



## **ACADEMY OF DOVER** **Bully Prevention & Cyberbullying Policy**

The Academy of Dover (hereinafter referred to as “the Academy”) recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. The Academy strives to provide safe learning environments for all students and all employees.

### **Prohibition of Bullying Which Includes Cyberbullying**

To further these goals and as required by 14 Del. C. 4112D, the Academy hereby *prohibits the bullying of any person on Academy property or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of the Academy from grades kindergarten through grade eight. In addition, cyberbullying (as defined herein) is prohibited by students directed at other students. Incidents of cyberbullying shall be treated by the Academy in the same manner as incidents of bullying. The Academy further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.*<sup>1</sup>

"Academy function" includes field trips or any officially sponsored Academy event.

"Academy property" means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by the Academy.

### **Definition of Bullying & Cyberbullying**

*As used in this policy, bullying means any intentional written, electronic, verbal or physical act or actions against a student, volunteer or employee that a reasonable person, under the circumstances should know will have the effect of:*

- 1. Placing a student, volunteer or employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; or*
- 2. Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or*
- 3. Interfering with a student having a safe environment that is necessary to facilitate educational performance, opportunities or benefits; or*
- 4. Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, volunteer or employee.*

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<sup>1</sup> Legal or Regulatory Requirements are in *italics* throughout this model policy.

*As used in this policy, cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student, group of students, volunteer, staff member, etc. through means other than face-to-face interaction which (1) interferes with a student's physical well-being; or (2) is threatening or intimidating; or (3) is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the Academy. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group, or posted in a medium that the speaker knows is likely to be available to a broad audience within the Academy community.*

- 1. Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.*
- 2. The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of Academy materials.*

Explanation: Bullying is usually defined as involving **repeated** acts of aggression that aim to dominate another person by causing pain, fear or embarrassment. However, one act alone may constitute bullying if the requisite intent and effect set forth in the definition are met. Bullying may be perpetuated by an individual or a group. It may be direct or indirect. Although a person may be repeatedly bullied, a different person might be doing the bullying each time, which may make it difficult to recognize that bullying is occurring. An act is intentional if it is the person's conscious objective to engage in conduct of that nature. The actions listed below are some examples of intentional actions which may become bullying depending on their reasonably foreseeable effect:

Physical bullying: Pushing, shoving, kicking, destroying of property, tripping, punching, tearing clothes, pushing books from someone's hands, shooting/throwing objects at someone, gesturing, etc.

Verbal bullying: Name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone's mistakes, using unwelcome nicknames, threatening.

Relational Bullying: Isolation of an individual from his or her peer group, spreading rumors.

Cyberbullying: Bullying by using information and communication technologies. Cyber-bullying may include but is not limited to:

1. Denigration: spreading information or pictures to embarrass.
2. Flaming: heated unequal argument online that includes making rude, insulting or vulgar remarks.
3. Exclusion: isolating an individual from his or her peer group.
4. Impersonation: using someone else's screen name and pretending to be them.
5. Outing or Trickery: forwarding information or pictures meant to be private.

Sexual Bullying: Unwanted touch of a sexual nature, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

This list should be used by way of example only and is by no means exhaustive. These actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views,

provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other policies or building, classroom or program rules.

### **Academy-wide Bully Prevention Program**

The Academy will continue to meet these goals:

1. Prevent development of new bullying problems.
2. Continue with peer relations and staff-student connections.

In order to be an Academy-wide program, the program must contain:

1. Academy-level components
  - All staff will strive to:
    - Treat others with positive interest and involvement.
    - Set firm limits for unacceptable behavior.
    - Apply nonphysical, non-hostile negative consequences when rules are broken.
    - Act as authorities and positive role models.
    - Solve bullying problems in a consistent manner across all grade levels and locations.
  - *A Coordinating Committee will be created.*
  - *The Academy's supervisory system in non-classroom areas will be reviewed as set forth in this policy.*
  - Academy-wide programs may also include a kick-off event, committee and staff trainings, Academy-wide questionnaires, staff discussion group meetings, and programs to involve parents, as determined by the Coordinating Committee.
2. Classroom level components
  - Post and enforce principles against bullying.
  - Regular, ongoing class meetings, discussions, or activities.
  - Involve parents in bullying prevention.
  - Find creative ways to incorporate issues involving bullying into the regular curriculum.
3. Individual Level Components
  - Supervise students' activities.
  - Ensure that all staff intervene appropriately on the spot when suspected bullying occurs.
  - Discuss bullying behavior with students who bully and (separately) with targets of bullying, and with their parents.
  - Develop Behavioral Intervention Plans for involved students, with a graduated response.
  - Address bystander involvement.
4. Community Level Components
  - Develop partnerships with community members to support the Academy's program
  - Help spread anti-bullying messages in the community.
  - Involve community members in the Bully Prevention Coordinating Committee.

The Academy encourages staff to find or create appropriate bullying prevention resources that can be used within the overall structure set forth above without compromising the fidelity of the Academy-wide program. Classroom curricula may be used as one part of the implementation of the Academy-wide program, but must not be the sole component of the program.

### **Coordinating Committee**

*The Academy shall establish a site-based committee that is responsible for coordinating the Academy's bully prevention program including the design, approval and monitoring of the program. A majority of the members of the site-based committee shall be members of the Academy staff, of which a majority shall be instructional staff. The committee also shall contain representatives of the administrative staff, support staff, student body, parents and staff. These representatives shall be chosen by members of each respective group except that representatives of the non-employee groups shall be appointed by the Head of School. The committee shall operate on a 1-person, 1-vote principle. In the event a site-based Academy discipline committee has been established pursuant to § § 1605(7) a and b, of Title 14 of the Delaware Code, that committee shall vote whether or not to accept the aforementioned responsibilities.*

The Committee shall:

1. Hold regular meetings.
2. Select a coordinator of the program.
3. Consider, decide upon and coordinate any staff training sessions (beyond the 1 hour gang and bully prevention training required in 14 Del. C. 4123A), as needed.
4. Create and maintain a training log (either paper or electronic) to keep a record of Academy staff which have been trained, and what training they have received. Decide upon the need for and provide short, concise training updates in writing or at staff meetings.
5. Consider, decide upon and oversee formal or informal evaluation techniques and materials (such as questionnaires), as needed.
6. Consider, decide upon and order materials, as needed.
7. Consider, decide upon and lead staff discussion groups as needed.
8. Consider and decide upon additional guidelines for consistent positive consequences for those who follow the rules and consistent negative consequences for students who break them.
9. Review and refine the Academy's supervisory system.
10. Plan an Academy kick-off event.
11. Establish subcommittees, as needed.
12. Decide upon and implement methods of notification to students, parents and the community concerning the Academy-wide program.

### **Reporting Requirements**

Bullying is unacceptable and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the Academy community: pupils, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously.

*Any employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the Head of School.*

1. Initial Concerns
  - Staff members are encouraged to watch for early signs of bullying and stop them before they worsen.
  - Even though there has been no report of bullying to a staff member, each staff member is encouraged to be vigilant and look for students who appear to be isolated from other students,

about whom inappropriate comments are made by other students, or who show signs of peer victimization.

- To confirm their concerns the staff member may choose to take the following steps:
  - Intensify observations of student in question.
  - Confer with colleagues about that student.
  - Consult the Academy's bullying database.
  - Take an informal survey of students about class climate.

## 2. Written Report

If measures confirm the staff member's concerns that a student is being bullied, if a staff member receives a report of a bullying matter, or if a staff member observes a bullying incident, they must inform the Head of School or designated person immediately and in writing within 24 hours. The written report shall be reasonably specific as to actions giving rise to the suspicion of bullying and shall include:

- Persons involved, designating bully, target, and bystanders roles.
- Time and place of the conduct and alleged, number of incidents.
- Potential student or staff witnesses.
- Any actions taken.
- Short, easy to use forms can be obtained from the Academy main office.

### **Investigative Procedures**

*The Academy is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred and that such procedure include investigation of such instances, including a determination of whether the target of the bullying was targeted or reports being targeted wholly or in part due to the target's race, age, marital status, creed, religion, color, sex, disability, sexual orientation, gender identity or expression, or national origin. This does not preclude the Academy from identifying other reasons or criteria why a person is a target of bullying.*

1. All complaints must be appropriately investigated and handled consistent with due process requirements.
2. The Head of School may designate a person or persons to be responsible for responding to bullying complaints.
3. After receiving notice of the suspected bullying, either through a short form, an incident report, or an anonymous or other written complaint, the designated person will review the complaint in conjunction with any other related complaints. Reasonable steps will then be taken by the designated person to verify the information and to determine whether the information would lead a reasonable person to suspect that a person has been a victim of bullying.
4. Once the Head of School or designated person has confirmed that a person has been the victim of bullying, the Head of School or designated person will take prompt investigatory steps to determine who committed the acts of bullying and whether others played a role in perpetuating the bullying. The Head of School or designated person will avoid forewarning the student suspects, and will interview suspects separately and in rapid succession.
5. After identifying those who committed the act or acts of bullying, the Head of School or designated person will apply disciplinary action, consistent with due process rights, and the range of consequences identified herein.
6. The Head of School or designated person will keep a record of the bullying incident, and any disciplinary actions taken. The Head of School or designated person will keep written

statements of those committing the bullying, victims and witnesses. Discussions with all parties should be documented as soon as possible after the events. The Academy will not destroy or discard any material records or evidence while a criminal investigation into or prosecution relating to the incident is ongoing.

7. A follow-up will be completed two weeks later to determine whether the bullying has continued, and whether additional consequences are needed. An additional follow-up will occur in two months, regardless of whether new incidents have been reported.
8. Each confirmed incident must be recorded appropriately.

*All continued incidents of bullying must be reported to the Department of Education by the Head of School or his designee within five (5) working days pursuant to Department of Education regulations. The parent, guardians, or relative caregivers of all students involved in the reported incident shall be notified when the report is made.*

The Head of School should be aware that some acts of bullying may also be crimes which under the School Crime Reporting Law (14 Del. C. 4112) are required to be reported to the police and /or the Department of Education.

### **Consequences for Bullying**

The Academy will follow our disciplinary matrix in regard to consequences for bullying.

### **Training.**

*The Academy will provide a combined training each year totaling at least one (1) hour in the identification and reporting of criminal youth gang activity pursuant to § 617, Title 11 of the Delaware Code and bullying prevention pursuant to § 4112D, Title 14 of the Delaware Code. The training materials shall be prepared by the Department of Justice and the Department of Education in collaboration with law enforcement agencies, the Delaware State Education Association, the Delaware School Boards Association and the Delaware Association of School Administrators. Any in-service training required by this section shall be provided within the contracted school year as provided in 14 Del. C. § 1305(e).*

All Academy employees must either attend the provided training session live or watch the official training materials provided by the Academy in lieu of attendance, with written proof in the form of signing in an out of the live session, or signing the film in and out, and providing adequate written answers to questions about the training materials.

### **Reporting Procedures**

*The procedures for a student and parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian to provide information on bullying activity will be as follows:*

1. If a child complains of bullying while it is happening, the staff member will respond quickly and firmly to intervene, if safety permits, if the situation appears to that staff member to involve bullying or real fighting.
2. If a child expresses a desire to discuss a personal incidence of bullying with a staff-member, the staff-member will make an effort to provide the child with a practical, safe, private and age-appropriate method of doing so.

3. Written complaints shall be reasonably specific as to actions giving rise to the complaint and should include information as to:
  - Conduct involved
  - Persons involved, designated bully, target, and bystanders' roles
  - Time and place of the conduct alleged, number of incidents
  - Names of potential student or staff witnesses.
  - Any actions taken in response
4. Short, easy to use complaint forms can be obtained from the Academy main office.
5. An electronic system will be established whereby a person can email anonymous complaints of bullying that only designated persons will have access to.
6. The Head of School will designate a person or persons responsible for responding to bullying complaints.
7. Every confirmed bullying incident will be recorded appropriately, which will be a central record for designated staff to read. This will give an indication of patterns which may emerge of both bullies and victims.

### **Anonymous Reports**

*Formal disciplinary action solely based on an anonymous report is not permitted. Independent verification of the anonymous report is necessary in order for any disciplinary action to be applied.*

### **Notification of Parent, Guardian or Relative Caregiver**

*A parent, guardian or relative caregiver pursuant to 14 Del. C § 202(f) or legal guardian of any target of bullying or person who bullies another must be notified and provided with a form to be generated by the Delaware Department of Justice (DDOJ) describing the role of the DDOJ School Ombudsman and providing contact information.*

### **Retaliation**

*Retaliation following a report of bullying is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the Academy administration after consideration of the nature, severity, and circumstances of the act.*

### **Procedure to Communicate with Medical and Mental Health Professionals**

*The following procedures for communication between Academy staff members and medical professionals who are involved in treating students for bullying issues must be followed:*

1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at the Academy impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with Academy personnel regarding any treatment of a child. Releases should be signed both at the Academy and at the physician or mental health professional's office before communication may take place according to HIPAA and FERPA guidelines.

2. If a parent refuses to sign a release form the Academy will review this policy with them, explaining the reasons the release would be advantageous to their child.
3. Summary of this evaluation shall be shared at a meeting with student, parent/guardian and Head of School or designated person prior to return to the Academy or the general population.

Emergency evaluations can be obtained through Christiana Care Health Services Emergency Center at Christiana or Wilmington Hospital (302)-733-1000, the Rockford Center (866)-847-4357. Crisis services are also available through Prevention and Behavioral Health Services, State of Delaware 24-hour hot line (302)-633-5128. Non-emergent services can be obtained through Children and Families First (800)-734-2388, Catholic Charities (302)-655-9624, and Delaware Guidance (302)-652-3948 in New Castle County or by contacting a medical insurance company for recommended providers in the area.

### **Implementation**

*The Academy bullying prevention program must be implemented throughout the year and integrated with the Academy's discipline policies and 14 Del. C. § 4112.*

### **Accountability**

*The Academy shall notify the Board of Directors in writing of their compliance with this policy and submit a copy of the procedures they have adopted under this policy by January 1, of each school year. The Academy shall verify for the Board of Directors the method and date that the policy has been distributed to all students, parents, faculty and staff.*

### **Immunity**

*An Academy employee, volunteer or student is individually immune from a cause of action for damages arising from reporting bullying in good faith and to the appropriate person or persons using the procedures specified in the Academy bullying prevention policy, but there shall be no such immunity if the act of reporting constituted gross negligence and/or reckless, willful, or intentional conduct.*

### **Other Defenses**

*The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the Academy initiated under this policy provided there is sufficient nexus.*

*This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with Academy policy.*

### **Relationship to Academy Crime Reporting Law**

*An incident may meet the definition of bullying and also the definition of a particular crime under State or Federal law. Nothing in this policy shall prevent the Academy from fulfilling all of the reporting requirements of § 4112, Title 14 of the Delaware Code, or from reporting probable crimes that occur on Academy property or function which are not required to be reported under*



*that section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 of the Delaware Code, or any other reporting requirement under State or federal law.*

### **School Ombudsperson Information**

*The telephone number of the Department of Justice School Ombudsman shall be provided in writing to parents, students, faculty and staff; and shall be on the website of the Academy. The contact information shall also be prominently displayed.*

### **Informing Students of Electronic Mediums**

*Upon implementation of this policy, and again at the beginning of each academic year, the Academy shall inform students of mediums where posting of speech will be presumed to be available to a broad audience within the Academy community, regardless of privacy settings or other limitations on those postings.*

### **Policy Notification**

*The policy shall appear in the student and staff handbook and if no handbook is available, or it is not practical to reprint new handbooks, a copy of the policy will be distributed annually to all students, parents, faculty and staff.*

### **Rules and Regulations**

*Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement Title 14 Section 4112D of the Delaware Code.*