

Book	Policy Manual
Section	450 - Students: Student Conduct/Discipline
Title	Harassment, Intimidation, Bullying and/or Discrimination
Code	450.09
Status	Active
Legal	Annotated Code of Maryland, Education Article §§2-205, 7-424, Safe Schools Act of 2010
Adopted	February 21, 2008
Last Revised	June 14, 2018 March 17, 2022
Last Reviewed	June 14, 2018 March 17, 2022

I. Policy Detail

The Dorchester County Board of Education strongly believes that all students should be able to attend school and school-sponsored activities and events in an environment free from any form of harassment/bullying, intimidation, and discrimination.

Harassment/bullying, intimidation, and discrimination on the basis of race, color, sex, age, sexual orientation, national origin, religion, or disability that limits a student's ability to participate in or benefit from an educational program is strictly prohibited by federal law and will not be tolerated in Dorchester County Public Schools. To this end the Board seeks to:

- Ensure the maintenance of safe and orderly schools that are conducive to learning and reducing instances of student physical, sexual, or verbal harassment, intimidation, bullying, and/or discrimination.
- Establish consequences for dealing with students, who bully, tease, harass, discriminate, or intimidate others in Dorchester County Public Schools or at school-related activities or events.

- Report incidents of bullying, harassment, and intimidation as required by the 2005 Safe Schools Reporting Act.

All employees of the Dorchester County Public School System have a professional responsibility to provide a safe and positive environment for students. Reasonable and immediate response and follow-up shall be provided upon the submission of verbal or written complaints of incidents noted in this policy. Any action in response to a violation of this policy should be carried out in accordance with relevant school system policies and procedures and applicable state and federal laws.

This policy recognizes that the prohibition of bullying, harassment, or intimidation 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 would include the following elements: prevention, intervention/remediation, and consequences.

The Superintendent of Schools is directed to develop administrative procedures to implement this policy in accordance with Education Article Section 7-424 of the Annotated Code of Maryland, state and federal laws and regulations.

II. Definitions

A. Bullying/Harassment/Intimidation

As used in this policy, "bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, sexual in nature, or written conduct or intentional electronic communication that creates a hostile environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

- Motivated by an actual or perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, family 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.

Intentional negative actions repeatedly or over time on the part of one or more students that cause discomfort with identity issues in regard to race, color, national origin, gender, disability, sexual orientation, religion, or other identifying characteristics, that interfere with a student's ability to participate in or benefit from the school's educational program.

Bullying – is unwanted, demeaning behavior among students that involves a real or perceived power imbalance. The behavior is repeated, or is highly likely to be repeated, over time. To be considered bullying, the behavior must be intentional and include: 1) an imbalance of power (students who bully use their physical, emotional, social, or academic power to control, exclude, or harm others), and 2) repetition (bullying behaviors happen more than once or are highly likely to be repeated based on evidence gathered).

B. Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and/or other inappropriate verbal, written, or physical conduct of a sexual nature, directed toward others.

C. Cyber-Bullying

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.

~~Harassing, humiliating, intimidating and/or threatening via "electronic communication" which means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or pager.~~

D. Harassment

Includes actual or perceived negative actions that offend, ridicule, or demean another student with regard to race, ethnicity, national origin, immigration status, family/parental or marital status, sex, sexual orientation, gender identity, gender expression, religion, ancestry, physical attributes, socioeconomic status, physical or mental ability, or disability.

E. 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.

F. Defamation

False and unprivileged statements or representation about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning him, her, or them in the estimation of the community or deterring others from association with or dealing with him, her, or them.

G. Gang

Two or more individuals who associate and/or identify with each other, and have as a primary purpose harassment or intimidation and/or the planning, threat, attempt, or commission of criminal, delinquent, or illegal acts.

H. Hazing

Participation in any intentional or reckless act directed against another for the purpose of initiation into, affiliation with, or maintenance of membership in an organization. This includes any action taken or situation created that directly or indirectly embarrasses, humiliates, harasses, **ridicules**, or causes harm or mental or physical discomfort to another.

I. Physical Attack

Unwelcome aggressive action, with physical contact, directed at another person, student or non-student, on school property or at a school-related activity.

J. School Property

Any property owned or leased by the Dorchester County Public School System. The concept of property shall extend to school activities such as field trips, use of parks and recreation facilities, proms at ~~hotels~~ **off-campus locations**, etc. This means that when a facility is scheduled by the school system for student use, it will be considered an extension of school property.

K. School-related Activity

Any school system activity, whether held on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by being there (e.g., a spectator at a school event).

L. Third Party

Parents, mentors, volunteers, vendors, contractors, and others with whom students or employees interact during school or school-related activities.

M. Threat

An expression, conveyed by word or action, of intent to do harm to another.

N. Profanity

Vulgar or abusive language; cursing; swearing.

O. Retaliation

The act or process of threatening or otherwise penalizing a person for reporting an alleged violation of policy or for participating in an investigation of an alleged violation.

Whole-school programs that include the elements of prevention, intervention, remediation, and consequences shall be essential components of this policy along with certain standards to guide implementation of this policy.

III. Standards

A. Students, parents, and employees of the Dorchester County Public School System all contribute to the development and implementation of safe school environments. In addition to this policy, expectations for behavior that encourages a safe and nurturing

school environment can be found in the County Calendar Handbook and respective school student handbook codes of conduct.

B. Notice that profanity, threats, defamation, harassment, intimidation, bullying, cyber-bullying, physical attacks, gang-related activities, and hazing are prohibited in the Dorchester County Public School System shall be communicated to all students, parents, employees, and **third** parties annually.

C. The following are violations of this policy:

It shall be a violation of this policy for any student, employee, or third party to use profanity, or to threaten, defame, harass, intimidate, bully, cyber-bully, or physically attack another when these actions occur on school property, on a school bus, at a school bus stop, or in connection with any school-related activity. These behaviors shall also constitute violations of this policy when they have a direct effect on the order and general welfare of the school (such as negatively affecting the safety or learning environment of a classroom), even when they do not occur on school property or at a school-related activity.

Hazing shall be a violation of this policy when committed with respect to a school-related organization, club, or athletic team.

It shall be a violation of this policy for any student, employee, or third party to engage in behavior on school property or at school-related activities that represents affiliation with a gang. This includes, but is not limited to, wearing gang-related clothing or "colors," committing vandalism through the use of graffiti depicting gang signs, exposing tattoos that represent gang affiliation.

It shall be a violation of this policy for any student to retaliate against individuals who report acts of bullying, harassment, or intimidation, as well as for consequences imposed for such acts.

D. All reported violations of this policy will be investigated.

E. A violation of this policy against a student by a school system employee or third party may constitute child abuse. Any suspicion of child abuse should be reported and

addressed in accordance with Policy 603.01 that addresses the reporting of suspected child abuse.

F. Conduct that is discriminatory or sexually harassing in nature should be addressed in district policies relative to discrimination and sexual harassment.

G. The school system will comply with the Safe Schools Reporting Act of 2005.

H. A student, employee, or third party engaging in behaviors which violate this policy is subject to disciplinary and/or legal action. Interventions will be recommended, as appropriate, for students and employees who violate this policy.

I. Consequences for a student, employee, or third party who violates this policy will be imposed according to applicable school system policies and other applicable state and federal laws.

J. Violations of this policy are cumulative, and subsequent offenses may affect the nature and severity of the consequences.

K. Dorchester County Schools shall report any criminal activity, including child abuse to the appropriate social service and law enforcement agency.

IV. Compliance

A. The Superintendent/designee is responsible for implementing procedures that will ensure that students, parents, employees, and third parties are notified of the provisions of this policy annually.

B. School or central office administrators are responsible for offering appropriate assistance to students, employees, parents, or their parties who have been the object of or affected by behavior prohibited in this policy.

C. The Superintendent/designee will report incidents of bullying to the Maryland State Department of Education as mandated in the Safe Schools Reporting Act of 2005.

D. School principals are responsible for complying with the Safe Schools Reporting Act of 2005 with regard to investigating and reporting incidents of bullying.

E. Any action taken in response to a violation of this policy is the responsibility of the school administrator or Superintendent/designee. School administrators and/or the Superintendent/designee may recommend appropriate intervention, remediation, and/or consequences for students and employees who violate this policy.

V. Prevention, Intervention, Remediation, and Consequences

The Prevention of bullying will include one or more of the following:

A. Annual 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. 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, in including its central role as a public health hazard, and the means of preventing it.

E. 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 one or more of the following:

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

Consequences:

- A. 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 targeted student** by providing community containment, while positive behavioral discipline is implemented.
- B. 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.

VI. Standard Consequences and Remedial Actions

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 school administration from implementing other additional consequences and remedial actions.

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 development level of the student, and the student's behavioral history)
- Referral to an external agency
- Participate in counseling (delivered by a school or community mental health provider)
- Cooperation with behavioral management program developed in consultation with a mental health professional
- Satisfactory completion of community service

Standard Consequences

- Time out
- Loss of privilege
- 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 acknowledgment of action, with apology to **the victim targeted student** (after review by staff and not in the case of sexual harassment or intimidation)
- Reparation to **victim-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

VII. Bullying/Harassment/Intimidation Reporting Procedure

A. If a student complains that he/she is currently the **victim targeted student** 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 office, guidance office, and other locations determined by the building principal. 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. The school principal or designee will devise a process for distributing and receiving reporting forms.

E. Information obtained from the Bullying, Harassment, or Intimidation Reporting Forms shall be recorded for data collection, storage, and submission according to the requirements of Education Article 7-424, Annotated Code of Maryland.

F. In accordance with the statute, a school employee who reports an act of bullying, harassment, or intimidation under the Education Article, Annotated Code of Maryland, Section 7-424.1 in accordance with the county board's policy is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment, or intimidation under this section.

G. The Division of Student Services will provide each school with summary information obtained from the Bullying, Harassment, or Intimidation Reporting Forms annually.

VIII. Procedure for Reporting the Prompt Investigation of Acts of Bullying, Harassment, or Intimidation

A. Any person alleging that an act of bullying, harassment, or intimidation will be encouraged to complete the Bullying, Harassment, or Intimidation Form. All reports must be investigated by school administration or the administrative designee, consistent with due process rights, using the Bullying, Harassment, or Intimidation Incident Investigating Form. School administration shall provide notice to parents/guardians of bullying incidents within three (3) business days (for **victim targeted students**) and five (5) business days (for alleged perpetrators) of the act being reported.

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 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 targeted student** and any witnesses. They will be informed that any information discussed and recorded will be confined to "need to know" status.

D. Should administrators or the administrative 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 bystander is strictly prohibited and that progressing consequences will occur if the activity continues.

E. 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 targeted student**, 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.

F. Separate conferences with the **victim 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. The **victim targeted student** will be encouraged to continue to report suspected incidents of bullying, harassment, or intimidation. The principal or administrative designee will determine which staff member will conduct the follow-up conference.

G. The Maryland State Department of Education is familiar with the reporting and investigation procedures of Dorchester County Public Schools. Individuals with questions may contact the Director of Student Services and Alternative Programs Branch at MSDE.