

STUDENT CONDUCT – BULLYING, HARASSMENT OR INTIMIDATION - AR

I. Bullying, Harassment, or Intimidation

As used in this policy, “bullying, harassment, or intimidation” means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile education environment by substantially interfering with a student’s physical or psychological well being and is:

- Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability; or,
- threatening or seriously intimidating; and
- occurs on school property, at a school activity or event, or on a school bus; or,
- substantially disrupts the orderly operation of a school.

“Electronic communication” means a communication transmitted by means of an electronic device, including social media sites, telephone, cellular phone, computer, or tablet.

II. Definitions

- A. Assault: Intentionally causing or attempting to cause serious physical injury to another person. This includes but is not limited to making a verbal threat, making a fist, and pulling hair.
- B. Bullying: Exposing a student to intentional negative actions on the part of one or more students which adversely affect the victim’s ability to participate in or benefit from the school’s educational programs or activities.
- C. Discrimination: Disparate treatment based on a person’s race, sex, ethnic background, religion, disability, or age.
- D. Fighting: Physical encounters involving two or more students for the purpose of overcoming a person by blows, battery or weapons.
- E. Harassment: Perceived or actual experiences of discomfort with identity issues in regard to race, color, national origin, gender, disability, sexual orientation, religion, or other identifying characteristics by a student, which adversely affects the student’s ability to participate in or benefit from the school’s

educational programs or activities.

- F. Hazing: Acts which subject a student to bodily injury or humiliation for the purpose of initiation into a student organization.
- G. Intimidation: Subjection of a student to intentional actions that seriously threatens and induces a sense of fear and/or inferiority which adversely affects that student's ability to participate in or benefit from the school's educational program or activities.
- H. Retaliation: An act of reprisal or getting back at a person for an act he/she has committed.
- I. Sexual Harassment: Unwelcome verbal, written, or physical conduct of a sexual nature, including requests for sexual favors, unwanted touching, stalking, and sexual jokes.
- J. Cyber Bullying: Harassing, humiliating, intimidating, or threatening others on the Internet or via cellular phones or other technology available (i.e. emails, text messaging, web pages, instant messaging, tweeting, and other electronically communicated messages including social media sites).

III. Prevention, Intervention, Remediation, and Consequences

This policy recognizes that the prohibition of bullying in schools and reprisal and retaliation against individuals who report acts of bullying, as well as subsequent and standard consequences and remedial actions, cannot be effective as prevention and intervention methods unless they are included as a part of a whole-school prevention/intervention program. The whole-school program will include the following elements: prevention, intervention/remediation, and consequences.

Prevention will include:

- A. At least annual professional development for administrators and all staff to increase awareness of the prevalence, cases, and consequences of bullying and to increase the use of evidence-based strategies for preventing bullying. Additional professional development may be provided for new employees who are hired after the start of school during the school year.
- B. School-wide evidence-based anti-bullying programs implemented as a 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, 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 about the prevalence, causes, and consequences of bullying, including its central role as a public health hazard, and the means of preventing it.
- E. Biennial 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.

Intervention/Remediation will include:

- F. Professional development for school staff on how to respond appropriately to students who bully, are bullied, and are bystanders who report bullying.
- G. Education/intervention for the students exhibiting bullying behaviors will include teaching replacement behaviors, empathy, tolerance, and sensitivity to diversity.
- H. Remedial measures designed to correct the bullying behavior, prevent another occurrence, and protect the victim.
- I. Support/counseling for the victim with protection from retaliation and further episodes of bullying.
- J. A continuum of interventions developed to prevent bullying by addressing the social-emotional, behavioral, and academic needs of students who bully in order to prevent further incidents, while taking great care to ensure the safety of the victim.
- K. Utilizing community health and mental health resources for those students who are unable to stop bullying behaviors in spite of school intervention and for those students involved in bullying behaviors as perpetrators, victims, or witnesses whose mental or physical health, safety, or academic performance has been impacted.

Consequences will include:

- L. Consequences such as suspensions, expulsions, or protective orders should not be viewed as punishments designed to prevent bullying. Instead these are means of protecting the victims by providing community containment, while positive behavioral discipline is implemented.
- M. Consequences should also include recognition for positive behavior exhibited by the student who has previously exhibited bullying behavior, the bullied student who is implementing strategies to offset past problems, and the bystander who has taken an active role in addressing bullying behaviors.

IV. Standard Consequences and Remedial Actions for persons committing acts of bullying, harassment, or intimidation and for persons engaged in reprisal or retaliation and for persons found to have made false accusations

Consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation 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. The following list of consequences and remedial actions is presented in no particular order and is provided as a guide that by no means limits Principals/designees from implementing other additional consequences and remedial actions.

Standard Consequences

- Time out
- Loss of a privilege
- Verbal reprimand
- Parental notification
- Detention
- Reassignment of seats in class, cafeteria, or bus
- Reassignment of classes
- Reassignment to another mode of transportation
- Reassignment to another school.
- Completion of letter of acknowledgement of action, with apology, to victim (after review by staff and not in a case of sexual harassment or intimidation)
- Reparation to victim in the form of payment for or repair of damage to possession
- In-school suspension
- Out-of-school suspension
- Extended suspension
- Transfer to an appropriate alternative program
- Referral to law enforcement
- Expulsion

Remedial Actions

- Parent/Student Conference
- Counseling with school counselor or school psychologist
- Education about the effects of bullying, harassment, or intimidation
- Behavioral contract
- Positive behavioral supports – e.g. functional behavioral assessment; behavioral intervention plan; remediation of problem behaviors that takes into account the nature of the offense, the developmental level of the student, and the students history
- Referral to an external agency
- Participation in counseling (delivered by a school or community mental health provider)
- Cooperation with a behavioral management program developed in consultation with a mental health professional
- Satisfactory completion of community service

V. Procedures for Reporting Acts of Bullying, Harassment, or Intimidation

The following procedures for reporting acts of bullying, harassment, or intimidation are presented as a guide that by no means limits Principals/designees from implementing other additional procedures for reporting acts of bullying, harassment or intimidation.

- A. If a student complains that he/she is currently the victim of bullying, harassment, or intimidation, the staff member will respond quickly and appropriately to investigate and intervene, as safety permits.
- B. If a student expresses a desire to discuss an incident of bullying, harassment, or intimidation with a staff member, the staff member will make an effort to provide the student with a practical, safe, private, and age-appropriate way of doing so.
- C. *Bullying, Harassment, or Intimidation Reporting Forms* may be obtained in the school's main (front) office or counselor's office. The forms may be submitted by a student, parent, close adult relative, or staff member to school administration. A student may request assistance from a staff member to complete the form if the student wishes.
- D. Reporting forms are to be submitted to the school Principal/designee.
- E. *Bullying, Harassment, or Intimidation Reporting Forms* may also be obtained submitted by a student, parent or guardian, close relative, or staff member to school administration.
- F. *Bullying, Harassment, or Intimidation Reporting Forms* will be included in the beginning of the year packets for students and their parents.
- G. Information obtained from the *Bullying, Harassment, or Intimidation Forms* shall be recorded for data collection, storage, and submission according to the requirements of Education Article 7-424, Annotated Code of Maryland.
- H. Local school systems shall provide summary information for individual schools and the school system obtained from the *Bullying, Harassment, or Intimidation Reporting Forms* to their schools.
- I. The name and contact information for the Maryland State Department of Education employee who is familiar with the reporting and investigating procedures in Talbot County Public Schools is Walter Salle, Director, Student Services and Strategic Planning at 410-767-1407.

VI. Procedures for the Prompt Investigation of Acts of Bullying, Harassment, or Intimidation.

The following procedures for investigating acts of bullying, harassment, or intimidation are presented as a guide that by no means limits Principal/designee from implementing other additional investigating procedures.

- A. All reports must be written using the *Bullying, Harassment, of Intimidation Reporting Form*. They must then be promptly and appropriately investigated by the school

administrator or the administrative designee, consistent with due process rights, using the *Bullying, Harassment, or Intimidation Incident Investigation Form* within two school days after receipt of a reporting form or as timely as possible for school administration.

- B. School administrators or the administrative designee will determine whether bullying, harassment, or intimidation actually occurred by taking steps to verify who committed the act of bullying, harassment, or intimidation and whether others played a role in perpetuating this act. Other related complaints, if any, will be reviewed in making this determination.
- C. 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. They will be informed that any information discussed and recorded will be confined to “need to know” status.
- D. School administrators or the administrative designee will immediately notify parents of the victim and offender of the incident.
- E. School administrators or the administrator designee will apply consequences and/or remedial actions consistent with due process rights using the range of listed consequences as a guide. 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.
- F. The administrator/designee will create a written record of the bullying, harassment, or intimidation incident and any disciplinary actions taken, as well as the statements of the victim, witness, 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.
- G. Separate conferences with the victim and offender will occur within two weeks after the investigation to determine whether the bullying, harassment, or intimidation has continued and whether additional consequences need to be implemented. These conferences may occur as part of the counseling intervention. Another follow-up conference or conversation will be held with the victim four weeks after the initial follow-up conference to determine if the bullying, harassment, or intimidation has ceased. Each school Principal will determine which staff member will conduct the conferences.
- H. The administrator/designee should be aware that some acts of bullying, harassment, or intimidation could also be delinquent acts. If they are delinquent acts, they promptly shall be reported to the responsible law enforcement agency according to the Code of Maryland Regulations (COMAR) 13A.08.01.15.

VII. Types of support services available to the student bully, victim, witness, and any bystanders.

The following list of the types of support services available to the student bully, victim, witness, and any bystanders is presented as a guide that by no means limits the Principal/designee from including other additional support services. Interventions and programs should be implemented as appropriate based on context, situation, age, and severity. The Principal/designee is encouraged to provide a list of the types of available support services as outlined in the “Every Parent Can” community resource list.

School/System

School Counseling/School based mental health counseling

Conflict resolution

Problem solving skills training (proactive, constructive, relationship-building)

Social skills/competency training

Anger management training

Educational programming

Parental involvement

Peer support groups

Schedule modifications

Targeted use of monitors (e.g. hallways, cafeteria, buses)

Community/Family

Public or private community-based mental health services

Faith-based services

Multi-service centers

Health Department Programs

Youth Development Organizations

Community Mediations

Department of Juvenile Services

Department of Social Services

Law enforcement agencies

VIII. Information regarding the availability and use of the bullying, harassment, or intimidation reporting form.

The following information regarding the availability and use of the bullying, harassment, or intimidation reporting form is presented as a guide that by no means limits the Principal/designee from providing other additional information regarding the availability and use of this form.

- A. Schools will inform staff about the availability of the form for their use during opening-of-school meetings and then periodically throughout the school year.

- B. Schools will inform students about the availability of the form and its use during orientation sessions in classes during the first week of school.
- C. Forms will be included in the beginning of the year packet for students and their parents.
- D. A notice regarding the availability of the form and its use should be published in a school's student/parent handbook and in its Code of Conduct.
- E. A notice regarding the availability of the form and its use should be published on the local school system's main website which should include the capability for downloading the form.
- F. Forms should be available in all schools in the main (front) office, counselor's office, and at the Board of Education.
- G. A student may request assistance from a staff member to complete the form at school if the student wishes.

IX. Reporting Suspension/Expulsion Data to the Maryland State Department of Education

When reporting suspension/expulsion data to the Maryland State Department of Education, the following codes should be used:

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| A. Bus Misbehavior | Code for the specific offense that was committed on the bus. |
| B. Defamation | Code as Bullying, Harassment, Disrespect or Verbal or Physical Threat as appropriate. |
| C. Hazing | Code as Bullying, Harassment, Verbal or Physical Threat, or possibly Physical Attack or Extortion as appropriate. |
| D. Stalking | Code as Bullying, Harassment, Verbal or Physical Threat, Physical Attack or Extortion. |
| E. B-B Gun | Code as Other Guns (302) and do not report other guns as firearms on Firearms Incident Report. |

Questions about specific coding should be directed to the Talbot County Public Schools Office of Student Services.

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