explained. Failure to comply after a resolution meeting will result in appropriate discipline.
10. 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 student to student or student to staff member harassment, the student may be subject to discipline including but not limited to counseling, suspension, and in appropriate cases expulsion.
  - b. In instances involving staff member to student and staff member to staff member

harassment, 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 harassment cases.

11. Retaliation:

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.

12. Confidentiality:

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

For further information about these guidelines or help with sexual harassment problems or any other form of harassment, consult:

#### STAFF BULLYING TRAINING INITIATIVES

1. The LABBB Collaborative will be communicating with their host building and district for all procedural, resources and trainings. All LABBB programs are located in public school buildings; therefore, we will be communicating often with district staff to maintain consistency of all bullying procedures. Some collaborative staff will go to program and district trainings in each of our host buildings. Our plan will be to have a designated LABBB staff person in each district to communicate with district for updates regarding and procedural changes. Building Principals will be informed of all collaborative policies and plans so they are congruent with district.

2. Steps have been taken for further training this year in bullying through remaining our professional development days. Staff administrators will be participating in a train the trainer model, with the intent on utilizing MARC.

3. The bullying plan requires more development and considerations. For the remainder of the school year topics for professional development days will include. Strategies for preventing bullying incidents, students who are at risk for bullying in school and internet safety for cyberbullying. LABBB will also follow procedures of host building and be present for all district trainings.

4. LABBB committee will meet regularly to update plan and follow up on communication with

building Principals. Collaborative plans and district plans need to be uniform to provide continuity for staff and students.

#### STUDENT EDUCATION AND TRAINING IN BULLYING AND CYBERBULLYING

1. LABBB is in the process of developing core curriculum for strengthening student awareness. This will include: character building, parental training, technology, and self advocacy. LABBB will use the Department of Elementary and Secondary Education materials and resources and consider all agencies for support in reducing bullying incidents.

2. A well develop curriculum approach is the goal of the collaborative in developing the best prevention strategies and accountability.

#### STAFF HANDBOOK

All bullying prevention and intervention plan and reporting documents will be included in employee handbook.

#### BULLYING REPORTING METHODS

Complaint reporting materials on bullying can also be found on the LABBB Collaborative website, in all Program Director offices and the Central office. Bullying prevention, intervention, discipline and educational response will be most effective when Collaborative staff and school building administration work together at all grade levels. To sustain this initiative communication between collaborative staff and district staff will have the most impact on student awareness. The Collaborative plans on developing open communication with host building to provide consistency in the school community for both instruction and intervention regarding bullying.

## 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