

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy JCC and Policy JCCA

Responsible Office: ASSISTANT SUPERINTENDENT FOR STUDENT SUPPORT SERVICES

BULLYING/CYBERBULLYING/HARASSMENT AND INTIMIDATION/HAZING/BIAS BEHAVIOR

A. PURPOSE

To provide guidelines to establish school-site standards regarding bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior that are applicable to all students.

B. BACKGROUND

The Board of Education is committed to providing all students with an orderly school environment that is free from bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior. All complaints of unlawful bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior shall be investigated in accordance with the procedures set forth in this regulation. The school system will discipline or take other action with regard to members of the school community who engage in unlawful bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior in accordance with this regulation and the Code of Student Conduct.

C. DEFINITIONS

1. **Bullying, Cyberbullying, Harassment and Intimidation**
Intentional conduct, including verbal, physical, graphic or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being.
 - a. *Harassment and Intimidation* (see Bias Behavior)
A behavior that occurs more than once and continues over a period of time that makes a person feel uncomfortable or unsafe, and may include putdowns.
 - b. *Bullying*
Repeated conscious, willful and deliberate, direct/indirect action with the intent to physically or psychologically intimidate or distress someone else; physical, social, verbal actions, or intimidation toward another person with negative intent.

- c. *Cyberbullying*
The use of information and communication technologies, such as but not limited to, e-mail, cell phones, pagers, text messages, instant messaging, blogs, personal Web sites, social media, personal polling sites, or a combination of these to support deliberate, repeated, and hostile behavior by an individual or group. The intention is to embarrass, humiliate, threaten, or physically or psychologically intimidate others. All procedures defined for bullying are also applied to cyberbullying.
 - d. *Electronic Communication*
A communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.
 - e. *Relational Bullying*
A socially manipulative, non-physical behavior intended to hurt others and interfere with the educational environment. It includes ignoring, isolating, excluding, and shunning.
 - f. *Bystanders*
Individuals who observe bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior and who, by their inaction, encourage, support, or promote its occurrence.
 - g. *Evidence-based Strategies*
A process in which well-researched, effective interventions guide and inform the delivery of programs and services producing improved and measurable student outcomes.
2. Hazing
An act that subjects a student to potential harm and is affiliated with initiation into a student organization or team. Hazing may involve an act committed against a student or a situation in which a student is coerced into committing an act.
3. Bias Behavior
A behavioral offense committed against a person or property which is motivated by the offender's bias, a negative opinion or attitude toward an individual or group of persons based upon their race, religion, disability, sexual orientation, or ethnicity/national origin.
- Types of bias:
- a. *Disability* - A negative opinion or attitude toward an individual or a group of persons based on their physical or mental impairments/challenges, temporary or permanent, congenital or hereditarily acquired, accident, injury, advanced age, or illness.
 - b. *Ethnicity* - A negative opinion or attitude toward an individual or group of persons of the same race or national origin who share common or similar traits, languages, customs, and traditions.

- c. *Racial* - A negative opinion or attitude toward an individual or group of persons who possess common physical characteristics; i.e. color of skin, eyes, hair, facial features, genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.
 - d. *Religious* - A negative opinion or attitude toward an individual or group of persons who share the same religious beliefs regarding an origin and purpose of the universe and existence or nonexistence of a Supreme Being.
 - e. *Sexual-Orientation* - A negative opinion or attitude toward an individual or group of persons based on their sexual attraction toward and responsiveness to members of the opposite or same sex.
 - f. *Hate Crime* - Bias behavior that is a criminal offense.
 - g. *Other* - National origin, marital status, gender identity, physical attributes, or socioeconomic status.
4. Retaliation:
An act of reprisal or revenge toward a person for an act he/she has committed. These behaviors are threatening or seriously intimidating, occur on school property, at a school activity or event, or on a school bus, are substantially disruptive to the orderly operation of a school.

D. PROCEDURES

- 1. *Reporting*
 - a. Whenever possible, a student who believes that he or she has been subjected to bullying, cyberbullying, harassment or intimidation, hazing, or bias behavior should make it clear to the offender in a firm and direct manner that such behavior is offensive and unwelcome.
 - b. When a student reports to a staff member that he/she is currently the victim of bullying, cyberbullying, harassment or intimidation, hazing, or bias behavior, the staff member will respond quickly and appropriately to investigate and intervene, as safety permits. The staff member will make an effort to provide the student with a practical, safe, private, and age-appropriate way of reporting.
 - c. The school administrator will designate a private, secure location for students to submit a completed *Bullying, Harassment or Intimidation Reporting Form* if the student feels uncomfortable submitting the reporting form in person. Each school administrator will determine how and by whom the forms will be collected and reviewed for investigation.
 - (1) The administration will inform staff during the opening-of-school meetings and periodically throughout the year of the availability

and use of the *Bullying, Harassment or Intimidation Reporting Forms*.

- (2) Students will be informed about the availability and use of the *Bullying, Harassment or Intimidation Reporting Form* during orientation to the Code of Student Conduct and a minimum of one more time during the year.
- (3) *Bullying, Harassment or Intimidation Reporting Forms* may be obtained in the school's main (front) office, counselor's office, media center, and health room and may be submitted by administration.
- (4) *Bullying, Harassment or Intimidation Reporting Forms* may also be obtained electronically from the school system's Web site or a school's Web site and may be submitted by a student, parent(s)/guardian(s), close relative, or staff member to school administration.
- (5) A *Bullying, Harassment or Intimidation Reporting Form* will be included in the Student Handbook for students and their parent(s)/guardian(s). Information regarding this form and how to access it will be included at least twice a year in the school's newsletter, both electronic and paper versions.

- d. If the alleged victim complains that he/she has been the object of a biased motivated incident, he/she should report that incident immediately to an administrator who will conduct an investigation, which includes the completion of the *Bullying Harassment or Intimidation Reporting Form*, (see D-1).
- e. If it has been determined that a bias motivated behavior has taken place, the administrator must make a call to the Office of Equity Assurance and Human Relations (OEAHR) to report the incident. The call is to be followed up by completing and submitting a *Bias Motivated Incident Report Form* to the OEAHR office.
- f. If the complaint involves sexual child abuse, the employee will follow reporting procedures as outlined in Administrative Regulation JEF-RA, Child Abuse.
- g. The school employee shall submit a written report of the incident and any action taken to the school principal using the *Bullying, Harassment or Intimidation Reporting Form*. If the alleged harasser is the principal, the incident should be reported by the school employee to the appropriate Director of School Performance.

2. *Investigation*

- a. If the complaint involves only students, the principal/designee will conduct an investigation and take appropriate action. The principal/designee will report all pertinent information, including resolution, to the

Director for Safe and Orderly Schools and the appropriate Director of School Performance.

- b. If the complaint involves employee(s) and student(s), the principal or designee (or Director of School Performance) will notify the Office of Investigations for appropriate action.
- c. All reports must be written using the *Bullying, Harassment or Intimidation Reporting Form*. They must then be promptly and appropriately investigated by the school administrator/designee, consistent with due process rights, using the *Bullying, Harassment or Intimidation Incident Investigation Form* within two (2) school days after receipt of a *Bullying, Harassment or Intimidation Reporting Form*.
- d. The school administrator/designee will determine whether bullying, cyberbullying, harassment and intimidation, hazing, or bias behavior actually occurred by taking steps to verify who committed the reported behavior and whether others played a role in perpetrating this act. Other related complaints, if any, will be reviewed in making this determination.
- e. While all discussions, written communications, records and proceedings will be considered confidential, neither victim nor witnesses should be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or if a hearing may result from the ultimate outcome of the investigation. Efforts should be made to increase the confidence and trust of the victim and any witnesses by informing them that any information discussed and recorded will be confined to “need-to-know” status.
- f. Parent(s)/guardian(s) of the alleged victim must be notified. The confidentiality provisions of the Family Educational Rights Privacy Act (FERPA) will be applied to the release of student information, including the identity of the alleged offender(s).
- g. The administrator/designee will create a written record of the bullying, cyberbullying, harassment and intimidation, hazing, or bias behavior incident and any disciplinary actions taken, as well as the statements of the victim, witnesses, and offender. Discussions with all parties should be documented as soon as possible after the event. Any material records or evidence will not be discarded while a criminal investigation or prosecution resulting from the incident is ongoing.
- h. Student Services personnel will provide appropriate counseling support to the student victim and offender in a timely manner, not to exceed two (2) weeks after the investigation. If during the counseling session(s) it is determined that the bullying, cyberbullying, harassment and intimidation, hazing, or bias behavior continues, it will be reported to the administrator/

designee. Student Services personnel, working with the student(s), will determine if there is a need for further support.

- i. The administrator/designee should be aware that some acts of bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior could also be delinquent acts. If they are delinquent acts, they shall be reported promptly to the responsible law enforcement agency according to the Code of Maryland Regulations (COMAR) 13A.08.01.15.
- j. Filing of a complaint or otherwise reporting bullying, cyberbullying, harassment and intimidation, hazing, or bias behaviors will not reflect upon the student's status nor will it affect the student's future educational program.

3. ***Remediation***

- a. Consequences and remedial actions for persons committing acts of bullying, cyberbullying, harassment and intimidation, hazing, or bias behavior and for persons engaged in reprisal or retaliation and for persons found to have made false accusations should be consistently and fairly applied after appropriate investigation has determined that such an offense has occurred.
 - (1) It will be the responsibility of every principal to take necessary action to ensure such instances of unlawful bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior are addressed promptly, fairly and effectively. The school administrator/designee will apply consequences and/or remedial actions consistent with due process rights from the range of consequences listed in the Code of Student Conduct.
 - (2) The offender will be informed that retaliation against a victim or bystander is strictly prohibited and that progressive consequences will occur if the activity continues.
- b. The safety and welfare of all students involved in incidents of alleged bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior are the primary concern of principals and all school staff members. Support for students will be encouraged through opportunities for parental involvement and/or advocacy representation.
 - (1) If, after an initial inquiry, it has been determined that a student may have been involved in an incident of alleged bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior the principal or designee will make every reasonable effort to contact the parent(s)/guardian(s) by phone to advise them of the incident and to inform them of the opportunity to be present during discussions and interviews involving their child. A follow-up letter to the parent(s)/guardian(s) shall be sent by first class mail.

- (2) To provide confidentiality and to protect the rights of all parties involved, the information that is shared will be limited to the involvement of the parent(s)/guardian(s) own child.
 - (3) Students may be accompanied by their parent(s)/guardian(s) and/or other adult advocate at discussions and interviews related to the alleged bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior. If the student or parent(s)/guardian(s) requests, support can be provided by a teacher, counselor, or other staff member of their own choosing. Students will be advised of this opportunity prior to discussions or interviews.
 - (4) If the principal determines the timing of parent(s)/guardian(s) participation impedes prompt, fair, and effective action dealing with an alleged bullying, cyberbullying, harassment and intimidation, hazing, and bias behavior incident, or if the parent(s)/guardian(s) or advocate chooses not to participate, the administrator/designee shall proceed with discussions, interviews, and resolution of the incident.
- c. In accordance with COMAR 13A.08.01.11, a student whose presence in a school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school. In such cases the necessary notice and hearing shall follow as soon as possible.
 - d. Any student who violates this policy will be subject to appropriate actions, which may include counseling, suspension, or expulsion, depending on the severity of the offense and as defined by the Code of Student Conduct.
 - e. Students will receive information on this policy in the student rights and responsibilities documents.
 - f. Utilization and/or exhaustion of these procedures are not a prerequisite to the reporting of complaints to state or federal agencies.
4. ***Maryland State Department of Education (MSDE) contact information***
 - a. MSDE employees who are familiar with the reporting and investigating procedures in AACPS are Charles Buckler, Director, Student Services and Alternative Programs Branch, and Dominic Romano, School Safety Specialist, both at 410-767-0311.

E. PREVENTION AND INTERVENTION

The prohibition of bullying, cyberbullying, harassment, intimidation, hazing, and bias behaviors in schools and reprisal and retaliation against individuals, who report these behaviors, as well as consequences and remedial actions, cannot be effective unless they are part of a whole-school prevention/intervention program.

1. Prevention

- a. Professional development for administrators and all staff to increase awareness of the prevalence, causes, and consequences of bullying and to increase the use of evidence-based strategies for preventing bullying, cyberbullying, harassment and intimidation, hazing, and bias behaviors.
- b. School-wide evidence-based anti-bullying programs implemented as part of a system of positive behavioral supports and school improvement efforts at all grade levels.
- c. School climate improvement efforts in order to promote student involvement in the anti-bullying efforts, including information related to the role and responsibility of the bystanders, peer support, mutual respect, and a culture which encourages students to report incidents of bullying to adults.
- d. Collaboration with families and the community to inform parents(s)/ guardian(s) about the prevalence, causes, and consequences of bullying behaviors, including its central role as a public health hazard, and the means of preventing it.
- e. Annual school-building-specific data collection on the prevalence and characteristics of bullying which is used to guide local decision-making related to surveillance, prevention, intervention, and professional development.
 - (1) Information obtained from the *Bullying, Harassment or Intimidation Reporting Forms* shall be recorded for data collection and submitted according to the requirements of Education Article §7-424, Annotated Code of Maryland.
 - (2) Local school systems shall provide summary information obtained from the *Bullying, Harassment or Intimidation Reporting Forms* to their schools.

2. Intervention/Remediation

- a. Professional development for school staff on how to respond appropriately to students who engage in bullying behaviors, including cyberbullying, harassment and intimidation, hazing, or bias behaviors, are targets of these behaviors, and are bystanders who report these behaviors.
- b. Education/counseling for the students exhibiting bullying behaviors, including remedial measures to correct the bullying behavior, prevents another occurrence, empowering bystanders and protects the victim.
- c. Support/counseling for the victim will include protection from retaliation and further episodes of bullying.

- d. Utilizing community health and mental health resources for those students who do not stop bullying behaviors in spite of school intervention, for those students involved in bullying behaviors as perpetrators, or victims whose mental or physical health, safety, or academic performance has been impacted.
 - e. Recognition for positive behaviors exhibited by the student who has previously exhibited bullying behavior, the student who has been a target and is implementing strategies to offset past problems, and the bystander who has taken an active role in addressing bullying behaviors.
3. **Support/Referral Services**
The school will provide a range of support and referral services to students who have been targets of bullying behaviors, cyberbullying, harassment and intimidation, hazing, or bias behaviors. A list of these services which are consistent with the policies and regulations of the Board of Education is available to students, parent(s)/guardian(s), and staff members.
- a. School System supports and services include, but are not limited to:
 - (1) Counseling
 - (2) Conflict resolution
 - (3) Problem-solving skills
 - (4) Social skills training
 - (5) Anger management training
 - (6) Peer support groups
 - (7) Schedule modifications
 - (8) Targeted supervision (e.g. hallways, cafeteria, buses)
 - b. Community/Family Referral Sources
 - (1) Public or private community-based mental health services
 - (2) Faith-based services
 - (3) Youth development organizations
 - (4) Department of Juvenile Services
 - (5) Department of Social Services
 - (6) Law enforcement agencies

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