

KENNEDY-DONOVAN CENTER SCHOOL BULLYING & ANTI-HAZING POLICIES

BULLYING POLICY

A. Purpose

It is the policy of the Kennedy-Donovan Center School to provide an educational atmosphere free from bullying, cyber-bullying and retaliation. (Chapter 92 of the Acts of 2010, Section 5, Section 37O(d)(i)).

B. Definition

“Bullying” is the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that:

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

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

“Cyber-bullying”, is bullying through the use of technology or any electronic communication, which shall include, but shall 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 in clauses (i) to (v), inclusive, of the definition of bullying.;
- (iii) 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 in clauses (i) to (v), inclusive, of the definition of 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 the student’s education. (Chapter 92 of the Acts of 2010, Section 5, Section 37O(a)).

C. Scope

Bullying is prohibited:

- (i) on school grounds, property immediately adjacent 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 a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and
- (ii) 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 a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs. (Chapter 92 of the Acts of 2010, Section 5, Section 37O(b)).

D. Reporting Bullying Incidents

Any student who believes that he or she has been subjected to bullying or retaliation has the right to file a complaint and to receive prompt and appropriate handling of the complaint. Complaints of bullying and retaliation should be reported to the Program Director. The victim should describe in writing the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts.

A member of a school staff, including, but not limited to, an educator, administrator, school nurse, custodian, bus driver or teaching assistant, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the Program Director (Chapter 92 of the Acts of 2010, Section 5, Section 37O(g)).

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, the school district or school first informed of the bullying or retaliation shall, 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. 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 school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d). Chapter 92 of the Acts of 2010, Section 5, Section 37O(h)).

The Program Director shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of bullying.

E. Guidelines for Investigating Bullying Incidents

Once a complaint of bullying or retaliation has been made, the following course of action should be taken:

1. The Program Director should investigate the complaint through individual discussion with the alleged perpetrator and victim. The Program Director should engage an appropriate teacher in each discussion. Parents/guardians of victim and alleged perpetrator will be informed of the situation and invited to discuss the matter with the Program Director.
2. If the victim and the alleged perpetrator are willing to discuss the matter in a resolution meeting in the presence of one another and the Program Director, then the Program Director shall convene such a meeting invite parent/guardian or supportive faculty member. During the resolution meeting, the offending behavior should be described by the victim and administration. If the complaint is related to cyber-bullying, the activity, words or images subject to the complaint will be reviewed. During the resolution meeting a request for a change in behavior should be made and, if the behavior is found to be inappropriate, a promise should be made that the described behavior will stop.
3. If circumstances do not permit a face to face resolution meeting, the administration will present the victim's position to the perpetrator.
4. Following the resolution meeting, if the Program Director determines that bullying or retaliation has occurred, the Program Director may assign disciplinary consequences to the perpetrator including, but not limited to: counseling, detention, suspension, and, in appropriate cases, expulsion.
5. After a resolution meeting with the involved parties, the Program Director may determine that further, more formal investigation is necessary to determine whether bullying or retaliation has occurred. If, following such investigation the Program Director determines that bullying or retaliation has occurred, the Program Director may assign disciplinary consequences to the perpetrator including: counseling, detention, suspension, and, in appropriate cases, expulsion.
6. It is important that complaints of bullying and retaliation be resolved as confidentially and as quickly as the circumstances permit.
7. Following the Program Director's investigation, if the Program Director determines that bullying or retaliation has occurred, the Program Director shall (i) notify the local law enforcement agency if the Program Director believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of

bullying or retaliation. (Chapter 92 of the Acts of 2010, Section 5, Section 37O(g)).

8. The Program Director shall document all complaints of bullying or retaliation as well as the outcome of the investigation related to any such complaint, including the disciplinary consequences assigned. All confirmed incidences of bullying and the resulting consequences shall be reported to the Superintendent's office as they occur.
9. Oral and anonymous complaints of bullying and retaliation will be reviewed but are inherently difficult to investigate and may not be procedurally fair; as a result no disciplinary action shall be taken on anonymous complaints unless independently verified by clear and convincing evidence.

F. Retaliation

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is prohibited. If retaliation occurs, it could be considered grounds for removal from the education setting for a student. A referral to law enforcement may be made. (Chapter 92 of the Acts of 2010, Section 5, Section 37O(d)(v)).

G. False Accusations

A student who knowingly makes a false accusation of bullying shall be subject to disciplinary action up to and including suspension.

H. Confidentiality

Reports of bullying should be kept completely confidential, consistent with necessary investigation procedures and legal restraints on the dissemination of information about students with the goal of protecting the victim and stopping the behavior.

I. Compliance

Chapter 92 of the Acts of 2010 requires that each school district develop and adhere to a bullying prevention plan. Elements to be included in the plan include but are not limit to how to report bullying, clear procedures for responding and investigating, the range of disciplinary sanctions available, strategies for protecting the victim(s), notification to parents/guardians of the victim(s) and bully(ies), and ongoing professional development for all staff members. These plans must be updated every other year. The Kennedy-Donovan Center Schools' bullying prevention plan will be developed consistent with the requirements of Chapter 92 of the Acts of 2010 after the Department of Elementary and Secondary Education issues its model plan.

The Program Director shall provide age-appropriate instruction on bullying prevention in each grade. This instruction shall be incorporated into the curriculum, be evidence-based, and information about it must be made available to parents and guardians.

The law requires that a school district's bullying prevention plan include a provision for ongoing professional development be provided to all educators, administrators, school nurses, custodians, bus drivers, and to teaching assistants in the prevention, identification, and response to bullying, cyber-bullying, and internet safety.

LEGAL REFS: Chapter 92 of the Acts of 2010; M.G.L. c. 71, § 37O; M.G.L. c. 71, § 37H

Anti-Hazing Policy

Hazing is a violation of Kennedy-Donovan Center School's policy. A student involved in hazing may be suspended and a criminal complaint will be filed with local law enforcement departments.

The following information is Massachusetts' Anti-Hazing Law which Kennedy-Donovan Center School is required to provide to all students and is included in the Student Handbook.

Massachusetts General Laws Chapter 269, Section 17 – Crime of Hazing; Definition; Penalty

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into a student organization, whether on public or private property, which willfully or recklessly endanger the physical or mental health of any other student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or person, which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

Massachusetts General Laws Chapter 269, Section 18 – Duty to Report Hazing

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime, shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine or not more than one thousand dollars.

Massachusetts General Laws Chapter 269, Section 19 – Statutes to be Provided to Student Groups; Compliance Statement and Discipline Policy Required

Each institution of secondary education and each public and private institution of postsecondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and section seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such a policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution that fails to make such report.