

STUDENT CONDUCT – BULLYING, HARASSMENT OR INTIMIDATION - AR

I. PURPOSE

All students have the right to be free from bullying, harassment, or intimidation. Talbot County Public Schools is committed to providing a safe, productive, and inclusive learning environment. Bullying problems are symptomatic of relationship problems best addressed holistically by students, schools, parents/caregivers, and the entire community. Talbot County Public Schools should be places where students are surrounded by caring adults who encourage students to treat others with kindness and empathy, while helping to build a relationship-focused, welcoming, supportive school environment fostering academic and personal growth for every student.

These administrative regulations provide a framework in which to prevent, educate students about, and respond to bullying, harassment, and intimidation in our schools.

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: Unwanted, demeaning behavior among students that is intentional. It must include:
 - 1) behavior based on an imbalance of power where a student uses physical, emotional, social, or academic power to control, exclude, or harm others; and
 - 2) is a behavior that happens more than once, or is likely to be repeated based on evidence gathered.
- C. Cyberbullying: Bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through texting, apps, or online via social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or hurtful content about another student. It can include sharing personal or private information about someone else causing embarrassment or humiliation.

- D. Discrimination: Disparate treatment based on a person's race, color, sex, gender, gender identity, sexual orientation, age, national origin, religion, socio-economic status, or disability.
- E. Fighting: Physical encounters involving two or more students for the purpose of overcoming a person by blows, battery or weapons.
- F. Harassment: Actual or perceived negative actions that offend, ridicule or demean another student with regard to race, national origin, marital status, sex, sexual orientation, gender identity, sexual orientation, religion, ancestry, physical attributes, socio-economic status, familial status, or physical or mental ability or disability.
- G. Hazing: Acts which subject a student to bodily injury or humiliation for the purpose of initiation into a student organization.
- H. Intimidation: Any communication or action directed against another student that threatens or induces a sense of fear and/or inferiority. Retaliation may be considered a form of intimidation.
- I. Retaliation: An act of reprisal or getting back at a person for an act he/she has committed.
- J. Sexual Harassment: Unwelcome verbal, written, or physical conduct of a sexual nature, including requests for sexual favors, unwanted touching, stalking, and sexual jokes.

III. LIMITATIONS OF LIABILITY

In accordance with the statute, a school employee who reports an act of bullying, harassment, or intimidation under the Educational Article, Annotated Code of Maryland, Section § 7-424.1 is not civilly liable for any act or omission in reporting or filing to report an act of bullying harassment, or intimidation under this section.

IV. PREVENTION, INTERVENTION, REMEDIATION, AND CONSEQUENCES

This regulation 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.

A. Prevention and Educational Programs

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

B. Intervention/Remediation will include:

1. Professional development for school staff on how to respond appropriately to students who bully, are bullied, and are bystanders who report bullying.
2. Education/intervention for the students exhibiting bullying behaviors will include teaching replacement behaviors, empathy, tolerance, and sensitivity to diversity.
3. Remedial measures designed to correct the bullying behavior, prevent another occurrence, and protect the targeted student.
4. Support/counseling for the targeted student with protection from retaliation and further episodes of bullying.
5. 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.
6. 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, targeted students, or witnesses whose mental or physical health, safety, or academic performance has been impacted.

C. Consequences will include:

1. 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.

2. 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.

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.

a. 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 targeted student (after review by staff and not in a case of sexual harassment or intimidation)
- Reparation to targeted student 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

b. 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

Bullying, harassment, or intimidation of any person on school property, or at school-sponsored functions, or by the use of electronic technology at a public school is prohibited in all Talbot County Public Schools.

The following procedures for reporting, investigating, and responding to 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. Communication regarding the availability 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.

1. 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.
2. Schools will inform students about the availability of the form and its use during orientation sessions in classes during the first week of school.
3. Forms will be included in the beginning of the year packet for students and their parents.
4. 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.
5. 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.

6. Forms should be available in all schools in the main (front) office, counselor's office, and at the Board of Education.

B. Reporting Acts of Bullying Harassment, or Intimidation

The following information regarding the reporting of bullying, harassment, or intimidation is presented as a guide to students and the Principal/designee:

1. If a student complains that he/she is currently the target of bullying, harassment, or intimidation, the staff member will respond quickly and appropriately to investigate and intervene, as safety permits.
2. 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.
3. A student may request assistance from a staff member to complete the form at school if the student wishes.
4. Reporting forms are to be submitted to the school Principal/designee.
5. *Bullying, Harassment, or Intimidation Reporting Forms* may also be submitted by a student, parent or guardian, close relative, or staff member to school administration.
6. 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.
7. TCPS shall provide summary information for individual schools and the school system obtained from the *Bullying, Harassment, or Intimidation Reporting Forms* to their schools.
8. Information obtained from the *Bullying, Harassment, or Intimidation Forms* is confidential and may not be redisclosed except as otherwise provided under the Family Educational Rights and Privacy act (FERPA), and may not be made part of a student's permanent educational record.

C. 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.

1. 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.
2. 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.
3. Neither the targeted student 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.
4. School administrators or the administrative designee will immediately notify parents of the targeted student and offender of the incident. If not immediate, the notifications must occur within 3 business days for the victim, and 5 business days for the offender.
5. 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 targeted student or bystander is strictly prohibited and that progressive consequences will occur if the activity continues.
6. 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 targeted student, 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.
7. Separate conferences with the targeted student 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 targeted student 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.

8. 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.

VI. 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, targeted student, witness, and any bystander 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 local community resource list/guide.

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

VII. 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:

- A. Defamation Code as Bullying, Harassment, Disrespect or Verbal or Physical Threat as appropriate.

- B. Hazing Code as Bullying, Harassment, Verbal or Physical Threat, or possibly Physical Attack or Extortion as appropriate.

- C. Stalking Code as Bullying, Harassment, Verbal or Physical Threat, Physical Attack or Extortion.

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

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