



STUDENTS: Conduct

Bullying, Cyberbullying, Harassment or Intimidation

I. Purpose

To implement Board of Education of Baltimore County (Board) Policy 5580 by establishing guidelines for identifying and preventing bullying, cyberbullying, harassment or intimidation, as well as intervening and supporting students who are exhibiting these behaviors or who are victims of bullying, cyberbullying, harassment or intimidation.

II. Definitions

A. *Board Property* – Any Board-owned, controlled or leased property or vehicle regardless of whether students are present.

B. *Bullying, Harassment or Intimidation* – Any intentional conduct, including verbal, physical or written conduct, or an electronic communication (cyberbullying) that:

1. Creates a hostile educational 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:
  - a. Motivated by an actual or perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity (including gender expression), religion, ancestry, physical attribute, socioeconomic status, familial status or physical or mental ability or disability; or
  - b. Threatening or seriously intimidating; and
2. Occurs on Board property, at a school-sponsored activity or event or on a school bus; or
3. Substantially disrupts the orderly operation of a school.

C. The following definitions provide additional guidance for evaluating the behavior and appropriate consequence, recognizing that some behaviors may fall into more than one category.

1. *Bullying* – A pattern or behavior when a person repeatedly uses power in an intentional manner, including verbal, physical or written conduct or intentional electronic communication against one or more students.

2. *Cyberbullying* – A communication transmitted by means of an electronic device, including the use of social media sites, telephone, cellular phone, computer, tablet or any other electronic communication device.
3. *Harassment* – Includes actual or perceived negative actions that offend, ridicule, or demean another individual with regard to race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, physical or mental ability or disability.
4. *Intimidation* – Subjecting an individual to intentional action that seriously threatens and induces a sense of fear and/or inferiority.
5. *Retaliation* – An act of reprisal or getting back at a person for an act he/she has committed.
6. *School-Sponsored Activity* – An activity that is sponsored, approved, conducted, planned and/or supervised by school personnel, regardless of whether the activity takes place on or off school property or occurs during normal school hours.
7. *Sexual Harassment* – Any deliberate and/or repeated unwelcome behavior of a sexual nature, whether it is verbal, nonverbal or physical.

### III. Guidelines

- A. Staff members who witness or receive reports of bullying, harassment or intimidation shall take prompt and appropriate action.
- B. Staff members who fail to appropriately report bullying, harassment or intimidation may be subject to disciplinary action up to and including dismissal. Per Maryland law, a school employee who reports an act of bullying, harassment or intimidation in accordance with this rule is not civilly liable for any act or omission in reporting or failing to report an act of bullying, harassment or intimidation.
- C. Reprisal or retaliation against any individual who reports an act of bullying, cyberbullying, harassment or intimidation is prohibited.

### IV. Types of Bullying or Intimidation

- A. Direct Bullying or Intimidation from aggressor to victim directly acts such as, but not limited to:

1. Physical (hitting, kicking);
2. Verbal (name calling, teasing);
3. Non-verbal (rejecting, defaming, terrorizing); and
4. Sexual (voyeurism, assault).

B. Indirect Bullying or Intimidation from aggressor to victim indirectly or through others acts such as, but not limited to:

1. Physical (getting another person to assault someone);
2. Verbal (spreading rumors, gossip); and
3. Non-verbal (deliberate exclusion from a group).

C. Cyberbullying

1. Acts where the use of electronic communication is used to harm, harass, intimidate or threaten others in a deliberate, repeated and hostile manner
2. Cyberbullying includes, but is not limited to:
  - a. Posting negative comments on a social media site;
  - b. Sending malicious or defamatory e-mails, texts or tweets;
  - c. Sexting (sending explicit materials, photos or videos);
  - d. Impersonating another person and sending negative messages; and
  - e. Other forms of online abuse.

V. Types of Harassment

A. Sexual Harassment acts that include, but are not limited to:

1. Using sexually offensive language communicated verbally or in writing, including electronic formats;
2. Displaying pictures, objects, derogatory posters, photography, cartoons, drawings or clothing of a sexual nature or making gestures of a sexual nature;
3. Staring or leering at parts of the body; comments, gestures or jokes of a sexual nature; offensive touching, including grabbing or pinching; or impeding or blocking a person's physical movement;
4. Taunting or ridiculing someone because of perceived or actual sexual orientation; or
5. Engaging in unwelcome sexual contact, including asking for sexual favors.

- B. Harassment is any type of bullying or intimidation that is directed against someone because of their race, national origin, marital status, sex, sexual orientation, gender identity (including gender expression), religion, ancestry, physical attributes, socioeconomic status, familial status, physical or mental ability or disability.

VI. Training and Prevention

- A. The Department of School Safety shall:
  - 1. Conduct annual professional development for school administrators and all staff to increase the awareness of the prevalence, causes and consequences of bullying, cyberbullying, harassment and intimidation and to increase the use of evidence-based positive behavior supports to prevent bullying, cyberbullying, harassment and intimidation.
  - 2. Provide additional professional development for new employees who are hired after the start of the school year.
- B. The Department of School Safety will provide training to school principals and the principals' designees on using the Intranet for reporting and investigating bullying, cyberbullying, harassment and intimidation.
- C. The school system will implement counseling and health education curricula on bullying and sexual harassment prevention as part of a system of positive behavior and school improvement efforts.
- D. School administrators will create a school climate to promote student involvement in bullying prevention efforts, peer support, mutual respect and a culture which encourages students to report incidents of bullying, cyberbullying, harassment or intimidation to adults.
- E. Each school will provide a range of support and referral services to students who have been targets of bullying behaviors, cyberbullying, harassment or intimidation.
- F. The Department of School Safety will collaborate 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.

- G. The Department of School Safety will collect annual school/building-specific data on the prevalence and characteristics of bullying and submit annual summaries of the report forms to the Maryland State Department of Education (MSDE) as required by state law.

VII. Reporting Form

- A. Each school principal will make MSDE *Bullying, Harassment or Intimidation Reporting Form* (See, Rule 5580, Form A) available in the school's main (front) office, the school counselor's office and inform students, school staff and parents/guardians of its availability at the school.
- B. The Department of School Safety will make the *Bullying, Harassment or Intimidation Reporting Form* available electronically on the school system's Web site.
- C. The principal or the principal's designee will include the *Bullying, Harassment or Intimidation Reporting Form* in the information packets for students and their parents/guardians disseminated at the beginning of the school year.
- D. Annually, the principal or the principal's designee will inform students about the availability and use of the *Bullying, Harassment or Intimidation Reporting Form* as part of the *Student Handbook* presentation.

VIII. Reporting

- A. A student who believes he/she is a victim of or witness to bullying, cyberbullying, harassment or intimidation should report the incident to an administrator or staff member or report the incident using the *Bullying, Harassment or Intimidation Reporting Form*.
- B. When a student reports to a staff member that he/she is the victim of bullying, cyberbullying, harassment or intimidation, the staff member shall report these allegations to the principal or another school administrator and complete a *Bullying, Harassment or Intimidation Reporting Form*.
- C. *Bullying, Harassment or Intimidation Reporting Forms* may be also be submitted to the school administrator by a student, parent or guardian, or close adult relative on a student's behalf.

- D. The principal or the principal's designee will designate a location in the school where students may anonymously complete and submit a *Bullying, Harassment or Intimidation Reporting Form*.
- E. The principal or principal's designee must enter the information from each MSDE *Bullying, Harassment or Intimidation Reporting Form* into the BCPS One Student Information System (SIS) within five (5) school days regardless of the outcome of an ensuing investigation.

IX. Investigation and Parental Notification

- A. The principal or the principal's designee shall begin a thorough investigation with the alleged victim and accused promptly but no later than two (2) school days after receipt of the reporting form or notice of a complaint.
- B. The principal/designee conducting the investigation will complete the *Bullying, Harassment or Intimidation Incident School Investigation Form* no later than fourteen (14) school days after receipt of the reporting form or notice of a complaint.
- C. The principal/designee must notify a parent/guardian of the student making the complaint and the parents of the offender of the incident on the same day that a report is received or as soon as possible thereafter.
- D. The principal/designee will notify the parents/guardians of the victim and the offender in writing the resolution of cases involving bullying, cyberbullying, harassment or intimidation, including, if applicable, that corrective action has been taken. In accordance with federal and state law and regulation, the specific disciplinary corrective measures taken against a student offender may not be disclosed.
- E. Parents/guardians may contact the executive director of the Department of School Safety with questions regarding the reporting and investigation procedures under this rule.

X. Remediation, Consequences and Follow Up

- A. Consequences and remedial actions for persons committing acts of bullying, cyberbullying, harassment or intimidation, for peers engaged in reprisal or

retaliation and for persons found to have made false accusations will be imposed in accordance with Board of Education Policy and Superintendent's Rule 5550, *Disruptive Behavior*.

- B. Interventions and programs will be implemented, as appropriate, based on context, situation, age and severity in accordance with Board Policy and Superintendent's Rule 5550, *Disruptive Behavior*.
- C. A follow-up conference shall be held with the victim, as needed, and no more than four weeks after the initial incident to determine if the bullying, harassment and/or intimidation has ceased.
- D. The Department of School Safety will publish information about the types of support services available to the student bully, victim and any bystanders.

XI. Confidentiality

The information contained in a *Bullying, Harassment or Intimidation Reporting Form*:

- A. Is confidential and may not be redisclosed except as provided by the *Family Education Rights and Privacy Act* or at otherwise allowed by Section 7-424 of the Education Article; and
- B. May not be made part of a student's permanent educational record.

XII. Notice

- A. School administrators will annually advise students and staff of Board Policy 5580 and this implementing rule and of the availability of the *Bullying, Harassment or Intimidation Reporting Form* as part of the *Student Handbook* presentation by administrators at the beginning of the school year.
- B. School administrators will annually advise students of the school system's sexual harassment procedure, using the *Sexual Harassment in Schools* (elementary or secondary version) brochures. The brochures will be distributed and discussed as part of the *Student Handbook* presentations by administrators at the beginning of each school year.

Legal References: 20 U.S.C. §1232g, *Family Educational Rights and Privacy Act (FERPA)*  
*Annotated Code of Maryland*, Criminal Law Article §3-805, *Misuse of Electronic Mail*  
*Annotated Code of Maryland*, Education Article §7-424, *Reports relating to Bullying, Harassment, and Intimidation of Students*  
*Annotated Code of Maryland*, Education Article §7-424.1, *Model Policy Prohibiting Bullying, Harassment, or Intimidation*  
*Annotated Code of Maryland*, Education Article §7-424.3, *School Policies Prohibiting Bullying, Harassment, and Intimidation*  
COMAR 13A.01.04.03, *School Safety*

Related Policies: Board of Education Policy 0100, *Equity*  
Board of Education Policy 5500, *Code of Student Conduct*  
Board of Education Policy 5510, *Positive Behavior*  
Board of Education Policy 5550, *Disruptive Behavior*  
Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs or Expulsion*  
Board of Education Policy 5600, *Students' Responsibilities and Rights*  
Board of Education Policy 6202, *Technology Acceptable Use Policy (TAUP) for Students*

RULE

Superintendent of Schools

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