

Where Are We Now?

Bullying and Sexual Harassment Revisited



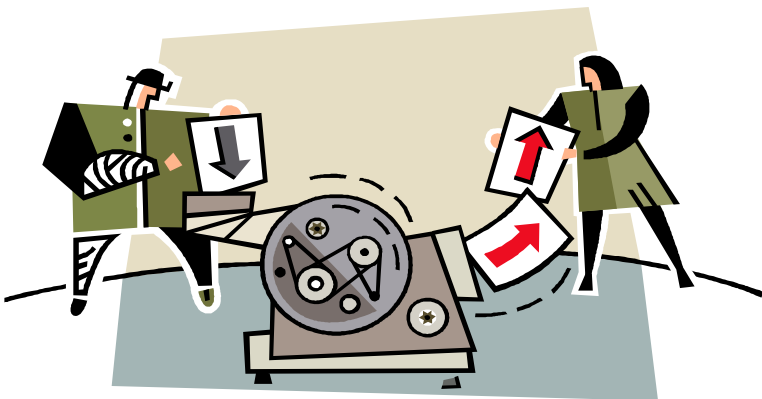
A Wind of Change?

- The Obama Administration
 - Multi-Agency Approach
 - Federal Interagency Workgroup on Bullying
 - ED, NIH, SAMHSA, USDA, CDC, NIJ, HRSA
 - Federal Partners on Bullying Prevention
 - Stopbullying.gov is managed by the Department of Health and Human Services
 - Two White House Summits on Bullying
 - President and Mrs. Obama in Facebook video.
 - President appeared in video for It Gets Better Campaign



A Change is Coming?

- Secretary Duncan announced renewed commitment in civil rights enforcement in March, 2010.
- OCR issued numerous guidance documents reminding K-12 and postsecondary institutions of its enforcement positions
- For your reading pleasure –
<http://www2.ed.gov/about/offices/list/ocr/publications.html>



OCR Dear Colleague Letter

10/26/2010

- Reminder that some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal anti-discrimination statutes.
- "By limiting its response to a specific application of its anti-bullying disciplinary policy, a school may fail to properly consider whether the students misconduct also results in discriminatory intent."

Does It Matter What You Call It?

In light of the OCR
Dear Colleague letter,
does it matter how
you label complaints?

Does it impact the
way districts handle
complaints?



K.S.A. 72-8256: Kansas Anti-Bullying & Character Development Legislation

Boards of education must:

- (1) adopt a policy to prohibit bullying on school property, in a school vehicle or at a school-sponsored activity or event;
- (2) adopt and implement a plan to address bullying; and
- (3) provide anti-bullying policy training and education to students and staff.



Bullying: Defined

- Bullying means
 - Any intentional gesture,
 - Written, verbal, electronic, physical act, or
 - Threat
 - By student, staff or parent towards a student or staff member



Bullying: The Key Concepts

The majority of definitions proposed by researchers and practitioners incorporate the following key concepts:

- Bullying involves intentional, and largely unprovoked, efforts to harm another.
- Bullying can be physical or verbal, and direct or indirect in nature.
- Bullying involves repeated negative actions by one or more against another.
- Bullying involves an imbalance of physical or psychological power.

Adapted from Coloroso, Barbara, *The Bully, the Bullied, and the Bystander* (2004)

- Allows the teaser and teased to swap roles with ease
- Is innocent in motive; NOT intended to hurt the other person
- Maintains the basic dignity of everyone involved
- Pokes fun in a lighthearted, clever and benign way
- Is meant to get both parties to laugh
- Is a small part of the activities shared by kids who have something in common
- Is discontinued when the teased becomes upset or objects to the teasing

- Is based on an imbalance of power and is one-sided
- Is sinister in motive—intended to harm
- Involves humiliating, cruel, demeaning or bigoted comments, thinly disguised as jokes
- Includes laughter directed at the target, not with the target
- Is meant to diminish the sense of self-worth of the target.
- Induces fear of further taunting or can be a prelude to physical bullying
- Continues especially when target becomes distressed or objects to the taunting

Verbal Bullying

- Verbal abuse is the most common form of bullying used by both boys and girls.
- 70% of reported incidents of bullying
- Easy to get away with without detection



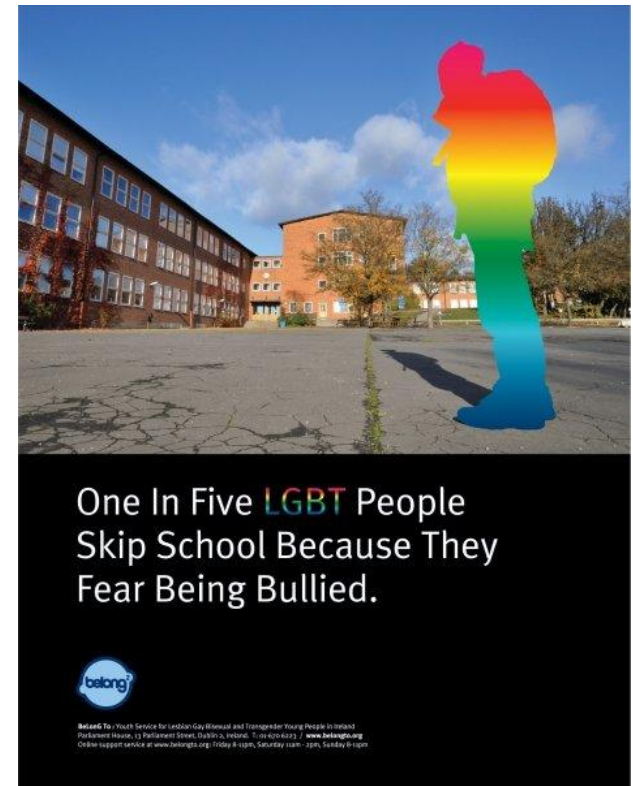
Physical Bullying



- Most visible and readily identifiable form of bullying
- Accounts for less than $\frac{1}{3}$ of the reported incidents

Sexual or Homophobic Bullying

- 75% of teens report that peers who are gay or thought to be gay are teased or bullied in their schools and communities
 - National Mental Health Association (2002). What does gay mean? Teen Survey



Relational Aggression

- Involves attacking the social relationships of people and hurting their self esteem.
- Subtler than other forms of bullying
- Involves behaviors such as
 - Manipulating relationships with peers
 - Spreading rumors
 - Withholding friendships,
 - Ignoring, ostracizing, directing others not to associate, giving the silent treatment
 - Gossiping



Cyberbullying

- Sending hate e-mail messages
- Creating websites to humiliate a victim
- Forwarding private e-mails without permission
- Posting an embarrassing photograph on the Internet
- Setting up polls or ratings on Websites
 - Fattest
 - Ugliest
 - Geekiest
 - Sluttiest



Social Networks



- Most cyberbullying occurs totally off school grounds at sites such as:
 - Facebook
 - Twitter
 - Instagram
 - YouTube

“Social Media is about sociology and psychology more than technology.”

– *Brian Solis, Principal of FutureWorks*



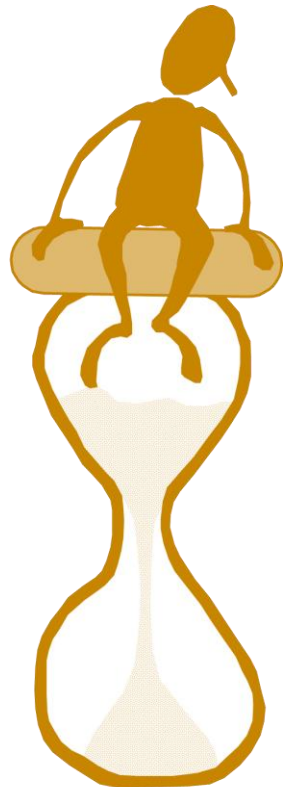
Proactive vs. Reactive Schools



Deal with it now?

OR

Deal with it later?



Responsive Schools

- Responsive schools follow the FIVE R's:



ESPOND



ESearch



ECORD



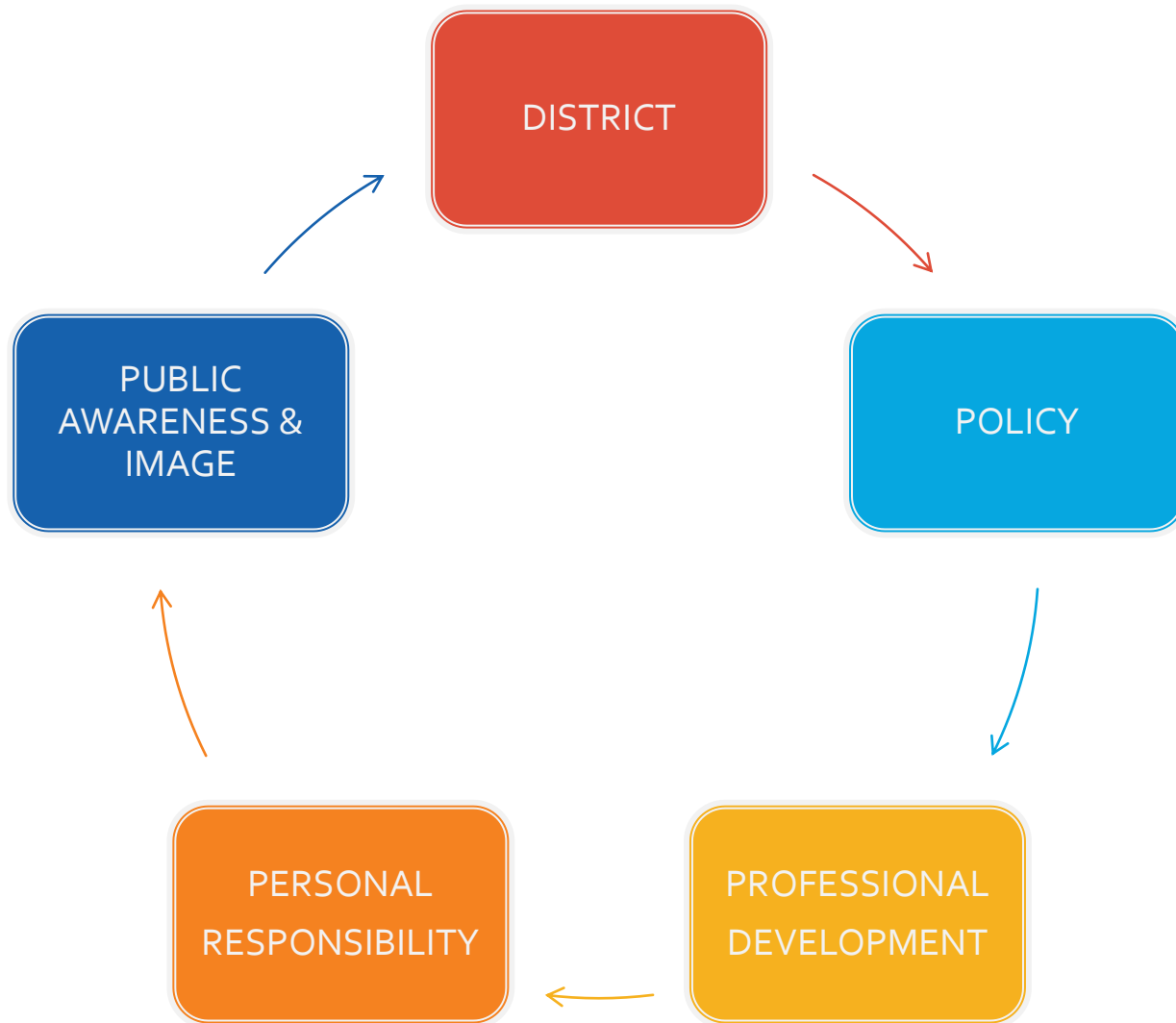
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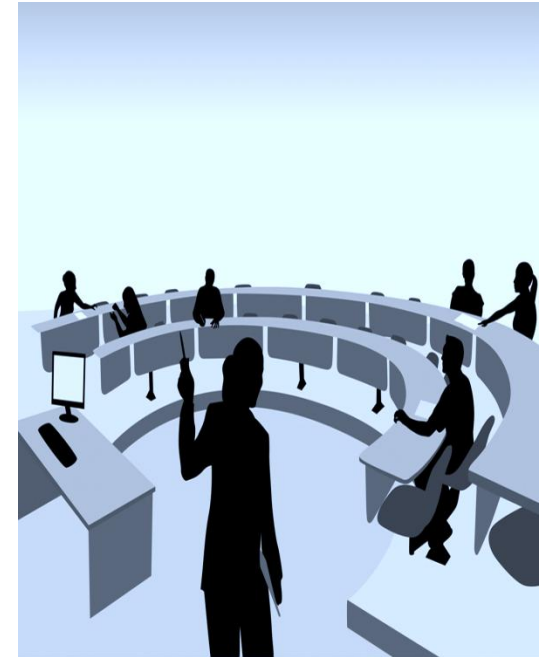


Proactive Schools

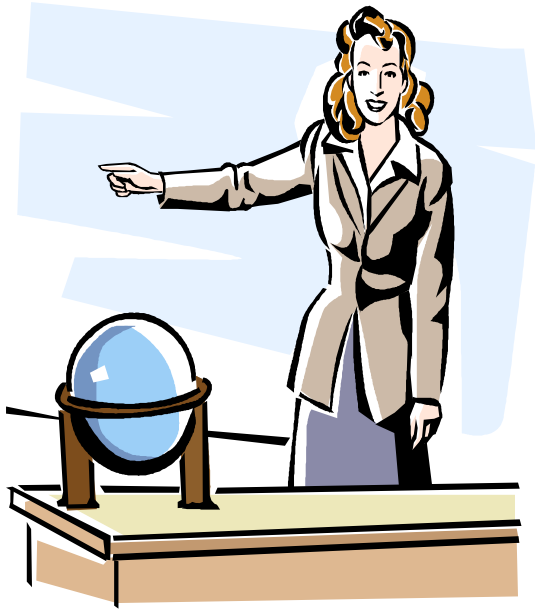


Proactive Schools

- District
 - Get the right people involved from the beginning
- Policy
 - Know, consult and implement
- Professional Development
 - Make professional development meaningful
 - Be specific
 - Explain what behavior is unacceptable and respond immediately
- Personal Responsibility
 - Get students involved
 - Get rid of the notion of an innocent bystander
 - Digital reporting
- Public Awareness and Image
 - Keep parents involved
 - Show school is being proactive



Steps To Take When Encountering Bullying Behavior



- Remedy the immediate situation.
 - Stop the behavior so that educational activity can resume.
- Speak to the offending student.
 - Make the student aware that the behavior is not acceptable.
- Speak to the student who was offended.
 - Find out his or her feelings about the incident and whether similar incidents have occurred.
- If you think the behavior constitutes bullying or sexual harassment, report it to the appropriate person.
- Separate the students from one another.

Your Policy

- Any school employee who receives a complaint of discrimination or harassment from a student **shall inform the student of the employee's obligation to report** the complaint and any proposed resolution of the complaint to the building principal. If the building principal is the alleged harasser, the report shall be made to the district compliance coordinator.



Handling Investigations

- Take all reports of harassment seriously
- Listen, sympathize but don't judge
- Don't delay in reporting the harassment to the appropriate official or in completing the investigation and taking appropriate action
- Respond to concerns
- Document your actions
- Follow-up on complaints
- Avoid using "dangerous words"



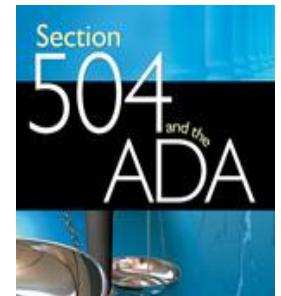
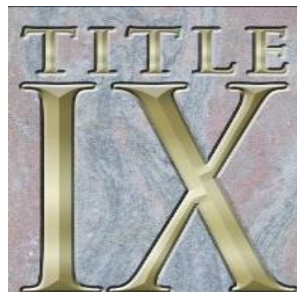
Notifying Parents and FERPA

- Can I share my report with the parents of the victim or the perpetrator?
 - Under FERPA, schools cannot disclose “personally identifiable” student information.
 - Includes information that “alone or in combination is linked or linkable to a specific student or that would allow a reasonable person in the school community...to identify the student.”
 - “Targeted requests”
 - May not disclose information if school reasonably believes requester knows the identity of the student to whom educational records relate



Protected Class Harassment and Bullying

- Title VI prohibits discrimination on race, color or national origin
- Title IX prohibits discrimination on the basis of sex
- Section 504 and Title II of the ADA prohibit discrimination on the basis of disability
- “School districts may violate these civil rights statutes...when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.
- Letter to Colleague, OCR (Oct. 26, 2010).



Protected Class Harassment and Bullying, cont.

- What should schools do?
 - When reviewing bullying complaints, always ask whether there is also protected class harassment.
 - If protected class harassment is found to have occurred,
 - Schools should take prompt steps to end the harassment;
 - Eliminate any hostile environment and its effects;
 - Take preventive measures;
 - May also need to issue new or revised policies/procedures by which students, parents, and employees can report allegations of harassment.



Common Pitfalls in Bullying Investigations

- Timelines/Promptness
- Confidentiality requirements
- Failing to follow the bullying policy or procedures
- Misidentifying or over-identifying bullying
- Not addressing misconduct even if bullying is not verified
- Pressure from parents.



Reasonable Care & Prompt Corrective Action

- It is essential for districts to respond swiftly to student and employee complaints.



Who? Me? – Yes...You.



- Ultimately, you want your students and staff to feel safe and secure at school.
- Any behavior that compromises that goal should be stopped immediately and appropriate action should be taken.
- Labels are less important than determining whether behavior is acceptable and conducive to a learning and working environment.
- Everyone is responsible to respond and react to harassment and discrimination

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