



BULLYING PREVENTION POLICY  
(Foundation and Basic Commitments)

## BULLYING PREVENTION POLICY

To support efforts to respond promptly and effectively to bullying and retaliation, the Marlborough Public Schools has policies and procedures in place for receiving and responding to reports of bullying or retaliation against students. These policies and procedures ensure that members of the school community – students, parents, and staff – know what will happen when incidents of bullying occur.

The Marlborough Public Schools will not tolerate any unlawful or disruptive behavior, including any form of bullying, or retaliation, in our school buildings, on school grounds, on school buses and at school bus stops or in school-related activities. Schools will investigate promptly all reports and complaints of bullying, and retaliation, and take prompt action to end that behavior and restore the target’s sense of safety. The Marlborough Public Schools will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

This policy shall not apply to any alleged or perceived “bullying” against staff.

### A. Definitions

Bullying may take a variety of forms and is unacceptable in a school environment. Consistent with M.G.L. c. 71, § 37O, the terms used in this policy are defined as follows:

1. “Bullying” means the repeated use by one or more students or by a member of school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage the target’s property; (ii) places the target in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Bullying shall include cyber-bullying.
2. “Cyber-bullying” means, 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, photoelectronic or photo optical system, including but not limited to, electronic mail, internet communications, instant messages or facsimile communication. Cyber-bullying shall also include, but not limited to (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 creator or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic



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- 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 persons, if the distribution or posting creates any of the conditions enumerated in clause (i) to (v), inclusive, of the definition of bullying.
- a. Cyber-bullying may occur through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network or any public education institute.
  - b. As used in this Section, “electronic communication” also means any communication through an electronic device including, but not limited to a telephone, cellular phone, computer or pager.
3. “Aggressor” means an individual who engages in bullying, or retaliation as defined herein.
  4. “Target” means a student against whom bullying, or retaliation has been perpetrated.
  5. “Retaliation” means any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying.

Bullying and retaliation are prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At functions or programs whether on or off school grounds;
- At school bus stops;
- On school buses or other vehicles owned, leased or used by the school district; or,
- Through the use of technology or an electronic device owned, leased or used by the Marlborough Public Schools.

Bullying and retaliation are also prohibited 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 the Marlborough Public Schools if the acts in question:

- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; and/or
- materially and substantially disrupts the education process or the orderly operation of a school.

As stated in M.G.L. c. 71, § 37O, nothing in this policy or in the Marlborough Public Schools Bullying Prevention and Intervention Plan requires the district or school to staff any non-school related activities, functions, or programs.

The following procedures are based on the requirements of M.G.L. c. 71, § 37O. In addition to the requirements of M.G.L. c. 71, § 370, where the alleged conduct is on the basis of race, color, national origin, genetic information, ancestry, sex, sexual orientation, gender identity or expression, disability, religion, veteran status, age or homelessness, the district should also consider whether the conduct constitutes discrimination



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and/or harassment based on those protected classes, consistent with its Discrimination/ Harassment Policy. To the extent the procedures of this policy conflict with those set forth in the Discrimination/Harassment Policy. The Discrimination/Harassment Policy shall control.

**B. Reporting Bullying or Retaliation**

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member must be recorded in writing. All employees are required to report immediately to the principal or their designee any instance of bullying or retaliation that the staff member becomes aware of or witnesses. Reports made by students, parents/ or guardians, or other non-employees may be made anonymously. The schools will make reporting resources available to the school community including, but not limited to, the Marlborough Bullying Prevention and Intervention Incident Reporting Form, available on the Marlborough Public Schools' website.

Use of the Marlborough Bullying Prevention and Intervention Incident Reporting Form is not required as a condition of making a report. Schools will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in each school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and 3) post it on the school's website.

At the beginning of each school year, schools will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the reporting procedures and resources, including the name and contact information of the principal or designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Marlborough Public Schools Bullying Prevention and Intervention Plan that is made available to parents or guardians.

**1. Reporting by Staff**

A staff member will report immediately to the principal/headmaster or designee when he/she witnesses or becomes aware of conduct that might be bullying or retaliation. The requirement to report to the principal/headmaster or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with each school's policies and procedures for behavior management and discipline.

**2. Reporting by Students, Parents or Guardians, and Others**

The school system expects students, parents/guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or their designee.



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**C. Responding to a report of Bullying or Retaliation**

**1. Safety**

Before fully investigating the allegations of bullying or retaliation, the principal or their designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

Responses to promote safety may include, but are not necessarily limited to, creating a personal safety plan; predetermining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and/or altering the aggressor’s schedule and access to the target. The principal or their designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The principal or their designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. The confidentiality of students and witnesses reporting alleged acts of bullying will be maintained to the extent possible given the school’s obligation to investigate the matter.

**2. Obligations to Notify Others**

**a. Notice to Parents/Guardians**

Upon determining that bullying or retaliation has occurred, the principal or their designee will promptly notify the parents or guardians of the target and the aggressor of the allegation(s), and of the procedures for responding to it.

**b. Notice to Another School or District**

If the reported incident involves students from more than one school district, charter school, nonpublic school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

**c. Notice to Law Enforcement**

At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or their designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal or designee will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if they have a reasonable basis to believe that criminal charges may be pursued against the aggressor.



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In making this determination, the principal or designee will, consistent with this policy, the Marlborough Public Schools Bullying Prevention and Intervention Plan and any other applicable school or district policies and procedures, consult with local law enforcement/school resource officer, and other individuals the principal or their designee deems appropriate.

### **D. Investigation**

The principal or their designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the principal or their designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or their designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or their designee will maintain a written record of the investigation.

Procedures for investigating reports of bullying and retaliation will be consistent with district policies and procedures for investigations and for possible disciplinary action. If necessary, the principal or designee will consult with the Superintendent/Assistant Superintendents regarding the need for consultation with legal counsel pertaining to the investigation of the alleged report.

### **E. Determinations**

The principal or their designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary actions are necessary.

Depending upon the circumstances, the principal or designee may choose to consult with the student's teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

If the allegations of bullying are substantiated, the principal or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to



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the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

The notice to the parents or guardians of the target shall include information about the Massachusetts Department of Elementary and Secondary Education's ("DESE") problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system. The parents of the target should be provided the following contact information: Program Quality Assurance Services, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148-4906, Telephone: 781-338-3700; TTY: N.E.T. Relay: 1-800-439-2370.

### **F. Responses to Bullying**

The Marlborough Public Schools have incorporated a range of individualized strategies and interventions that may be used in response to remediate a student's skills or to prevent further incidences of bullying and/or retaliation.

#### **1. Teaching Appropriate Behavior Through Skills-Building**

Upon the principal or designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(v). Skill building approaches that the principal or designee may consider include:

- offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students, in consultation with school counselors and other appropriate school personnel;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills;
- Offerings, supports, and, where appropriate,
- individual behavior plan addressing the recognition that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics; and/or
- making a referral for evaluation.

#### **2. Taking Disciplinary Action**

If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with this policy, the Marlborough Public Schools Bullying Prevention and Intervention Plan and the school's code of conduct/student handbook.



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If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action consistent with the school's code of conduct/student handbook. Possible consequences to serious incidents of bullying include suspension and expulsion from school.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline, aligning with the school's code of conduct/student handbook.

### **3. Promoting Safety for the Target and Others**

The principal or their designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. In determining the steps necessary to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents, the principal or designee shall consider that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

### **G. Relationship to Other Laws**

Consistent with state and federal laws, and Marlborough Public Schools policies, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of protected class. Nothing in this policy or in the Marlborough Public Schools Bullying Prevention and Intervention Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies including the Marlborough Public Schools' Discrimination/Harassment Policy.

In addition, nothing in this policy or in the Marlborough Public Schools Bullying Prevention and Intervention Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H, 37H 1/2 or 37H 3/4, other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether this policy or the Marlborough Public Schools Bullying Prevention and Intervention Plan covers the behavior.



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Legal Refs:

M.G.L. c. 71, § 37O; 603 C.M.R. 49.00; M.G.L. c. 71, §§ 37H, 37H1/2, 37H3/4; M.G.L. c. 71, § 34D; 603 C.M.R. 23.00; 20 U.S.C. § 1232g; 34 C.F.R. Part 99.

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