

Policy Prohibiting Bullying

(Cape Cod Collaborative Bullying Prevention Policy Revised 02/12/2014)

The Cape Cod Collaborative is committed to providing our students equal educational opportunities, and a safe learning environment where students are free from bullying and cyberbullying and the effects thereof.

Please note that incidents of bullying may, in addition to being a violation of this policy, constitute a violation of civil rights laws including but not limited to Title II, Title VI, Title IX, and Section 504. Please see the anti-discrimination/harassment policies of the Cape Cod Collaborative for further information.

Acts of bullying and cyber-bullying are prohibited: a) 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; b) 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 target, or infringes on the rights of the target 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 is also prohibited.

A. Definitions

Aggressor is a student or member of the school staff who engages in bullying, cyber-bullying or retaliation.

Bullying is defined in M.G.L. c.71, s. 370, 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 written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: a. causes physical or emotional harm to the victim or damage to the victim's property; b. places the victim in reasonable fear of harm to himself or of damage to his property; c. creates a hostile environment at school for the victim; d. infringes on the rights of the victim at school; or e. materially and substantially disrupts the education process or the orderly operation of a school. "Bullying" also includes "Cyber-bullying."

Bullying may include conduct such as physical intimidation or assault, including intimidating an individual into taking an action against his/her will; oral or written threats; teasing; putdowns; name-calling; stalking; threatening looks, gestures, or actions; cruel rumors; false accusations; and social isolation.

Cyber-bullying, as defined in M.G.L. C 71, s. 370 is bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writings, 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 also includes: a. the creation of a web page or blog in which the creator assumes the identity of another person 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 above in clauses (a) to (e) inclusive, of the definition of bullying; and c. 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 above in clauses (a) to (e), inclusive, of the definition of bullying.

Cyber-bullying may include conduct such as sending derogatory, harassing or threatening email messages, instant messages, or text messages; creating websites that ridicule, humiliate, or intimidate others; and posting on websites or disseminating embarrassing or inappropriate pictures or images of others.

Hostile Environment, as defined in M.G.L. c. 71, s. 370, 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 person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

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

B. Bullying and Retaliation Are Prohibited and Will Lead to Discipline

The Cape Cod Collaborative absolutely prohibits bullying, cyber-bullying and retaliation as defined above. Students or Staff who engage in bullying or retaliation will be subject to disciplinary action; however, disciplinary action taken must balance the need for accountability with the need to teach appropriate behavior. The range of disciplinary action includes, but is not limited to, one or more of the following: verbal warnings, written warnings, reprimands, short-term or long term suspensions, or expulsions from school as determined by the Cape Cod Collaborative administration, in collaboration with host school administration as warranted, and subject to applicable procedural requirements. Nothing in this policy is intended to prevent Cape Cod Collaborative administration from taking disciplinary action against a student or staff for conduct that does not meet the definition of bullying or cyber-bullying, as defined above, but nevertheless is inappropriate for the school environment.

C. Reporting Obligations

Reporting by Staff: A member of Cape Cod Collaborative (or host 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, shall immediately report any instance of bullying or retaliation s/he has witnessed or become aware of to the school principal/program director or designee.

Reporting by Students, Parents/Guardians, and Others: The Cape Cod Collaborative 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 program coordinator/director or

designee. An individual may make an anonymous report of bullying or retaliation, however, no disciplinary action may be taken against a student solely on the basis of an anonymous report. A student or staff who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

Reporting to Parents/Guardians: The program coordinator/director or designee must promptly notify the parent/guardian of the alleged target and the alleged aggressor of a report of bullying or retaliation and of the school's procedures for investigating the report. If the alleged target and alleged aggressor attend different schools, the program coordinator/director receiving the report shall inform the principal of the other student's school, who shall notify the student's parents of the report and procedures.

Reporting to Local Law Enforcement: At any point after receipt of a report of bullying or retaliation, or during or after an investigation, if the Cape Cod Collaborative program coordinator/director or designee has a reasonable basis to believe that the incident may involve criminal conduct, the Cape Cod Collaborative program coordinator/director or designee will notify the local law enforcement agency.

In addition, 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, charter school, non-public school, approved private day or residential school or collaborative school, the Executive Director of the Cape Cod Collaborative or designee will notify local law enforcement if s/he believes that criminal charges may be pursued.

Reporting to Administrator of Another School District or School: If an incident of bullying or retaliation involves students from more than one school district, non-public school, approved private day or residential school or collaborative school and the Cape Cod Collaborative is the first to be informed of the bullying or retaliation, then the Executive Director of the Cape Cod Collaborative 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.

An incident of bullying or retaliation by a staff person should immediately be reported to the Program Coordinator, Director or Assistant Director of Special Education Programs or the Executive Director. The administrator receiving the report is responsible to follow through with the Executive Director related to next steps.

D. Investigation

The program coordinator/director or designee in collaboration with host school administration as warranted shall investigate promptly a report of bullying or retaliation, giving consideration to all the circumstances at hand, including the nature of the allegations and the ages of the students involved. The following are general guidelines for responding to a report of bullying or retaliation. The guidelines will be adapted as necessary to respond appropriately to the complaint.

Pre-Investigation: Even before fully investigating allegations of bullying or retaliation, Collaborative personnel, in collaboration with host school administration for district-based programming, will consider whether there is a need to take immediate steps to support the alleged target and/or protect the alleged target from further potential incidents of concern. In

taking any such action, however, the rights of both the alleged target and alleged aggressor must be considered.

Written statement of the complaint: The investigator will seek to determine the basis of the complaint, gathering information from the complainant, including such matters as : what specifically happened, who committed the alleged acts, who was present or may have information about the events, when the events occurred (date, time of day), and where the events occurred.

It is helpful to have these facts in writing. If age appropriate, the complainant may be asked to put the complaint in writing and to sign and date it. If the complainant cannot or chooses not to write a complaint, the investigator will record the allegations, read them to the complainant to confirm accuracy, and ask the complainant to sign the document. If the complainant cannot or chooses not to sign, the investigator may sign and date the document her/himself.

Interviews: Once the allegations of the complainant are established, the investigator will gather other evidence, which often involves interviews of the alleged aggressor and/or other witnesses. If appropriate, the investigator should remind the alleged aggressor and witnesses that retaliation against persons whom they believe might have reported the incidents or cooperated with the investigation is strictly prohibited and will result in disciplinary action.

Confidentiality: The confidentiality of the complainant and the other witnesses will be maintained to the extent practicable given the Collaborative's obligation to investigate and address the matter.

E. Determination

Collaborative personnel must weigh all of the evidence objectively to determine whether the alleged events occurred and, if they did, whether the events constitute bullying or retaliation. The determination must be based on all facts and circumstances and the perspective of a reasonable person. When applied to children, the "reasonable person" standard is generally "that of a reasonable person of like age, intelligence, and experience under the circumstances." See *Ellison v. Brady*, 924 F.2d 872 (9th Cir. 1991).

If bullying or retaliation is substantiated, the Collaborative will take steps reasonably calculated to prevent recurrence and ensure that the target is not restricted in participating in school or in benefiting from school activities. As with the investigation, the response will be individually tailored to all of the circumstances, including the nature of the conduct and the age of the students involved. In addition to taking disciplinary action, the following are examples of steps that may be taken to prevent the recurrence of bullying or retaliation:

- Holding parent conferences;
- Transferring student's classroom or school;
- Limiting or denying student access to a part, or area, of a school;
- Enhancing adult supervision on school premises;
- Excluding from participation in school-sponsored or school-related functions, after school programs, and/or extracurricular activities;
- Providing relevant educational activities for individual students or group of students.

Adjustment counselors and others in the school setting who have been trained in working with students on interpersonal issues may be helpful in providing such programs.

- Personalized Action Plan and directives for future conduct, including providing the target with a process for reporting any concerns about future conduct immediately. It is critical to

involve the student in creating an action plan that involves a reporting process that works for that particular student.

- Arranging for communication between parties, if appropriate, to assist them in resolving issues which have arisen between them. (Such an approach will be used cautiously since communication can sometimes exacerbate, rather than alleviate, the target's concerns and since the conduct often involves an imbalance of power.)

- Providing counseling (or other appropriate services) or referral to such services for the target and/or the aggressor and/or for appropriate family members of said students.

F. Closing the Complaint and Possible Follow-Up

Collaborative staff will promptly provide notice to the parent/guardian of a target and an aggressor about whether or not the complaint was substantiated and, if substantiated, what action is being taken to prevent any further acts of bullying or retaliation. Specific information about disciplinary action taken generally will not be released to the target's parents or guardians, unless it involves a "stay away" or other directive that the target must be aware of in order to report violations.

If appropriate, within a reasonable time period following closure of the complaint, the leadership staff or designee will contact the target to determine whether there has been any recurrence of the prohibited conduct.

The Collaborative will retain a report of the complaint, containing the name of the complainant, the date of the complaint, investigator, school a brief statement of the nature of the complaint, the outcome of the investigation, and the action taken.

G. Bullying Prevention and Intervention Plan

A Plan has been developed by the Executive Director and/or his/her designee as required by Massachusetts General Law c.71, Sec. 370 in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The Bullying Prevention and Intervention Plan will be filed with the Massachusetts Department of Elementary and Secondary Education on or before December 31, 2010 and will be updated at least biennially. The Collaborative will post a copy of the plan on the Collaborative website. Each Collaborative Program Director is responsible for the implementation of the Collaborative Bullying Prevention and Intervention Plan within his/her school/program.

All Collaborative personnel shall be provided annual written notice of the relevant student-related sections of the Bullying Prevention and Intervention Plan(s) to students and their parents or guardians, in age appropriate terms. The Collaborative shall also amend the student handbooks to include age-appropriate summary of the student-related sections of the Plan.