

BULLYING POLICY

I. GOALS

The Marshfield Public Schools is committed to providing our students equal educational opportunities and a safe learning environment free from bullying or retaliation. This will be possible when all members of the Marshfield school community treat each other with respect and appreciate the rich diversity in our schools. This policy is integral to the Marshfield Public Schools' comprehensive effort to promote learning and prevent and eliminate all forms of violent, harmful, and disruptive behavior. The Marshfield Public Schools' response to bullying actions will include, as appropriate, disciplinary and/or corrective action, and the involvement of appropriate state and/or federal agencies addressing the remediation of discrimination or harassment. In addition, a referral to a law enforcement agency may be made if criminal charges could be pursued against a perpetrator or perpetrators. The Marshfield Public Schools will support this policy in all aspects of its activities, including its curricula, instructional programs, staff development, extracurricular activities, and parental involvement.

The Marshfield Public Schools will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber-bullying, or retaliation, in its schools before, during, or after school, and school-related activities, and will promptly investigate all reports of bullying.

II. DEFINITIONS

"Bullying" is the repeated use by one or more students or members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals, 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 in reasonable fear of damage to his/her property;
- Creates a hostile environment at school for the target;
- Infringes on the target's rights at school;
- or Materially and substantially disrupts the education process or the orderly operation of a school.

For the purposes of this policy, bullying shall include cyber-bullying.

"Cyber-bullying" means bullying through the use of technology or any electronic communication, including, but not limited to, any transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature that is transmitted in whole or in part by

- Wire;
- Radio;
- Electromagnetic;
- Photo-electronic or photo-optical systems, including, but not limited to, electronic mail, internet communications, social media, 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 knowingly impersonates another person, as the author of posted content or messages if the creation of the web page or blog or the impersonation causes any of the five (5) harm enumerated in the definition of bullying above.

Cyber-bullying shall also include the distribution by 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 causes any of the five (5) harms enumerated in the definition of bullying.

"Retaliation" means any form of intimidation, reprisal, or harassment directed against a student who reports bullying or provides information during an investigation of bullying or against a student who witnesses bullying or has reliable information about 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 a student's education.

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/guardians are expected.

III. PROHIBITIONS

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 Marshfield Public Schools.

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 Marshfield Public School District if the act or acts in question:

- Creates a hostile environment at school for the target;
- Infringes on the target's rights at school;
- and/or Materially and Substantially disrupts the education process or the orderly operation of a school.

Retaliation against a person who reports bullying or provides information during an investigation of bullying, or against a student who witnesses or has reliable information about bullying is prohibited

IV. PREVENTION & INTERVENTION PLAN AND PROCEDURES

The Superintendent and/or their 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 Principal is responsible for implementing and overseeing the bullying prevention and implementation plan within his or her school.

Reporting

Students who believe that they are a target of bullying, observe an act of bullying or 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.

Each school shall have a means for anonymous reporting by students of incidents of bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Parents, guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

A school staff member shall immediately report any bullying the staff member has witnessed or becomes aware of to the school principal or their designee.

Investigation Procedures

The Principal or their designee, upon receipt 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.

The school Principal or a designee shall promptly investigate the report of bullying, using a Bullying/Cyber-bullying Report Form, which may include interviewing the alleged target, alleged perpetrator, staff members, students, and/or witnesses.

If bullying or retaliation is substantiated, the school will take steps reasonably calculated to prevent recurrence and ensure that the target is not restricted from participating in school or 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 ages of the students involved.

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, they 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 shall be completed within fourteen school days from the date of the report. The parents or guardians shall be contacted upon completion of the investigation and informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken. No specific information on the potential

consequences can be shared with the target and his/her family. At a minimum the Principal or their designee shall contact the parents or guardians as to the status of the investigation on a weekly basis.

Disciplinary actions for students who have committed an act of bullying or retaliation shall be in accordance with district disciplinary policies.

Each school shall document any bullying incident 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.

V. RATIONALE

The Marshfield Public Schools prohibits all forms of harassment, discrimination, and hate crimes based on race, color, religion, national origin, gender, gender identity, sexual orientation, disability, homelessness, or age. The civil rights of all school community members are guaranteed by law. The protection of those rights is of utmost importance and priority to our school district. While bullying may constitute an illegal form of harassment which is prohibited by state and federal law and may result in criminal prosecution, the Marshfield Public Schools prohibits bullying of school community members for any reason, whether related or unrelated to race, color, religion, national origin, gender, gender identity, sexual orientation, disability, homelessness, or age. Further, the Marshfield Public Schools will also not tolerate retaliation against persons who act consistent with this policy.

VI. APPLICATION

This policy applies to all sites and activities under the supervision and control of the Marshfield Public Schools, or where it has jurisdiction under the law. The policy applies to all students, school committee members, school employees, independent contractors, school volunteers, visitors, parents, and legal guardians of students of the Marshfield Public Schools. Bullying and cyber-bullying may occur in or out of school, during or after school hours, at home, or in locations outside the home. When bullying and cyber-bullying are alleged, the Marshfield Public Schools expects the full cooperation and assistance of parents and families. The Marshfield School Committee shall implement this policy by developing and adopting a plan to address bullying prevention and intervention. This plan will include age-appropriate notices to students, ways to inform parents and guardians about bullying prevention and intervention, and annual professional development for employees. Any plan so adopted shall provide that reports of bullying or retaliation may be made anonymously, but no disciplinary action may be taken against a person solely on the basis of an anonymous report. The plan shall also provide for disciplinary action to be taken against any person who knowingly makes a false accusation of bullying or retaliation. This policy and any plan adopted pursuant to it shall at all times be construed and implemented so as to be consistent with the provisions of M.G.L. Chapter 71, Section 370, and shall be reviewed and updated at least biennially. Nothing in this policy is designed or intended to limit the Marshfield Public Schools' authority to discipline or take remedial action under General Laws Chapter 71, §37H or in response to violent, harmful, or disruptive behavior, regardless of whether this policy covers the conduct.

VII. DISCIPLINARY AND CORRECTIVE ACTION

Violation of this policy and the plan developed pursuant to it shall be considered a serious offense. Violators may be subject to appropriate disciplinary and/or corrective action to stop the conduct and prevent its recurrence, including expulsion from school, involving appropriate federal and state agencies to remediate harassment and discrimination, and/or criminal prosecution by law enforcement agencies.

The Marshfield Public Schools is committed to protecting a complainant and other similarly situated individuals from bullying at all times. A bullying prevention and intervention plan containing the reporting procedures, complaint process, alternatives for resolution, and protection against retaliation shall be in place throughout the School District. 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. This policy shall be printed in each school handbook and employee handbook, and shall be posted on the District's website.

Target Assistance

The school district 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.

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