

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 400-48
Subject: BULLYING - INTIMIDATION - HARASSMENT COMPLAINT PROCESS FOR STUDENTS	Date of Issue: 7/1/86
Preparing Office: Office of the Superintendent	Amended: 11/3/09

I. Policies 435 and 437

NOTE: Cross-reference policy 318 for responsibilities of investigating sexual harassment involving employers, vendors, volunteers, or outside persons having contact with the school system and regulation 200-48 which addresses the discrimination complaint process for applicants or employees.

II. Procedures

All school employees who observe, receive reports of, overhear, or otherwise witness bullying, intimidation, or harassment or to whom such harassment is reported shall take prompt and appropriate action.

Staff members who engage in or fail to appropriately address bullying, intimidation, or harassment may be subject to disciplinary consequences up to and including termination. Per Maryland law, a school employee who reports an act of bullying, intimidation, or harassment in accordance with this regulation is not civilly liable for any act or omission in reporting or failing to report an act of bullying, intimidation, or harassment.

NOTE: Cross-reference policies 305 and 323 for information regarding consequences.
Cross-reference regulation 400-66 for disability discrimination regarding 504 issues.

A. Definitions (list is not intended to be all inclusive)

1. Bullying

- a. Bullying is an incident or a pattern of behavior, including verbal, written, physical conduct, or electronic communication which results in a person feeling intimidated or harassed by another. Also prohibited are reprisals or retaliation against individuals who report acts of bullying, intimidation, or harassment or who are targets, witnesses, bystanders or others with information about an act of bullying, intimidation, or harassment.
- b. The following conditions are usually present when bullying occurs.
 - Repeated and consistent negative actions toward another. The targeted person often feels more humiliation each time.
 - An imbalance of power between the one who bullies and the targeted person.
 - Contrasting feelings between the one who bullies and the targeted person as a result of the bullying episode. The person who bullies usually displays feelings of excitement, power, and amusement, while the targeted person expresses feelings of hurt, anger, and humiliation.

- c. Cyber-bullying is the use of electronic mechanisms to bully others and such behavior impacts the health/safety of students and/or is disruptive to the educational environment.

2. Sexual Harassment

For purposes of this regulation, sexual harassment consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct or communication of a sexual nature by another person when:

- a. The harassing conduct causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity, or when an employee or third party agent of the school district causes a student to believe that the employee will make an educational decision based on whether or not the student submits to unwelcome sexual conduct; or
- b. The unwelcome sexual conduct is severe, persistent or pervasive such that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.
- c. Examples of conduct, which may constitute sexual harassment include but are not limited to:
 - Sexual advances
 - Sexting (electronic transfer of pictures or text of a sexual nature)
 - Touching, patting, grabbing, or pinching another person's intimate body parts, whether that person is of the same sex or the opposite sex
 - Coercing, forcing or attempting to coerce or force the touching of anyone's intimate body parts.
 - Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another
 - Graffiti of a sexual nature
 - Sexual gestures
 - Sexual or dirty jokes
 - Showing pornographic images to others
 - Touching oneself sexually or talking about one's sexual activity in front of others
 - Spreading rumors about or rating other students as to sexual activity or performance
 - Unwelcome, sexually motivated or inappropriate patting, pinching or physical contact
 - Other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment
 - Making fun of another person because of perceived or actual sexual orientation, gender identity, or familial status

B. Bullying/Intimidation/Harassment due to Race, National Origin, Disability, Religion or Socioeconomic Status

1. Harassment based on race or national origin can include an individual's ancestry, country of origin, or country of origin of the student's parents, family members, or ancestors. In addition, harassment can occur because a person is an immigrant, speaks another language or has a foreign accent.

2. Harassment based on disability refers to an individual having a physical or mental impairment, which substantially limits one or more major life activities or references to the program or services a student receives based on his/her disability.
3. Harassment based on religion includes reference to an individual's commitment or devotion to religious faith or observance.
4. Harassment based on socioeconomic status relates to or involves a combination of social and economic factors in regard to an individual.
5. Bullying and/or harassment may occur when:
 - a. The conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.
 - b. The conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
 - c. The conduct otherwise adversely affects an individual's learning opportunities.
 - d. Examples of conduct that may constitute discrimination/harassment may include:
 - Name-calling, jokes or rumors
 - Threatening or intimidating conduct directed at another
 - Notes, cartoons, or graffiti
 - Specific slurs or negative stereotypes
 - Written or graphic material containing comments or stereotypes, which is posted or circulated and which is aimed at degrading individuals or members of affected classes
 - A physical act of aggression or assault upon another
 - Other kinds of aggressive conduct such as theft or damage to property, which is motivated by the fact that the person is in an affected class

C. Prevention

The school system recognizes its responsibility to implement the following practices in an effort to prevent bullying and harassment in the schools:

1. Conduct 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.
2. Implement counseling and health curriculum on bullying and sexual harassment prevention using school-wide evidence-based anti-bullying programs as a part of a system of positive behavioral supports and school improvement efforts at all grade levels.

3. Create school climate improvement efforts 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.
4. 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.
5. Collect annual school/building-specific data on the prevalence and characteristics of bullying to guide local decision-making related to surveillance, prevention, intervention and professional development.

D. Title IX/Gender Discrimination

1. Title IX is that portion of the Educational Amendments of 1972 which prohibits discrimination on the basis of gender in educational programs or activities receiving federal funds and requires equal opportunity in admissions, athletics, counseling, access to courses, employment policies regarding marital or parental status of students and treatment of students. All students and employees are covered by this law.
2. Title IX also prohibits intimidation, threats, coercion, or retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulation or because an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing regarding Title IX.

E. Complaint Reporting Procedures

1. Informal

An individual who feels he/she has a complaint shall present the matter, either orally or in writing, to the building principal or the official Title IX coordinator where applicable within twenty (20) calendar days of the event that gave rise to the complaint. The informal discussion of problems and continuous interchange of views between the grievant and the building principal, although not required, is encouraged in order to resolve as many disputes as possible. The disposition at this informal level may be either oral or written and shall be communicated to the grievant within twenty (20) calendar days.

2. Formal

If a complainant is not satisfied with the disposition of his/her claim at the informal level, he/she may appeal, in writing, to the superintendent (or directly with the board of education if the complaint involves the superintendent) or contact the Title IX coordinator where applicable for assistance within ten (10) calendar days of the informal communication. The superintendent or designee shall inform the complainant as to the disposition of the claim within twenty (20) calendar days of the receipt of the appeal at this level.

The complainant may appeal the decision of the superintendent to the board of education within thirty (30) calendar days of the superintendent's decision.

3. Rights of Complainant/Responder

A complainant may either use this complaint procedure or elect to file a complaint directly with the U.S. Department of Education, Office for Civil Rights. At any level of the complaint, the complainant and/or the responder may submit relevant evidence and be represented by an individual of their choosing.

4. Extension of Time Limits by Mutual Agreement of the Parties

The stated time limits may be extended to allow for the collection of pertinent information and an effective resolution of the complaint.

F. Administrative Process/Requirements

1. Student Who Makes a Bullying/Intimidation/Harassment Complaint

a. All complaints that are reported will be investigated.

- 1) The school principal, or designee, will initiate the investigation of student complaints against students as timely as possible, ideally within two (2) days.
- 2) If a student expresses a desire to discuss an incident of bullying, intimidation, or harassment 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, Intimidation, or Harassment, Reporting Forms* may be submitted by a student, parent, close adult relative, or staff member to school administration. A student may request assistance from a staff member to complete the form if the student wishes. The *Bullying, Intimidation, or Harassment Reporting Forms* may be obtained in the school's main (front) office and counselor's office. The forms may also be obtained electronically from the school system's website.
- 4) Student complaints against a staff member will be initially investigated by the school principal or designee in consultation with the executive director of human resources. The principal and the executive director of human resources will jointly determine appropriate follow-up investigations as warranted.
- 5) The executive director of Human Resources will investigate a complaint against a volunteer, vendor, or other person having business or contact with the school system and will report findings and recommend appropriate action to the superintendent or his designee.
- 6) The Title IX coordinator will investigate complaints alleging Title IX violations in conjunction with appropriate personnel.

- 7) It cannot be predicted what will be discovered or if a hearing may result from the ultimate outcome of the investigation. Efforts will be made, however, to increase the confidence and trust of the targeted individual and any witnesses, by informing them that any information discussed and recorded will be confined to “need to know” status. Neither the targeted individual nor witnesses should be promised absolute confidentiality at the onset of an investigation.
- b. If it has been established that an incident may have occurred, an administrator shall contact a parent/guardian of the student making the complaint and the parents of the offender of the incident.
- c. The administrator reporting the incident will inform the parent/legal guardian that the student is being offered counseling support and follow-up will occur within two (2) weeks and again at four (4) weeks after the initial conference to determine if the bullying, intimidation, or harassment has ceased. After the follow-up sessions, the person conducting the counseling will contact the individuals involved as appropriate.
- d. The administrator conducting the investigation will complete the incident investigation form and send copies including the incident reporting form and the counseling intervention form to the appropriate director, the supervisor of Counseling and Student Support and the Title IX coordinator and executive director of Legal Services.
- e. The 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 targeted individual, witnesses, and offender. Such documents are considered confidential as they contain student record information. 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.
- f. Information obtained from the *Bullying, Intimidation, or Harassment Reporting Forms* shall be recorded for data collection, storage, and submission according to the requirements of Maryland law.
- g. Local school systems shall provide summary information for individual schools and the school system obtained from the *Bullying, Intimidation, or Harassment Reporting Forms* to their schools.
- h. If at any time the parent/legal guardian has questions or concerns about the process, they may contact the principal or supervisor of counseling.

2. Student Against Whom the Complaint is Made

- a. Consequences and remedial actions for persons committing acts of bullying, intimidation, or harassment and for peers engaged in reprisal or retaliation and for persons found to have made false accusations will be imposed in accordance with Regulation 400-8 on student discipline.
 - b. A conference may be held with the parent/legal guardian and student to determine how best to help the student prevent future acts of misconduct.
 - c. The administrator/designee should be aware that some acts of bullying, intimidation, or harassment 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.
 - d. The student is required to participate in an activity designed by the school administrator, counselor or school team to educate, sensitize and instill openness and tolerance within approximately two weeks after the investigation.
3. Support services are available to the student bully, the targeted individual, witnesses, and any bystanders. Interventions and programs should be implemented as appropriate based on context, situation, age, and severity. Schools are encouraged to provide a list of the types of available support services based upon their available resources and those available in the communities in which their schools are located.

G. Notification

FCPS notifies all students and staff annually of its discrimination/harassment/bullying complaint process regulation via the FCPS web site and Calendar Handbook.

- H. The Maryland State Department of Education is familiar with the reporting and investigation procedures of Frederick County Public Schools. Individuals with questions may contact the following MSDE staff:

Charles J. Buckler
Director of Student Services and Alternative Programs Branch
410-767-0311
(or current Director of Student Services and Alternative Programs Branch)

Dominic M. Romano
School Safety Specialist
410-767-0311
(or current School Safety Specialist)

Approved:

Original signed by

Linda D. Burgee
Superintendent

7. Educational activity assigned to student against whom the complaint is made: _____

Date of school's report to family of child who made the complaint: _____
(within approximately 2 weeks)

8. Resolution: _____

9. Follow-up with the student making the complaint to determine if bullying, intimidation, and harassment has ceased.
(4 weeks after initial meeting)

a. Date of follow-up: _____

b. Has the bullying, intimidation, or harassment that was reported, ceased to occur? _____

c. Has any new bullying, intimidation, or harassment from another individual or group occurred? _____

d. Has any reprisal or retaliation occurred from the student who committed the bullying, intimidation, or
intimidation or any witnesses or bystanders? _____

e. Do you feel able to learn in a respectful school environment? _____

f. Would you continue to report any future incidents of bullying, intimidation, harassment, reprisal or retaliation
to an adult? _____

Name and Signature of Person completing the report:

(Typed or printed) (Signature)

Name of Person conducting the intervention: _____

(Typed or printed)

Date _____

Copies: School Principal
Supervisor of Counseling and Student Support

NOTE: The Reporting Form (if appropriate), the Incident/Investigation Form, and the Counseling Intervention Report are to be sent to the following:

- Appropriate Director
- Supervisor of Counseling and Student Support
- Title IX Coordinator/Executive Director of Legal Services
- School File

This form is to be confidentially maintained in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

BULLYING, HARASSMENT, OR INTIMIDATION REPORTING FORM

Directions: Bullying, harassment, or intimidation are serious and will not be tolerated. This is a form to report alleged bullying, harassment, or intimidation that occurred on school property; at a school-sponsored activity or event off school property; on a school bus; or on the way to and/or from school*, in the current school year. If you are a student victim, the parent/guardian of a student victim, or a close adult relative of a student victim, or a school staff member and wish to report an incident of alleged bullying harassment, or intimidation, complete this form and return it to the Principal at the student victim's school. Contact the school for additional information or assistance at any time.

Bullying, harassment, or intimidation means intentional conduct, including verbal, physical, or written conduct, or an intentional electronic communication, that: (I) 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: 1. motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attribute, socioeconomic status, familial status, or physical or mental ability or disability; or 2. threatening or seriously intimidating; and (II) 1. occurs on school property, at a school activity or event, or on a school bus; or 2. 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.

Today's date: _____ / _____ / _____
Month Day Year

School: _____

School System: _____

PERSON REPORTING INCIDENT

Name: _____

Telephone: _____

E-mail: _____

Place an X in the appropriate box: Student Student (Witness/Bystander) Parent/Guardian Close adult relative School Staff

1. Name of student victim: _____ Age: _____

		(Please print)		
2. Name(s) of alleged offender(s) (If known): (Please print)	Age	School (if known)	Is he/she a student?	
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

3. On what date(s) did the incident happen?
_____/_____/_____
Month Day Year _____/_____/_____
Month Day Year _____/_____/_____
Month Day Year

4. Place an X next to the statement(s) that best describes what happened (choose all that apply):

- Any bullying, harassment, or intimidation that involves physical aggression
- Getting another person to hit or harm the student
- Teasing, name-calling, making critical remarks, or threatening, in person or by other means
- Demeaning and making the victim of jokes
- Making rude and/or threatening gestures
- Excluding or rejecting the student
- Intimidating (bullying), extorting, or exploiting
- Spreading harmful rumors or gossip
- Electronic Communication (specify)
- Other (specify) _____

This form is to be confidentially maintained in accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

5. Where did the incident happen (choose all that apply)?

- On school property
- At a school-sponsored activity or event off school property
- On a school bus
- On the way to/from school*

*Will be collected unless specifically excluded by local board policy

6. What did the alleged offender(s) say or do?

(Attach a separate sheet if necessary)

7. Why did the bullying, harassment or intimidation occur?

(Attach a separate sheet if necessary)

8. Did a physical injury result from this incident? Place an X next to one of the following:

- No
- Yes, but it did not require medical attention
- Yes, and it required medical attention

9. If there was a physical injury, do you think there will be permanent effects? Yes No

10. Was the student victim absent from school as a result of the incident? Yes No
If yes, how many days was the student victim absent from school as a result of the incident? _____

11. Did a psychological injury result from this incident? Place an X next to one of the following:

- No
- Yes, but psychological services have not been sought
- Yes, and psychological services have been sought

12. Is there any additional information you would like to provide?

(Attach a separate sheet if necessary)

Signature: _____ Date: _____

BULLYING/HARASSMENT/INTIMIDATION INCIDENT INVESTIGATION FORM

Administrator Completing Form: _____ Position: _____

Today's date: _____ / _____ / _____ School: _____
Month Day Year

Date of incident: _____ / _____ / _____ School System: _____
Month Day Year

Person Reporting Incident (From reporting form) Name: _____

Telephone: _____ E-mail: _____

Place an X in the appropriate box: Student Student (Witness/Bystander) Parent/Guardian Close adult relative School staff

1. Name of student target: _____ Age: _____ Days absent as a result of the incident: _____
(Please print)

2. Name(s) of alleged offender(s) (If known):	Age	School	Is he/she a student?	Days absent due to incident
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

(Please print)

Total number of alleged offenders: _____

INVESTIGATION – Report to be completed by investigator, i.e., school administrator

3. What actions were taken to investigate this incident? (choose all that apply)

- Interviewed student target
- Interviewed alleged offender(s)
- Interviewed witnesses
- Witness statements collected in writing
- Interviewed school nurse
- Reviewed any medical information available
- Interviewed teachers and/or school staff
- Interviewed student target's parent/guardian
- Interviewed alleged offender's parent/guardian
- Examined physical evidence
- Conducted student record review
- Obtained copy of police report
- Other (specify) _____

4. Why did the harassment or intimidation (bullying) occur (alleged motives)? (choose all that apply)

- Because of race
- Because of national origin
- Because of marital status
- Because of sex
- Because of sexual orientation
- Because of gender identity
- Because of religion
- Because of disability
- Because of physical appearance
- To impress others
- Just to be mean
- Because of another reason (specify) _____
- The reason is unknown

5. What corrective actions were taken in this case (choose all that apply)?

- None were required, this was a false allegation
- None, the incident did not warrant any corrective action
- Student conference
- Student warning
- Letter of apology
- Mediation
- Counseling (Intervention required per FCPS Regulation 400-48)
- Parent letter
- Parent phone call (required for student making complaint)
Date parent contacted: _____
- Parent conference (required for student against whom complaint is made)
Date conference held: _____
- Detention
- In-school suspension
- Out-of-school suspension/expulsion
- Incident investigated and found to be a different offense
- Employee intervention and/or discipline
- Other (specify) _____

6. Additional pertinent information gained during the interview:

Names of witnesses:

(Attach a separate sheet if necessary)

7. Investigator notes:

(Attach a separate sheet if necessary)

Signature: _____ Date: _____

NOTE: The Reporting Form (if appropriate), the Incident/Investigation Form, and the Counseling Intervention Report are to be sent to the following:

- Appropriate Director
- Supervisor of Counseling and Student Support
- Title IX Coordinator/Executive Director of Legal Services
- School File