

BULLYING / HARASSMENT / DISCRIMINATION**Policy**

The Administration and the Faculty of the Swansea Public Schools shall strive to prevent bullying, harassment or discrimination within the school and its extended environment. The rights of individuals to receive a free public education devoid of bullying, harassment or discrimination are a priority of the Administration of The Swansea Public Schools. The Administration and Faculty shall respond promptly and consistently to such discrimination or harassment when they have knowledge of its occurrence. The students of the Swansea Public Schools shall be provided with a safe, nurturing educational environment and they will not be denied the “advantages and privileges” of a safe school. The Administration will do everything within its power to ensure that this environment exists. Perpetrators of harassment and/or discrimination will be disciplined consistently and effectively in compliance with the progressive disciplinary procedures employed at all Swansea Public Schools.

Prevention and Intervention Plan

The Superintendent, and/or his/her designee, shall oversee the development of a prevention and intervention plan, in consultation with all District stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially.

The Building Principal is responsible for the implementation and oversight of the bullying prevention and implementation plan within his or her school.

Definition – Bullying:

Bullying, as defined in M.G.L. c. 71, § 37O, 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 target that:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- 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.

Bullying is prohibited at non-school-related locations and through non-school technology or electronic devices when a nexus to school or work exists and it effects the school or work environment. Retaliation against a person who reports bullying, provides information during an investigation, or witnesses or has reliable information about bullying shall be prohibited.

Definition – Perpetrator:

A perpetrator is defined as a 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 who engages in bullying, cyber-bullying or retaliation.

Definition – Cyber-Bullying:

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:

- The creation of a web page or blog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions identified in 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 identified in the definition of ‘Bullying’.

Bullying causes physical and/or emotional harm to the victim, it is never justified or excusable as “kids being kids,” “just teasing,” or any other rationalization. The victim is never responsible for being the target of bullying.

Bullying - Harassment Protocol: It is the responsibility of all students and staff 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. Students and staff are expected to report incidents of bullying/harassment to Teachers, Guidance Counselors, Principals or Assistant Principals. {The School Resource Officer will be contacted by the Administration in cases of potential criminal charges}. All reports of bullying/harassment, oral or written, may be made to any professional staff member or adult in a supervisory role. The recipient of any complaint is responsible for reporting said complaint to the Building Administrator. Anonymous complaints will be reviewed but are inherently difficult to investigate and substantiate and may not be procedurally fair; as a result, no disciplinary action will be taken on anonymous complaints unless verified by clear and convincing evidence. All other complaints will be reviewed based on a preponderance of evidence. A student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

- Reporting requirements: All members of the school staff, not just all teaching staff, are required to immediately report any instance of bullying or retaliation the staff member has either witnessed or become aware of, to the principal or school designee.
- Prompt, impartial, and thorough investigations of all reported bullying/harassment will be completed by the Principal, or the Assistant Principal and/or School Resource Officer.

Investigations:

- 1) Identification of problem, students and sites.
- 2) Questioning and documentation of all parties involved (witnesses, target, and perpetrator/aggressor statements).
- 3) Preservation of physical evidence.
- 4) Clear explanation of consequences for engaging in bullying/harassment to all parties.
- 5) Notification of parents / guardians of the targets and the perpetrators/aggressors.

Administrative Action:

- 1) Prompt, effective, and consistent response to all incidents of bullying/harassment.
- 2) Prompt investigation to prevent reoccurrence (complete investigation of all parties involved, documentation of all reports and interviews, students, Think About It Form, Parent Communication Form, Incident Follow-Up Report.) *see Administrator Protocol for Bullying / Harassment Form.*
- 3) Apply age-appropriate disciplinary measures that escalate with severity and recurrence of conduct (progressive disciplinary procedure). *see Consequences / Intervention Charts*
- 4) Parental contact made to the parents of the targets and the perpetrators/aggressors.
- 5) Appropriate support and counseling from the School Staff and the School Resource Officer for the target & perpetrator/aggressor as needed. A clear explanation of consequences and direction toward reconciliation will be provided.
- 6) Restore non-discriminatory environment for the target.
- 7) Make appropriate law enforcement referrals/reports (assist target in reporting to law enforcement). Criminal charges may be filed at the discretion of the School Resource Officer.

Harassment/Discrimination:

As a recipient of federal funds, the Swansea Public Schools are subject to the following federal regulations: Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), which prohibit discrimination on the basis of gender; Title VI of the Civil Rights Acts of 1964, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), which prohibit discrimination on the basis of race, national origin and color; Section 504 of the Rehabilitation Act of 1973, and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990, and its implementing regulation at 28 C.F.R. Part 35 (Title II), which prohibit discrimination on the basis of disability.

Harassment/Sexual Harassment/Discrimination:

These terms refer to unwelcome behavior of a physical, written, verbal, cyber, or electronic nature, including unwelcome sexual advances, requests for sexual favors, or physical conduct or gestures of a sexual nature which are either repeated or severe, and which create a hostile, humiliating, intimidating and offensive educational environment or workplace. Harassment is a form of discrimination as outlined in the above regulations.

School Responsibility

(M.G.L. Chap. 76.: Section 5): This section provides the guarantee of non-discrimination “in obtaining the advantages, privileges, and courses of study in a public school on account of sex, race, color, age,

national origin, religion, disability, marital status, sexual orientation, gender identity or expression, pregnancy, or veteran status. Severe or pervasive harassment unlawfully denies a student the “advantages and privileges” of school, creating a hostile and offensive educational environment.

- When alleged harassment / discrimination has occurred *directly relating to a student’s disability*, the Building Principal will notify the Director of Student Services, Dr. Julie Garell at (508) 675-7836 or by email at jgarell@swanseaschools.org, who will address the issue with the parties involved and, when applicable, notify the parent / guardian of the findings.
- When alleged harassment / discrimination has occurred, not directly relating to a student’s disability, the Building Principal will notify the Superintendent, John J. Robidoux at (508) 675-1195 or by email at jrobidoux@swanseaschools.org, who will address the issue with the parties involved and, when applicable, notify the parent / guardian of the findings.

ref: Section 504 of The Rehabilitation Act of 1973 and Title II of the Americans With Disabilities Act of 1990.

Investigation:

- 1) Upon notice of possible harassment in the school(s), the [appropriate] Coordinator will meet with the complaining party and discuss the allegations.
- 2) The Coordinator will take notes of the conversation to capture the allegations, and will have the complaining party confirm the allegations as accurately depicted in the notes.
- 3) Within 24-48 hours, the Coordinator will meet with the alleged Perpetrator and present the allegations, allowing the perpetrator a chance to respond to the allegations. The Coordinator may interview other witnesses, review documentation or review disciplinary files as deemed necessary.
- 4) Confidentiality rights will be maintained the extent possible under the circumstances, only informing those who need to know in order to complete a thorough investigation of the allegations.
- 5) Retaliation against a person who reports bullying/harassment, provides information during an investigation, or witnesses or has reliable information about bullying/harassment shall be prohibited. Retaliation is a punishable offense.
- 6) The Swansea School District will take necessary action to protect the complaining party during the investigation.

Administrative Action:

- 1) The Coordinator will provide a written report of findings, to all parties, including parents and administrators with authority to discipline. Provide notice of outcome of investigation to all - including whether allegations were substantiated or not, and statement that appropriate action has been taken, if warranted.
- 2) Swansea School District will follow-up with the complaining party or others to ensure that harassment has stopped. District will take additional action reasonably calculated to stop harassment if it is continuing – steps will increase in severity or seriousness if previous steps are not effective.

- 3) The Swansea School District is obligated to respond in a “prompt” manner. Timeframes are flexible depending on the scope and seriousness of the allegations.

Definition Hazing:

Any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include any behavior or forced physical activity which is likely to affect the physical health or safety of any such student or person, or which subjects such student or person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

ref: Massachusetts General Law, Chapter 269, Section 17

Duty to Report Hazing

Any person who knew that another person is the victim of hazing as defined in M.G.L. Ch. 269, Sec. 17, and is at the scene of such crime, shall to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate Law Enforcement Official or School Administrator as soon as reasonably practicable. Whoever fails to report such crime is subject to criminal action by the appropriate Law Enforcement Agency.

ref: Massachusetts General Law, Chapter 269, Section 18

Target Assistance

The Swansea Public Schools shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, affected by bullying, as necessary.

Training and Assessment

Annual training shall be provided for school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying. Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all K to 12 students.

Publication and Notice

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be provided to students and their parents or guardians, in age-appropriate terms. Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

Relevant sections of the bullying prevention and intervention plan relating to the duties of faculty and staff shall be included in the school employee handbook.

The bullying prevention and intervention plan shall be posted on the Swansea Public Schools website.

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended

Federal Regulation 74676 issued by EEO Commission
Title IX of the Education Amendments of 1972
603 CMR 26.00
M.G.L. 71:37O; 265:43, 43A; 268:13B; 269:14A

REFERENCES: Massachusetts Department of Elementary and Secondary Education's Model
Bullying Prevention and Intervention Plan
Swansea Public Schools Bullying Prevention and Intervention Plan

CROSS REFS.: AC, Nondiscrimination
ACAB, Sexual Harassment
JBA, Student-to-Student Harassment
JICFA, Prohibition of Hazing
JK, Student Discipline Regulations