

# DUDLEY-CHARLTON REGIONAL SCHOOL DISTRICT

## POLICY

## A

### Bullying

#### I. Policy

A. It is the policy of the Dudley-Charlton Regional School District to take pro-active, reasonable measures designed to provide a learning and working atmosphere for students, employees and other members of the school community free from sexual harassment, bullying, hazing and intimidation. These terms are referenced herein as “harassment”, which is more particularly defined below. The district in the strongest possible terms condemns harassment, whether based on race, color, religion, national origin, age, gender, ancestry, disability, sexual orientation, gender identity, or any other reason.

“Bullying” is the repeated use by one or more students or 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 para-professional 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 or 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.

B. It is a violation of policy for any student or 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, to engage in or condone harassment in school, on school grounds or at or in a school-related function, activity, communication or contact, or to fail to report or otherwise take reasonable corrective measures when he/she becomes aware of an incident of harassment.

C. This policy is not designed or intended to, nor shall it, limit the school’s authority to take disciplinary action to take remedial action when such harassment occurs out of school, but has a sufficient nexus to school under applicable law, or is disruptive to an employee’s or student’s work or participation in school-related activities. Reports of harassment, including but not limited to cyber-bullying by electronic or other means, occurring in or out of school will be reviewed, and, when a sufficient nexus to school or school-related work exists, will result in discipline.

D. It is the responsibility of every employee, student and parent/guardian to recognize acts of harassment and take reasonable action to see that the applicable policies and procedures of this school district are implemented. All members of the school community are, and must act as partners in such efforts if we are to have any reasonable chance of success in preventing or minimizing activity of this type, which is harmful to both the victim and the perpetrator. The children attending our schools are in critical, formative stages of their lives. To the extent that we, working together, are able to show them a better way, they will reap immeasurable, lifelong benefits.

E. Any employee or student who believes that he or she has been subjected to harassment has the right to file a complaint and to receive reasonably prompt and appropriate handling of the complaint. While proper enforcement of this policy foreseeably may require disclosure of any or all information received, all reasonable efforts will be made to maintain confidentiality to the extent consistent with such enforcement.

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 harassment.

## II. Prohibition and Definitions

Harassment, including bullying, may take a variety of forms. It is utterly unacceptable in a school or work environment. As a result, neither any student, nor employee nor other member of the school community shall be subjected to harassment, intimidation, bullying, or cyber-bullying in any public educational institute.

Bullying is further defined as behavior that 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:

1. being offered by or through the school district; or
2. during any district-related educational program or activity; or
3. while in school, on or using school district property or equipment, in a school vehicle, on a school bus, at school-designated bus stops, at school-sponsored activities, at school-sanctioned events; or
4. 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 related to or provided or facilitated by the district; or
5. in circumstances otherwise having a sufficient nexus with the school district.

B. "Electronic communication" as used in this policy means any communication through an electronic device, including but not limited to a telephone, cellular phone, computer or pager.

## III. Guidelines and Procedures for Investigating and Processing Harassment Claims

Harassment may take many forms. In a school district such could involve an instance of staff member to staff member, staff member to student, student to staff member, or student to student. It conceivably could also include parent to a student other than the parent's child, staff member to parent, or parent to staff member. This listing is illustrative and the procedures set forth herein are not intended to limit the definition of harassment, nor the district's authority to take appropriate action as to same except to the extent that specific subject matter is expressly addressed herein.

Guidelines and procedures for dealing with any charge of harassment are as follows:

A. 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.

B. 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. If possible victim should sign the complaint. 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 what the administration in the good faith exercise of its reasonable discretion deems to be clear and convincing evidence. All other complaints will be reviewed based on a preponderance of evidence standard, namely whether the administration in the exercise of its aforementioned discretion, taking into account all material information and circumstances, concludes that a violation of this policy more likely than not has occurred.

C. Any school employee who has reasonably reliable information that would lead a reasonable person to suspect that a person may be a target of harassment, bullying or intimidation shall immediately, as a condition of employment report it to the administration. Each school shall document each prohibited incident that is reported and confirmed, and report each such incident and the resulting consequences, including discipline and referrals if any, to the superintendent's office in a timely fashion and without any avoidable delay.

D. A good faith report from a staff member is not grounds for any legal liability and, since such reports are a condition of the staff member's employment is considered to have been made in the course of employment for purposes of employment the Municipal Tort Claims Act, M.G.L. Ch. 258. As a result, the employee would not be subject to damages simply by reason of making such a report, and in the event of a suit based solely thereon would be covered by the school district's insurance policy which provides defense of such suits.

E. If an instance of student to student harassment, as defined in Sec. II above, is reported to a staff member other than an administrator, the staff member must inform the building principal/designee in timely fashion. If the alleged harasser would otherwise be responsible for conducting an investigation, the Alternate Harassment Coordinator designated by the superintendent or school committee, who is presently the curriculum coordinator, shall conduct the investigation and report to the alleged harasser's immediate supervisor.

F. If a situation involving a charge of staff member to student harassment, as defined in Sec. II. above, is brought to the attention of any staff member, the staff member should notify the building principal immediately.

G. Once a charge of harassment has been made, the following course of action should be taken.

1. The building principal or such principal's designee should conduct a reasonable, factual investigation by means of discussions with the individuals involved, any other witnesses if any, review of any documents and other, written or electronic materials, etc.

If the principal himself or herself does not conduct the investigation, he or she should review the designee's report and supporting documentation (by way of example only, any written, signed statements by the complainant setting forth the allegations, any such statement by the accused and witnesses, and any other materials such as those mentioned above), as appropriate to the then current stage of the investigation and before

making any determination as to whether a violation more likely than not has occurred, and if the principal deems such necessary or advisable should conduct direct interviews himself or herself during or following such review and before making a determination.

In situations involving allegations against an employee, the employee should be accorded all rights provided by any applicable statute and/or collective bargaining agreement, including but not limited to being informed of his/her right to have a third party present at the time of the discussion if apt, and, in the case of a teacher, of the right to counsel if the any discussion could conceivably lead to a suspension (see, M.G.L. Ch. 71:42D).

In situations involving harassment of students, the principal should conduct an investigation with the appropriate classroom or special subject area teacher. Parents/guardians will be informed of the situation and invited to participate in resolution discussions if warranted.

Parents/guardians of students alleged to have engaged in harassment as to whom suspension is imposed shall be notified that they, or one of them must attend a meeting at which the behavior, words or images giving rise to the complaint may be reviewed. Before any final decision is made as to whether to impose discipline exceeding ten (10) school days, and the nature of such discipline, the student and her or his parent(s)/guardians will be informed in reasonable detail of the factual allegations underlying the complaint and given an opportunity to respond to and provide any information material to same.

In the school administration's discretion, depending on its preliminary assessment of the seriousness of a reported incident of alleged harassment, a student accused of harassment may be suspended from school under the procedures for suspension set forth in the student-parent handbook and not readmitted to the regular school program until the student and his or her parent(s) attend such meeting. A ten (10) school day suspension if deemed reasonably necessary by the administration may be imposed prior to such a meeting, but before any such were imposed the student shall be informed of the ground(s) for such possible suspension in sufficient detail to allow the student to respond to the charge(s). A satisfactory conference with the student and his or her parent(s) or legal guardian(s) must occur prior to the students' readmission.

It is important that each situation be resolved as confidentially and as quickly as circumstances reasonably permit.

2. At any stage of the proceedings the alleged harasser and the victim may discuss the matter at a resolution meeting in the presence of the principal/designee and/or parent when appropriate. During this discussion, the offending behavior should be described by the victim and the administration. If warranted a request for a change in behavior should be made, and a promise should be made that the described behavior will stop and not recur. 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, if any, is voluntarily reached at such a meeting will result in appropriate discipline. The principal or his or her designee at the close of the meeting shall prepare a written summary of the discussion held at the meeting and of any resolution, if any, agreed to at same, and shall ask the parties attending the meeting to review, date and sign the agreement. The administrator shall sign the summary, and if any party to the meeting refuses to sign shall note that fact thereon. No such memorandum must be included in a student's school record or an employee's personnel file unless otherwise required by law, but the principal shall keep a copy of same in her or his records.

H. If after a resolution meeting with the involved parties, the building principal determines that further disciplinary action must be taken, the following may occur:

1. In instances involving student to student or student to staff member harassment, subject to applicable law and the disciplinary procedures set forth in the student-parent handbook, the student may be subject to discipline, including but not limited to counseling, suspension or expulsion.

2. 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, up to and including discharge from employment, may also be initiated at this point, consistent with applicable law and collective bargaining agreement.

3. In all cases where in the good faith judgment of the principal or superintendent the circumstances so warrant, a referral to law enforcement will be made. School officials will coordinate with the Dudley or Charlton police departments to identify a police liaison for harassment cases.

#### IV. Retaliation:

In the event of retaliation in any form against any person who has made or filed, or provided any information as to, a complaint relating to harassment, any employee or student found to have engaged in same shall be subject to discipline in accordance with applicable law. In the case of an employee, discipline may be up to and including dismissal from employment, and in the case of a student may be up to and including expulsion. If warranted, a referral to law enforcement shall also be made.

#### V. Confidentiality:

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

#### LEGAL REFS.:

1. Title VII of the 1964 Civil Rights Act, Section 703
2. Title IX of the 1972 U.S. Civil Rights Act.
3. MGL Ch. 151C, Massachusetts General Laws
4. MGL. Ch. 76:5
5. MGL Ch. 269:17, 18, 19
6. MGL Ch. 71:82, 84

Adopted March 24, 2010

Amended December 12, 2012

Proposed for Amendment: First Reading, September 25, 2013

Second Reading and approval October 9, 2013

