

IF SOMEONE HAD LISTENED ACT

(ISHL ACT)

A National Anti-Bullying, Accountability, and Intervention Policy

Purpose

The purpose of this Act is to **prevent bullying, harassment, and acts of violence** by transforming silence into action and awareness into accountability. Across the nation, too many lives have been shattered because cries for help were ignored, minimized, or dismissed. When no one listens, the cycle of pain continues—and the consequences can be devastating.

If someone had listened, outcomes could have been different. This Act stands as both a promise and a prevention measure: a promise to every victim and survivor that their voice matters, and a prevention measure to ensure that no warning sign is ever overlooked again.

Through education, early intervention, reporting systems, and mental health support, this Act seeks to create cultures of **empathy, response, and responsibility**—where silence will no longer be the norm, and **intervention will no longer be optional**.

The “If Someone Had Listened Act” establishes national guidelines for schools, colleges, workplaces, and faith-based institutions to identify, report, and respond to bullying and harassment. It calls upon communities, educators, leaders, and citizens to work together to protect the vulnerable, empower the bystander, and stop the next tragedy before it begins.

Section I - Mandatory Reporting and Intervention

(a) Duty to Act.

All adults in positions of authority—including but not limited to teachers, administrators, staff members, clergy, supervisors, and organizational leaders—shall have an affirmative duty to take **immediate and appropriate action** when bullying, harassment, intimidation, or credible emotional distress is **reported, witnessed, or reasonably suspected** within their scope of responsibility.

(b) Required Response.

Upon knowledge or reasonable suspicion of such behavior, the responsible adult must:

1. Ensure the **immediate safety and well-being** of the targeted individual;
2. **Report** the incident to the appropriate authority or designated reporting system as established by this Act; and
3. **Initiate intervention** consistent with organizational policy, ensuring that no report or concern is ignored or minimized.

(c) Accountability and Consequences.

Failure to act in accordance with this section shall result in **disciplinary measures** or administrative penalties as determined by the governing state or federal oversight agency, up to and including termination of employment, loss of certification, or civil liability where applicable.

(d) Good Faith Protection.

Any individual who, in good faith, reports bullying, harassment, or distress under this Act shall be **protected from retaliation** or adverse employment action.

Section II - Anonymous and Confidential Reporting Systems

(a) Establishment of Systems.

Every school, workplace, and faith-based institution shall establish and maintain a **confidential, accessible, and reliable reporting system** that enables individuals to report incidents of bullying, harassment, intimidation, or emotional distress.

(b) Anonymous Reporting Option.

Each reporting system must include an option for **anonymous submission**, allowing victims, witnesses, or bystanders to share information **without fear of exposure, retaliation, or discrimination**. Anonymous reports shall be treated with the same seriousness and urgency as identified reports.

(c) Accessibility.

Reporting systems must be clearly publicized and **easily accessible** to all members of the institution—both in-person and through digital or written means. Information about how to file a report shall be made available through handbooks, websites, and posted notices.

(d) Confidentiality and Data Protection.

Institutions must ensure that all reports and investigations are conducted in a **confidential manner**, safeguarding the identity and dignity of those involved, consistent with applicable privacy and data protection laws.

(e) Oversight.

Each organization shall designate a **trained reporting coordinator or team** responsible for receiving,

reviewing, and responding to reports within a defined timeframe to ensure no report is ignored, delayed, or mishandled.

Section III - Protection from Retaliation

(a) Right to Protection.

No individual—whether a student, employee, volunteer, or congregant—who reports bullying, harassment, intimidation, or emotional distress in good faith shall be subject to **retaliation, punishment, ridicule, discrimination, or loss of opportunity** as a result of their report or cooperation in an investigation.

(b) Definition of Retaliation.

For the purposes of this Act, “retaliation” includes but is not limited to: verbal or physical intimidation, demotion, suspension, termination, social exclusion, disciplinary action, or any other adverse treatment arising from the act of reporting or supporting a report.

(c) Institutional Duty.

All covered institutions shall implement clear **anti-retaliation policies** and shall take prompt corrective action when retaliation is identified. Institutions must provide accessible channels for individuals to report retaliation, including anonymous options as outlined in Section II.

(d) Enforcement and Penalties.

Any individual or institution found to have engaged in, condoned, or ignored retaliation shall be subject to disciplinary action or administrative penalties under applicable state or federal law.

(e) Encouragement of Reporting.

Institutions shall actively promote a culture in which **reporting misconduct is recognized as an act of integrity and courage**, ensuring that all individuals feel safe to speak without fear.

Section IV - Accountability and Education for Student Bystanders

(a) Purpose.

This section recognizes that students play a crucial role in shaping the culture of safety and empathy within their schools. While students shall not face criminal or severe disciplinary penalties for failing to

intervene in incidents of bullying or harassment, **consistent inaction in the face of cruelty** shall warrant educational and restorative measures designed to foster awareness, compassion, and responsibility.

(b) Educational Consequences.

Schools shall implement one or more of the following interventions for students who repeatedly fail to act, report, or show empathy toward victims of bullying or harassment:

1. **Empathy-Building Education** – age-appropriate lessons or reflection programs focused on the emotional and social impact of bullying, victimization, and bystander silence;
2. **Counseling or Restorative Justice Sessions** – opportunities for guided dialogue, personal accountability, and reconciliation facilitated by trained counselors or mediators;
3. **Mandatory Anti-Bullying Workshops** – participation in structured programs that teach intervention skills, ally-ship, and community responsibility.

(c) Positive Reinforcement.

Institutions are encouraged to recognize and reward students who demonstrate **compassionate intervention, advocacy, or support** for peers in distress.

(d) Core Message.

For the purposes of this Act, schools shall communicate the foundational message that **silence is not neutral—it is participation**. The goal is not to instill fear of punishment, but to **teach courage, empathy, and moral responsibility** in the face of cruelty.

Section V - Mental Health Response and Support Services

(a) Access to Support.

All covered institutions—including schools, colleges, workplaces, and faith-based organizations—shall provide **timely and confidential access to counseling and support services** for any individual affected by bullying, harassment, or related trauma. These services shall be available to victims, witnesses, and, where appropriate, individuals exhibiting concerning behavior or distress.

(b) Early Identification and Intervention.

Warning signs of emotional distress, isolation, or behavioral change must never be ignored. When such signs are **observed, reported, or reasonably suspected**, the responsible authority shall initiate a **prompt and documented follow-up**, including outreach to the individual, assessment by a qualified professional, and communication with appropriate guardians or administrators when applicable.

(c) Ongoing Monitoring and Documentation.

Repeated reports or patterns of distress shall require **continued monitoring and documentation**, ensuring no concern is overlooked or dismissed. Institutions must maintain confidential records of interventions and outcomes consistent with privacy laws.

(d) Referral and Coordination.

When the severity of distress exceeds the institution's capacity for care, immediate **referral to licensed mental health professionals or community crisis resources** shall be made, ensuring continuity of care and protection of life and well-being.

(e) Trauma-Informed Practice.

All responses under this section shall be conducted using **trauma-informed and empathy-based approaches**, prioritizing dignity, safety, and healing over punitive or stigmatizing measures.

Section VI - Cyberbullying Prevention and Response

(a) Definition.

For the purposes of this Act, *cyberbullying* refers to any form of bullying, harassment, intimidation, or emotional abuse that occurs through **digital or electronic means**, including but not limited to text messages, emails, social media platforms, online forums, gaming networks, or any other form of electronic communication.

(b) Institutional Responsibility.

All covered institutions shall recognize cyberbullying as a **serious and actionable form of harassment**, equal in weight and consequence to physical or verbal bullying occurring on site. Institutions must establish clear policies outlining the **reporting, investigation, and disciplinary processes** specific to cyberbullying incidents.

(c) Education and Digital Awareness.

Institutions shall incorporate **digital citizenship and online empathy education** into their regular anti-bullying or character development curricula. Such education shall emphasize responsible technology use, respect for digital boundaries, and the lasting impact of online actions.

(d) Monitoring and Response Protocol.

When cyberbullying is reported or reasonably suspected to involve members of a school, workplace, or organization, authorities must:

1. Document and preserve relevant evidence (screenshots, messages, posts, etc.);
2. Take immediate steps to protect the targeted individual's safety and well-being; and
3. Coordinate with parents, administrators, law enforcement, or platform moderators when necessary to ensure resolution and accountability.

(e) Off-Campus and Off-Hours Conduct.

If cyberbullying occurs **off-campus or outside institutional hours** but creates a hostile or unsafe environment within the institution, the responsible authority shall retain the power and duty to **investigate and intervene** under this Act.

(f) Protection and Empowerment.

All digital response efforts shall prioritize the **protection, privacy, and emotional safety** of the victim, empowering individuals to report cyber bullying without fear of humiliation or exposure.

Section VII - Prevention and Training

(a) Annual Training Requirement.

All institutions covered under this Act—including schools, colleges, workplaces, and faith-based organizations—shall conduct **mandatory annual training** on bullying prevention, mental health response, and safe intervention practices for all members of their community. This training shall not be optional, shall not be substituted by general safety training, and must be conducted in accordance with trauma-informed standards.

(b) Mandatory Participation.

The following groups are required to participate in prevention training:

1. **Staff and Leadership** – including teachers, administrators, counselors, clergy, supervisors, and institutional leadership at all levels.
2. **Students, Volunteers, and Members** – through age-appropriate, inclusive, and interactive programs that cultivate empathy, respect, and responsibility.

(c) Training Objectives.

Annual training shall include, but not be limited to:

1. **Recognizing Signs of Distress** – including emotional withdrawal, self-isolation, sudden behavioral changes, academic decline, and other red flags of trauma or targeted abuse.
2. **Safe and Effective Intervention** – emphasizing when and how to act, de-escalate, or notify appropriate personnel without increasing harm or shame.
3. **Proper Reporting Procedures** – including how to use anonymous systems (Section II), how to respond to disclosures, and the chain of responsibility.
4. **Trauma-Informed Advocacy** – teaching compassionate engagement with victims and survivors, while avoiding blame, interrogation, or stigmatization.
5. **Cyberbullying and Digital Harassment Education** – recognizing online abuse, understanding its psychological toll, and preventing digital escalation.
6. **Bystander Responsibility and Empowerment** – reinforcing the principle that silence enables cruelty and that intervention, even small, saves lives.
7. **Understanding Institutional Accountability** – educating all participants on the institution's legal obligations under the ISHL Act, including consequences of failure to report or act.
8. **Breaking the Culture of Silence** – prioritizing courage, connection, and ethical action over passive observation.

(d) Documentation and Verification.

Completion of all training must be documented through attendance logs, certificates of completion, or equivalent verification. These records shall be maintained and subject to audit.

(e) Curriculum Standards.

Training curricula shall be designed in collaboration with **licensed mental health professionals, survivor advocates, educators, and legal experts**, ensuring all materials are:

- Trauma-informed

- Culturally competent
- Neurodivergent-accessible
- LGBTQ+ inclusive
- Developmentally appropriate
- Legally compliant with Section VIII protections

(f) Training Delivery.

Institutions must deliver training using **interactive, visual, and scenario-based methods**—not solely passive videos or presentations. Role-playing, case studies, empathy simulations, and guided discussions shall be encouraged to increase engagement and comprehension.

(g) Noncompliance Penalties.

Failure to meet these training mandates shall trigger:

1. Internal review and written warning for first-time noncompliance;
2. Escalation to external oversight and administrative penalty for repeated failures;
3. Public disclosure of noncompliance and suspension of institutional funding for egregious or willful refusal to implement Section VII.

Section VIII - Institutional Negligence, Criminal Exposure, and Civil Remedies

A. Definitions (for this section)

1. **Institution** means any public or private school, district office, residential program, youth-serving organization, or other entity responsible for the care or supervision of children.
2. **Bullying** has the meaning defined in Section I (includes physical, verbal, psychological, and cyberbullying).
3. **Gross negligence** means a severe degree of negligence demonstrating a reckless indifference to the safety of others, beyond ordinary negligence.

4. **Willful blindness** means deliberate failure to investigate or act despite knowledge of a substantial risk.

B. Mandatory Investigation and Reporting

1. Upon any report of serious bullying, threats of violence, or an incident resulting in serious bodily injury or death, the institution must:
 - a. Immediately notify local law enforcement and the state education oversight agency; and
 - b. Initiate an independent, third-party investigation (at the institution's expense) within 7 days.
2. The investigating entity shall have subpoena power to compel records, communications, and testimony, and must deliver findings within 60 days (with extension for good cause).

C. Administrative and Civil Remedies

1. Institutions found, by preponderance of evidence, to have repeatedly ignored verified reports of bullying, or to have retaliated against reporters, shall be subject to:
 - a. Monetary fines scaled to the institution's size and severity of violations;
 - b. Public listing as a **Negligent Institution** and mandatory posting of corrective plans; and
 - c. Requirements to implement approved corrective actions (training, reporting systems, counseling services) before eligibility for state funding is restored.
2. Survivors and families shall retain the right to pursue civil remedies under state law, including claims for negligence, wrongful death, emotional distress, and statutory penalties created under this Act.

D. Criminal Exposure (Highest Threshold)

1. When the independent investigation produces substantial evidence that institutional actors' conduct constituted **gross negligence** or **willful blindness** that foreseeably contributed to a student's death (by suicide or homicide), the investigation results shall be referred to the appropriate prosecuting authority for criminal review.
2. Prosecutors may pursue charges under existing criminal statutes (e.g., criminal negligence, involuntary manslaughter, or other applicable statutes), or where state law permits, under newly created statutes that address institutional negligence leading to death.
3. For criminal prosecution under this section, the standard of proof resides with the prosecuting authority and must meet criminal law requirements (e.g., beyond a reasonable doubt). This section does not alter defendants' constitutional rights to due process, confrontation, or counsel.

E. Victim Compensation & Relief Fund

1. A Victim Compensation Fund shall be established (funding sources to be provided in Section X) to provide interim financial relief to survivors and families pending civil or criminal resolution.
2. Institutions found negligent shall be liable for restitution to the Fund in proportion to fines and administrative penalties imposed.

F. Protections & Safeguards

1. This section preserves due process: institutions and individual staff retain the right to respond to findings, and any administrative penalties must provide an appeal process.
2. Investigations shall protect confidentiality where appropriate and provide reasonable accommodations to protect minors and victims.
3. Whistleblower protections: individuals reporting bullying in good faith are protected from retaliation and shall have private rights of action for retaliatory acts.

G. Purpose Clause

These provisions are intended to deter institutional indifference, ensure transparency, protect students, and provide pathways to both accountability and remediation where institutional failures have had tragic consequences.

Section XI - Cultural Message

(a) Purpose of Message.

The intent of this Act extends beyond law and policy—it seeks to transform culture. Silence is no longer an excuse. Inaction is no longer acceptable.

(b) Guiding Principle.

This Act is not written to condemn, but to **teach, protect, and prevent**. It serves as a reminder that compassion and awareness are not optional virtues, but necessary acts of humanity.

(c) Legacy of Listening.

If someone had listened in the past, lives might have been saved.
If we listen now—**lives will be.**

Section X - Short Title and Effective Date

(a) Short Title.

This Act shall be cited as the “**If Someone Had Listened Act (ISHL Act).**”

(b) Effective Date.

This Act shall take effect **one year following its enactment**, allowing sufficient time for institutions to implement the required systems, training, and policies outlined herein.

(c) Implementation Authority.

The **Department of Education**, in coordination with the **Department of Labor**, the **Department of Health and Human Services**, and other relevant agencies, shall promulgate rules and regulations necessary to carry out the intent and provisions of this Act.

(d) Continuing Obligation.

Nothing in this Act shall be construed to limit or replace existing state or federal protections against harassment, discrimination, or violence. Rather, the ISHL Act shall serve to **enhance, strengthen, and unify** those protections under a single national standard of compassion, accountability, and prevention.