

## BULLYING PREVENTION

The Wilmington Public Schools is committed to providing a safe, positive, and productive educational environment where students can achieve the highest academic standards. No student shall be subject to harassment, intimidation, bullying, cyber-bullying, or retaliation.

“Bullying” is the repeated use by one or more students or school staff members (including but not limited to administrators, educators, school nurses, educational assistants, cafeteria workers, custodians, bus drivers, athletic coaches, paraprofessionals, or advisors of extracurricular activities) 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 him/herself, or of damage to his/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.

“Cyber-bullying” means 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 may include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyber-bullying may also include the distribution of electronic means of 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 the definition of bullying.

“Aggressor” means the student or staff member who engages in bullying or retaliation.

“Target” means the student who has been bullied or retaliated against.

“School grounds” for purposes of this policy means property on which a school building or facility is located and property owned, leased, or used by the school district, for any school-sponsored activities, functions, programs, instruction or training.

“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.

“Retaliation” means any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families are expected.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying, or cyber-bullying.

Bullying is prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At functions or programs whether on or off school grounds;
- At school bus stops;
- On school buses or other vehicles owned, leased, or used by the school district; or
- Through the use of technology or an electronic device owned, leased, or used by the Wilmington Public Schools.

Furthermore, bullying and cyber-bullying are prohibited 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 Wilmington school district if the act or acts in question:

- Create a hostile environment at school for the target;
- Infringe on the rights of the target at school; and/or,
- Materially and substantially disrupt the education process or the orderly operations of a school.

### **Bullying Prevention and Intervention Plan**

The Superintendent and/or his/her designee shall oversee the development of a bullying 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 plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics. The plan shall include specific steps that each school shall take to support vulnerable students and to provide all students with the skills, knowledge, and strategies needed to prevent or respond to bullying or harassment. The bullying prevention and intervention plan shall be reviewed and updated at least biennially.

The principal is responsible for the implementation and oversight of the bullying prevention and implementation plan within his or her school. This plan shall be updated biennially.

## **Reporting**

A member of a school staff must immediately report any instance of bullying, cyberbullying and/or retaliation that the staff member has witnessed or become aware of to the school principal or principal's designee.

Students who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to a member of the school staff. The target shall, however, not be subject to discipline for failing to report bullying. Any student who knowingly makes a false accusation of bullying, however, shall be subject to disciplinary action.

Parents or guardians, or members of the community, are strongly encouraged to promptly report an incident of bullying to the school principal or principal's designee.

Each school shall have a means for anonymous reporting by students, parents, or non-staff members of incidents of bullying. No formal disciplinary action shall, however, be taken solely on the basis of an anonymous report.

## **Investigation Procedures**

The school principal or principal's designee shall promptly investigate all reports of bullying and shall document said investigation using a Bullying/Cyber-bullying Report Form which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.

The principal or their designee, upon confirmation of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged perpetrator of bullying. The actions being taken to prevent further acts of bullying shall be discussed. Support staff shall assess an alleged target's needs for protection and, where appropriate, create and implement an individualized support plan for the purpose of restoring the target's sense of safety and wellbeing in school.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

If the school principal or a designee determines that bullying has occurred he/she shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the school's resource officer and the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

The investigation of the complaint of bullying shall, in most instances, be completed within fourteen (14) school days from the date of Principal's or Designee receipt of the report or

complaint of bullying. The parents or guardians of both the target and alleged aggressor shall be contacted upon completion of the investigation and provided with written notice of the Principal's or Designee's findings and determination relative to the complaint of bullying. All such notices shall comply with the requirements of Massachusetts regulations at 603 CMR 49.00. Where, due to extenuating circumstances, the investigation cannot be completed within fourteen (14) school days, the Principal or Designee shall provide written notice to the parents or guardians of the extension of the investigation timeline and identify an alternate date for the completion of the investigation. In the event that the investigation is extended for a period of time in excess of seven (7) additional school days, the Principal or designee shall contact the parents or guardians as to the status of the investigation on a weekly basis pending completion of the investigation and written notice of the Principal's or Designee's findings and determinations.

Disciplinary actions for students who have committed an act of bullying or retaliation shall be in accordance with district disciplinary policies and applicable state laws and regulations. Each school shall document any incident of bullying that is reported per this policy and a file shall be maintained by the Principal or designee. A monthly report shall be provided to the Superintendent.

Confidentiality shall be maintained to the extent consistent with the school's obligations under law.

### **Retaliation**

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying, is prohibited and may result in severe disciplinary consequences including long-term suspension (students) and termination of employment (school staff).

### **Target Assistance**

The Wilmington 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, parents or guardians, and other members of the school community in age-appropriate terms in the district student handbooks.

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 Wilmington 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

CROSS REFS.: AC, Nondiscrimination

ACAB, Sexual Harassment

JBA, Student-to-Student Harassment

JICFA, Prohibition of Hazing

JIC, Student Discipline

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