

MEDFIELD PUBLIC SCHOOLS
MEDFIELD, MASSACHUSETTS 02052

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BULLYING, RETALIATION, &
HARASSMENT POLICY

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I. Definitions —Bullying, Retaliation, & Harassment Prohibited

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Bullying and harassment may take a variety of forms. Generally, bullying is defined as acts repeated over a period of time that are intended to intimidate, threaten or harass another individual. This behavior is unacceptable in a school or work environment. As a result no student or employee shall be subjected to harassment, intimidation, retaliation, bullying, or cyberbullying in the public schools.

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"Aggressor" and "Perpetrator" are used interchangeably and mean the perpetrator of bullying or retaliation as defined in G.L. c. 71, § 37O.

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"Bullying", pursuant to G.L. c. 71, § 37O, means the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

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1. causes physical or emotional harm to the target or damage to the target's property;
2. places the target in reasonable fear of harm to himself or herself or damage to the target's property;
3. creates a hostile environment at school for the target;
4. infringes on the rights of the target at school; or
5. 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.

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"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:

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1. the creation of a web page or blog in which the creator assumes the identity of another person or
2. 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 (1) to (5), 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 (1) to (5), inclusive, of the definition of bullying.

"Hostile environment" 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.

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"Target" means a student victim of bullying or retaliation as defined in G.L. c. 71, § 37O.

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Prohibition of Bullying

Bullying is prohibited: 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 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 target, infringes on the rights of the target 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.

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(Chapter 92 of the Acts of 2010, Section 5, Section 37O (b).

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~~"Bullying and cyberbullying," means unwelcome written or electronic communication, 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; or~~
- ~~d. 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.~~
- ~~e. As used in this policy, "electronic communication" means any~~

communication through an electronic device including, but not limited to, a telephone, cellular phone, computer or pager.

2. 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.

II. Policy

- A. It is the policy of the Medfield Public Schools to provide a learning and working atmosphere for students, employees, and visitors free from bullying, cyber bullying, harassment, ~~retaliation~~, and intimidation. These terms are collectively referenced herein as "harassmentbullying".
- B. It is a violation of this policy for any administrator, teacher or other employee, student or volunteer to engage in or condone ~~harassment~~ bullying in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of ~~harassment~~ bullying. However, no target of bullying will be held responsible for failing to report bullying that s/he has experienced.
- C. This policy ~~is not designed or intended to~~ does not limit the school's authority to take disciplinary action or take remedial action when ~~a harassment~~ bullying 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.
- ~~C.D.~~ Reports of ~~harassment~~ cyberbullying by electronic communication or other means, occurring in or out of school, will be reviewed and, when a nexus to work or school exists, may result in disciplinary action. Parents of students alleged to have engaged in cyberbullying ~~harassment~~ may be required to attend a meeting at which the activity, words, or images giving rise to the complaint will be reviewed. ~~A student disciplined for cyberbullying may not be re-admitted to the regular school program until his or her parent(s) attend such meeting.~~
- ~~D.E.~~ It is the responsibility of every employee, student, and parent to recognize ~~acts of harassment~~ bullying and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented, provided that targets of bullying will not be held responsible for failure to report.
- ~~E.F.~~ Any employee or student who believes that he or she has been subjected to ~~harassment~~ bullying 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

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information received.

F.G. The Building Principal/Designee and/ or District Civil Rights Coordinator shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of harassmentbullying.

G.H. The Building Principal shall be responsible developing a plan consistent with Massachusetts General Law Chapter 92 of the Acts of 2010G. L. c. 71, §37O. The plan shall provide for annual training for staff and students regarding this policy and its implementation. The plan shall be included in the student handbook written in a common sense, age appropriate manner outlining the definitions, procedures and consequences of harassmentbullying. Relevant portions of the plan shall also be included in the appropriate staff manuals. The plan shall be posted on the school's website. The Building Principal will also insure that the plan details harassment-bullying prevention- instruction programs to be conducted in the curriculum and annual professional development programming for staff.

H.I. instruction programs to be conducted in the curriculum and annual professional development programming for stThe Building Principal/Designee shall be responsible for maintaining accurate records of harassment-bullying incidents and determining whether reports of bullying may involve discrimination, such that the procedures outlined in Non-Discrimination Policy and Grievance Procedure (ACE) should be followed.

I.J. In instances of sexual harassment, the Medfield Public Schools Sexual Harassment Policy (ACAB) should be referenced and the procedures outlined in Non-Discrimination Policy and Grievance Procedure (ACE) should be followed and supersede the guidelines provided below.

I.K. In instances of bullying otherwise based on race, color, national origin, sex, gender identity, sexual orientation, religion, disability, or age, including domestic violence/ teen dating violence, the Medfield Public Schools Non-Discrimination Policy and Grievance Procedure (ACE) should be followed and supersede the guidelines provided below.

L. In instances of hazing, the Medfield Public Schools Hazing Policy (JICFA-E) should be referenced.

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III. Guidelines for Investigating Harassment, Bullying and Retaliation Claims

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In school systems, harassment-bullying 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

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member, or student to student. Guidelines for dealing with any charge of ~~harassment~~bullying (not determined to involve discrimination)are as follows:

1. In all charges of ~~harassment~~bullying, the ~~victim~~target should be encouraged to describe in writing the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts, ~~but written complaints are not required. Oral and a~~Anonymous complaints will~~may~~ be ~~investigated~~reviewed but ~~are inherently difficult to investigate and may not be procedurally fair; as a result no~~ disciplinary action shall be taken solely on oral ~~or~~ anonymous complaints unless verified by ~~clear and convincing~~additional evidence. All ~~other~~ complaints will be reviewed based on a preponderance of evidence standard.
2. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of harassment, bullying, retaliation, 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~~Building Principal/ Designee. In cases involving discrimination, the procedures outlined in Non-Discrimination Policy and Grievance Procedure (ACE) should be followed
3. 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~~bullying or the district's subsequent actions or inaction in connection thereto.
4. If an instance of student to student ~~harassment~~bullying is reported to a staff member, the staff member must ~~inform the Assistant Principal/Dean, or~~ Building Principal/ Designee.
5. If a situation involving a charge of staff member to student ~~harassment~~bullying is brought to the attention of any staff member, the staff member should notify the Building Principal immediately.
6. In a situation involving a charge of staff member to staff member or student to staff member ~~harassment~~bullying the staff member should notify the Building Principal.

7. Once a charge of ~~harassment-bullying~~ has been made, including charges of mental, emotional or physical ~~harassment bullying and/ or~~ threats to a person's safety or position in the school or work environment, the following course of action should be taken.

- ~~The Building Principal/Designee should promptly investigate the charge 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 Building Principal/ Designee will, among other things, interview students, staff, witnesses, parents, and others as necessary. Interviews will be conducted by the Building Principal/ Designee, other staff members as determined appropriate by the Building Principal/ Designee in consultation with the school counselor,~~

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- ~~The Building Principal/ Designee (or whoever is conducting the investigation) will remind the alleged perpetrator, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action, through discussions with the individuals involved. In situations involving students the Principal/designee 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.~~

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- ~~If both the harasser-alleged perpetrator and the victim-alleged target are willing to discuss the matter and it is appropriate for them to do so, a resolution meeting will be held in the presence of the Principal/Designee. During this discussion, the offending behavior should be described by the victim-alleged target 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-target's position. Follow-up verification procedures will be explained. Failure to comply after a resolution meeting will result in appropriate discipline.~~

8. If, after a resolution meeting with the involved parties, the Building Principal/ Designee determines that further

disciplinary action must be taken, the following may occur:

- 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, restorative justice, detention, suspension, and in appropriate cases expulsion. Disciplinary action will be taken in accordance with state and federal laws and regulations governing disciplinary proceedings for students with and without disabilities.
- 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. The penalties may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personnel file, probation, suspension without pay, demotion, removal from administrative duties within a department, and dismissal. Suspension or dismissal to be handled in accordance with G.L., c. 71, § 42. The Superintendent may also make appropriate recommendations, such as professional counseling, and may recommend relief for the complainant which reinstates and restores, as much as possible, the aggrieved party.
- In all cases a referral to law enforcement will be considered by the Building Principal based on the circumstances and may be legally required. School officials will coordinate with the Police Department to identify a police liaison for bullyingharassment cases.

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9. Retaliation:

- Retaliation in any form against any person who has made or filed a complaint relating to harassment-bullying 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.
- If the alleged perpetrator would otherwise be responsible for conducting an investigation, the Superintendent or School Committee shall designate an alternative individual.

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10. Confidentiality:

- Reports of ~~harassment-bullying~~ should be kept ~~completely~~ confidential to the extent practicable, consistent with necessary investigation procedures, with the goal of protecting the ~~victim-target~~ and stopping the behavior, and in accordance with 603 CMR 49.00 et seq.

IV. Obligations to Notify Others

Notice to parents:

Upon determining that bullying or retaliation has occurred, the Building Principal/ Designee will promptly notify the parents of the target and the perpetrator of this, and of the procedures for responding to it. Notice will be provided in the primary language of the home in compliance 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.

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Notice to Another School/District:

If the reported incident involves students from more than one school district, charter school, nonpublic school, approved private special education day or residential school, or Collaborative school, the Building Principal/ Designee first informed of the incident will promptly notify by telephone the Building Principal/ 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 23.00.

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Notice to Law Enforcement:

At any point after receiving a report of bullying or retaliation, including after an investigation, if the Building Principal/ Designee has a reasonable basis to believe that criminal charges may be pursued against the perpetrator, the Building Principal/ Designee will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.06 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 Building Principal/ 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 perpetrator. In making this determination, the Building Principal/ Designee will, consistent with the Plan and this policy, consult with local law enforcement and other individuals s/he deems appropriate.

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REFERENCES

1. Title VII of the 1964 Civil Rights Act, Section 703
2. Title IX of the 1972 U.S. Civil Rights Act.
3. G.L.c. 151C

4. G.L. c. 76, § 5
5. G.L. c. 269 §§ 17, 18, 19
6. G.L. c. 71, §§ 82, 84
7. Chapter 92 of the Acts of 2010
8. G.L. c. 71, § 37

CROSS REF.: AC, Non-Discrimination

ACA, Non-Discrimination on the Basis of Sex

ACAB, Sexual Harassment

ACE, Non-Discrimination Policy and Grievance Procedure

JICFA-E, Hazing Policy

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~~If the alleged harasser responsible for conducting an investigation, the Superintendent or Committee shall designate an alternative individual~~

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9. — MPS Sexual Harassment Policy (ACAB)

10. — MPS Hazing Policy (JCFA-E)