

## **NIST Child Care Association**

### **BULLYING, HARASSMENT, OR INTIMIDATION POLICY**

In the creation and support of center's climate that it is a safe place to learn, there is an evolving recognition that bullying is a very toxic form of abuse among peers. Staff and students who are bullied and those who bully others are at significant risk of experiencing a range of health, safety, and educational risks. Bullying can be physical (hitting, pushing, shoving), verbal (being teased, threatened, coerced, made fun of, called derogatory names) or relational (spreading rumors, being left out or ostracized).

The prevention of bullying requires a concerted effort to support a whole-school bullying program involving awareness, prevention, and early intervention training with students, parents, administration, and school staff. A whole-center based prevention/intervention program addresses the prohibition of bullying as well as retaliation against individuals who report acts of bullying.

In accordance with the provisions of Section 7-424.1 of the Education Article of the Annotated Code of Maryland, the kindergarten program at the NIST Child Care Center has developed and adopted the following Policy to address bullying, harassment, or intimidation:

#### **I. Prohibition of Bullying**

It is the policy of the NIST Child Care Center to prohibit bullying, harassment, or intimidation of any person on center property or at center-sponsored functions or through the use of electronic technology. It is the policy of the NIST Child Care Center to prohibit reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.

#### **II. Definition of 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 educational environment by substantially interfering with a child's educational benefits, opportunities, or performance, or with a child'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 center property, at center's 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 a telephone, cellular phone, computer, or pager.

#### **III. Prevention, Intervention, Remediation, and Consequences**

This policy recognizes that the prohibition of bullying in the center 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-center prevention/intervention program. The whole-center program would include the following elements: prevention, intervention/remediation, and consequences.

#### **Prevention will include at least one of the following:**

- At least 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.
- Center-wide evidence-based anti-bullying programs implemented as a part of a system of positive behavioral supports and school improvement efforts at all age levels.
- Center 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.

- 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.
- 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 at least one of the following:**

- Professional developments for center staff on how to respond appropriately to students who bully, are bullied, and are bystanders who report bullying.
- Education/intervention for the students exhibiting bullying behaviors will include teaching replacement behaviors, empathy, tolerance and sensitivity to diversity.
- Remedial measures designed to correct the bullying behavior, prevent another occurrence, and protect the victim.
- Support/counseling for the victim with protection from retaliation and further episodes of bullying.
- 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.
- Utilizing community health and mental health resources for those students who are unable to stop bullying behaviors in spite of center 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:**

- 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.
- 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. 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 will 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 the center from implementing other additional consequences and remedial actions.

**Standard Consequence:**

- Loss of a privilege
- Verbal reprimand
- Parental notification
- Reassignment of seats in class or bus
- Reassignment of groups
- 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
- Referral to law enforcement
- Expulsion

**Remedial Actions**

- Parent/Student Conference
- 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 student’s behavioral history
- Referral to an external agency
- Participation in counseling (delivered by a community mental health provider)
- Cooperation with a behavioral management program developed in consultation with a mental health professional

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

The following procedures for reporting acts of bullying, harassment, or intimidation are required by staff.

1. 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.
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. *Bullying, Harassment, or Intimidation Reporting Forms* must be completed, and are to be obtained in the center’s main (front) office.
4. 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.

#### **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 other additional investigating procedures.

1. All reports must be written using the *Bullying, Harassment, or Intimidation Reporting Form*. They must then be promptly and appropriately investigated by the Center Director or other administrative designee, consistent with due process rights, using the *Bullying, Harassment, or Intimidation Incident Investigation Form* within 2 working days after receipt of a reporting form or as timely as possible.
2. The Center Director or other 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 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.
4. The Center Director or other administrative designee will immediately notify parents of the victim and offender of the incident.
5. The Center Director or other 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 victim or bystander is strictly prohibited and that progressive consequences will occur if the activity continues.
6. The Center Director or other 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, 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.
7. 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.
8. The Center Director or other administrative 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. Delinquent acts,

which have been traditionally treated as a matter of discipline to be handled administratively by the school, may not be reported to law enforcement. All conduct of a serious nature should be promptly reported to the parent or guardians concerned.

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

The following list of the types of support services that may be available to the child bully, victim, witnesses, and any bystanders is presented as a guide that by no means limits from including other additional support services. Interventions and programs should be implemented as appropriate based on context, situation, age, and severity.

- 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
- Community/Family
- Public or private community-based mental health services
- Faith-based services
- Multi-service centers
- Health Department Programs
- Community Mediations
- 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 CCC from providing other additional information regarding the availability and use of this form.

1. Center will inform staff about the availability of the form for their use.
2. Forms are available in the main (front) office.

### **Glossary**

**Bullying:** exposing a student to intentional negative actions on the part of one or more other students which adversely affect the victim's ability to participate in or benefit from the school's educational programs or activities.

**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 that student's ability to participate in or benefit from the school's educational programs or activities.

**Intimidation:** subjection of a student to intentional action 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.

**Retaliation:** an act of reprisal or getting back at a person for an act he /she has committed.

**References**

Annotated Code of Maryland, Education, 2008. Code of Maryland Regulations (COMAR), Title 13A State Board of Education.

Delaware's Model Bully Prevention Policy, Title 14, Section 4112D, Delaware Code Annotated.

DRAFT – *Towards A Maryland's Model Bully Prevention Policy*, Jorge Srabstein, MD and Members of the Coalition for the Prevention of Bullying and Related Health Risks, September, 2008.

*Indicators of School Crime and Safety: 2007*, U.S. Department of Education NCES 2008-021, U. S. Department of Justice, Office of Justice Programs NCJ 219553.

Maryland State Department of Education (2005), Safe Schools Reporting Act, Directions for Students and Parents Completing Bullying/Harassment Referral Form.

Maryland State Department of Education (2008), Suspensions, Expulsions, and Health Related Exclusions Maryland Public Schools, 2007-2008, MSDE-DPA 11/08.

Maryland Youth Risk Behavioral Survey, Maryland State Department of Education, September, 2008.

New Jersey's Model Policy and Guidelines for Prohibiting Harassment, Intimidation and Bullying on School Property, At School-Sponsored Functions and On School Buses, New Jersey Administrative Code §6A:16-7.9.11