

## **Bullying Prevention and Intervention Plan for the Diocese of Fall River**

“Every human being is created in the image of God and redeemed by Jesus Christ, and therefore is invaluable and worthy of respect as a member of the human family.

The body of Catholic social teaching opens with the human person, but it does not close there. Individuals have dignity; individualism has no place in Catholic social thought. The principle of human dignity gives the human person a claim on membership in a community, the human family.” (Taken from Byron, William J. S.J., *Ten Building Blocks of Catholic Social Teaching*. (2010). America: The National Catholic Weekly. American Press Inc.)

This plan is to be an addendum to the parent/student handbook, and it will immediately become part of the policy book of the Diocese of Fall River. The plan will be available on the diocesan website as well as each school’s website.

### **I. Definitions**

The Diocese of Fall River and Holy Name School prohibits bullying, cyber-bullying, and retaliation as defined below. Bullying, cyber-bullying, and retaliation can occur on or off school property, and during or outside of school hours.

**“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 : causes physical or emotional harm to the victim or damage to the victim’s property; places the victim in reasonable fear of harm to himself or of damage to his property; creates a hostile environment at school for the victim; infringes on the rights of the victim at school; or materially and substantially disrupts the educational process or the orderly operation of the school. (Massachusetts General Laws c. 71 § 37O)

**“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: the creation of a web page or blog in which the creator assumes the identity of another person or 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 the definition of bullying. Cyber-bullying shall also include 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 included in the definition of bullying. (Massachusetts General Laws c. 71 § 37O)

**“Retaliation”** against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited. (Massachusetts General Laws c. 71 § 37O)

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**“Hostile Environment”** is 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 a student’s education. (Massachusetts General Laws c. 71 § 37O)

**“Aggressor”** is a student who engages in bullying, cyber-bullying, or retaliation.

**“Target”** is a student against whom bullying, cyber-bullying, or retaliation has been perpetrated.

**“Staff”** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals. (Massachusetts General Laws c. 71 § 37O)

*Bullying shall be 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 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, 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.*  
*(Massachusetts General Laws c. 71 § 37O)*

## **II. Formal Procedure for Reporting**

Students are to report any and all bullying, cyber-bullying, and retaliation to teachers or staff.

Staff and teachers are to report any and all bullying, cyber-bullying, and retaliation to the principal or his or her designee.

Parents, guardians, and others are to report all bullying, cyber-bullying, and retaliation to the principal or his or her designee.

This reporting may be done verbally or in writing. This reporting of bullying, cyber-bullying, or retaliation may be made anonymously; however, no disciplinary action shall be taken against a student solely on the basis of an anonymous report. The principal and his or her designee will respond to and investigate all **credible** reports of bullying, and ensure proper documentation. This investigation will provide for the following:

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- **Safety of the target**

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

- **Protection of the reporter, witness, or provider of information during the investigation**

The principal or designee will implement appropriate strategies for protecting a student who has reported/witnessed or provided information during an investigation of a bullying situation. These responses may include but are not limited to the same responses noted for the safety of the target.

- **Notification, including the parents of both the target and the aggressor, as well as notification of law enforcement**

- a. Parents/Guardians: Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. 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.
- b. Notice to another school: If the incident involves students from more than one school, the principal or designee will notify by phone any and all schools so that each may take appropriate action.
- c. Notice to Catholic Education Center: After determining that bullying has taken place, notice should be given immediately to the superintendent or his or her designee.
- d. Notice to law enforcement: At any point after receiving a report of bullying or retaliation, if the principal or 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 law and locally established agreements with the local law enforcement agency.

### **III. Investigation**

The principal or 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.

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During the investigation the principal or 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 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 designee will maintain a written record of the investigation.

### **IV. Determinations**

The principal or 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 benefitting 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 action is necessary. Depending upon the circumstances, the principal or designee may choose to consult with the students' 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.

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 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.

### **V. Range of disciplinary actions that may be taken against an aggressor for bullying, cyber-bullying, or retaliation**

Each school in the Diocese of Fall River will include bullying, cyber-bullying and retaliation into the age appropriate disciplinary code that is included in the student/parent handbook. These disciplinary codes may include, but are not limited to, suspension and expulsion.

### **VI. Any student who knowingly makes a false accusation of bullying, cyber-bullying, or retaliation shall be subject to disciplinary action up to and including suspension or expulsion.**

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- VII. **At the discretion of the principal or his or her designee, counseling or referrals to Catholic Social Services will be made available to targets, aggressors, and/or family members.**

*\*\*Nothing in this policy is intended to prevent the school administration from taking disciplinary action against a student for conduct that does not meet the definition of bullying, as defined above, but nevertheless is inappropriate for the school environment.*