

PERSONNEL

BULLYING

The North Reading School Committee prohibits any act of bullying or retaliation for reporting bullying behaviors. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying are expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

The School Committee directs the Superintendent and/or his/her Designee to develop administrative guidelines and procedures for the implementation of this policy. The guidelines and/or procedures will address prevention and education efforts, expectations of student and staff conduct, school responses, including disciplinary action to bullying incidents, and procedures for reporting and addressing complaints of bullying.

A. Definitions

A **hostile environment** 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 the student's education.

Bullying is defined as 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:

- (i) causes physical or emotional harm to the target or damage to the target's property;
- (ii) places the target in reasonable fear of harm to himself/herself or of damage to his/her property;
- (iii) creates a hostile environment at school for the target;
- (iv) infringes on the rights of the target at school; or
- (v) materially and substantially disrupts the education process or the orderly operation of a school. 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.

Perpetrator is now defined as: a student or 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.

Cyber-bullying is bullying through the use of technology or any electronic communication, which shall include, but 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:

- (i) The creation of a web page or blog in which the creator assumes the identity of another person or,
- (ii) 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 (i) to (v), inclusive, of 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 enumerated above in clauses (i) to (v), inclusive, of the definition 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, audio recordings, or images of others.

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

B. Where Bullying Is Prohibited

Bullying, included cyber-bullying, is prohibited (i) on school grounds, property immediately next 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 (ii) at a location, activity, function, or program that is not school-related, or through the use of technology or electronic device that is not owned, leased or used by the school district if the bullying 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, the health or well-being of the target during school hours, or the orderly operation of the school.

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

The North Reading Public Schools absolutely prohibits bullying and retaliation as defined in Section A. Students or members 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 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 conducive to a non-hostile environment in the school district. The range of disciplinary action includes, but is not limited to, one or more of the following: verbal warnings, written warnings, reprimands, detentions, short-term or long-term suspensions, or expulsions from school as determined by the school administration and/or school committee, subject to applicable procedural requirements. Nothing in this policy is intended to prevent the school administration and/or school committee from taking disciplinary action against a student or 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 for conduct that does not meet the definition of bullying, as defined above, but nevertheless is inappropriate for the school environment.

D. Reporting Obligations

Staff, faculty, and students are obligated to report bullying to the school principal or his or her designee.

Specifically:

- (i) 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 he or she has witnessed or become aware of to the school principal or his or her designee.
- (ii) The district expects students and parents/guardians who witness or become aware of any instance of bullying or retaliation involving a student to report it to the school principal or his or her 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 who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.
- (iii) In the event that bullying or retaliation is substantiated, the school principal or his or her designee will notify the local law enforcement agency if he or she believes that criminal charges may be pursued against the aggressor. 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 day school, approved private day or residential school or collaborative school, the Superintendent of the North Reading Public Schools or his or her designee will notify law enforcement if she or he believes that criminal charges may be pursued.
- (iv) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, and the North Reading Public Schools is the first to be notified of the bullying and retaliation, then the Superintendent of North Reading Public Schools or his or her 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.
- (v) Members of the North Reading community are encouraged to report incidents of bullying, including cyber-bullying, as defined in Section A, to the Superintendent as appropriate.

E. Investigation

The Principal or his/her 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 aggressor, staff members, students and/or witnesses.

Support staff shall assess an alleged target's needs for protection and create and implement a safety plan that shall restore a sense of safety for that student.

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.

F. Determination

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 aggressor, 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. At a minimum the Principal or his/her 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 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 by each school to the Director of Academic Services.

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

G. Target Assistance

The North Reading Public Schools shall provide counselling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and aggressors, affected by bullying, as necessary.

H. Closing the Complaint and Possible Follow-Up

School staff will promptly provide written notice to the parents or guardians 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 administrative staff or a designee will contact the target to determine whether there has been any recurrence of the prohibited conduct.

I. 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.

J. 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 North Reading Public Schools website.

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

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
MGL 71:37O
MGL 265:43, 43A
MGL 268:13B
MGL 269:14A

CROSS REFS.:

Non-discrimination	ABBA, GAAB-R
Sexual Harassment	GAAB, GAAB-R, JCAD, JCAD-R
Prohibition of Hazing	JHCD, JHCD-R
Student Discipline	JD, JD-R
Student-to-Student Harassment	JCAD

First Reading June 23, 2009
Approved July 21, 2009
Revised and First Reading October 25, 2010
Approved November 8, 2010
Reviewed November 13, 2012
Revised October 7, 2013

STUDENTS

GRIEVANCE/COMPLAINT PROCEDURE
(Non-Discrimination Compliance)

The Superintendent of Schools annually appoints a Coordinator for Non-Discrimination Compliance who will be vested with the authority and responsibility of processing all complaints and grievances of discrimination and sexual harassment. All matters involving discrimination and sexual harassment complaints and grievances will remain confidential to the extent consistent with the North Reading Public Schools' obligations relating to investigations and due process rights of individuals affected.

Any member of the school community who believes that he or she has been subjected to discrimination or sexual harassment is urged to report any incident of discrimination or harassment to the building principal or supervisor and the Coordinator for Non-Discrimination Compliance within thirty business days of the alleged incident. Every effort should be made to provide the name(s) of anyone involved; the date, time, place, location of any alleged misconduct; a description of the alleged misconduct; and an account of any circumstances which may be relevant to the particular situation. The complainant may wish to have a supportive faculty member (and/or parent or guardian, if he/she is a student) present at all discussions involving the case. In addition, the complainant is urged to keep written notes on all things relevant to the complaint, and make at least two copies of these notes for reference purposes. Staff members who receive complaints are expected to call them to the attention of the building principal or supervisor and the Coordinator of Non-Discrimination Compliance immediately or as soon as possible thereafter and follow the guidelines established above. The Non-Discrimination Compliance Coordinator will take appropriate steps to investigate and/or resolve the complaint within ten business days of the initial report made by the charging party. Such steps may include, but are not limited to the following:

- a. The Non-Discrimination Compliance Coordinator (NDCC) will confer with the charging party (the complainant) in order to obtain a clear understanding of that party's statement of the facts. Depending on the circumstances, the NDCC may request the complainant write a letter to the charged party (respondent) summarizing the nature of the behavior and requesting that it stop;
- b. The NDCC will then attempt to meet with the respondent in order to obtain his or her response to the complaint and may request the respondent write a letter to the complainant. The NDCC will explain to the respondent that retaliation against someone who has filed a complaint is prohibited.
- c. The NDCC will hold as many meetings with the parties as is necessary to gather facts;
- d. The NDCC will also interview any and all persons named by either party in the course of the investigation, to determine the validity and/or scope of the claim;
- e. The NDCC will submit a written report of the findings to all parties;
- f. On the basis of the NDCC's perception of the situation he or she may:

GRIEVANCE/COMPLAINT PROCEDURE

1. Attempt to resolve the matter informally through conciliation,
2. Report the incident and transfer the record to the Superintendent or his/her designee and so notify the parties by certified mail,
3. Report the matter to the local police if criminal activity is potentially involved.

After reviewing the record made by the Non-Discrimination Compliance Coordinator, the Superintendent or designee has ten business days to gather the evidence necessary to decide the case, and thereafter impose any sanctions deemed appropriate, including a recommendation for a letter of reprimand or warning or a suspension of one to ten days. Termination or expulsion is subject to the requirements of due process. Notwithstanding, it is understood that in the event a resolution involves disciplinary action against an employer or a student, the complainant will not be informed of the disciplinary action unless it directly involves the complainant (i.e. a directive to “stay away” from the complainant, as might occur in a harassment complaint).

A written report of the findings will be submitted to all parties.

All parties have ten business days to appeal the decision of the findings to the School Committee. A written statement in response to the findings may be submitted on appeal, but one is not required.

The School Committee will hear the Appeal on the date of the next regularly scheduled School Committee meeting. The Appeal process is limited to a review of the existing record, unless the Committee determines that there are exigent circumstances calling for consideration of additional information. Within fifteen (15) school days of the meeting, the School Committee will provide a final disposition of the Appeal to the parties.

All the timelines, above, will be implemented, unless the nature of the investigation or other exigent circumstances prevent such implementation. In which case, the parties will be notified, and the investigation completed as quickly as possible.

Questions may be referred to:

Kathleen M. Willis, Superintendent
Tel: (978) 664-7810

Dr. Patrick C. Daly, Coordinator for Non-Discrimination Compliance
Tel: (978) 664-9557

Dr. Valerie Ardi Flynn, Interim Director of Pupil Personnel Services
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Approved June 23, 2009
Updated 8/20/10
Reviewed April 8, 2013