

# REGULATION

## ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

**Related Entries:** GAGG, GAGG-RA, JCC, JCC-RA, JCCA, JCH, JCH-RA, JEF, JEF-RA, JO, JO-RA  
**Responsible Office:** DIVISION OF STUDENT SUPPORT SERVICES

### BULLYING, CYBERBULLYING, HARASSMENT, AND INTIMIDATION

#### A. PURPOSE

To provide guidelines on the procedures and standards for reporting and addressing bullying, cyberbullying, harassment, and intimidation at Anne Arundel County Public Schools (AACPS).

#### B. BACKGROUND

AACPS is committed to providing AACPS students with an orderly school environment that is free from bullying, cyberbullying, harassment, and intimidation. In accordance with this commitment, AACPS will work towards reducing barriers that prevent students from reporting acts of bullying, cyberbullying, harassment, and intimidation. In compliance with *Maryland's Model Policy Prohibiting Bullying, Harassment, or Intimidation*, complaints of bullying, cyberbullying, harassment, and intimidation shall be investigated in accordance with the procedures set forth in this regulation. The school system shall discipline or take other action with regard to members of the school community who engage in unlawful bullying, cyberbullying, harassment, and intimidation in accordance with this regulation and the *AACPS Code of Student Conduct*. Unfortunately, students may be bullied, cyberbullied, harassed, or intimidated for any reason, including a student's actual or perceived characteristics, attire, political affiliation, and interests amongst other things. In some instances, acts of bullying, cyberbullying, harassment, and intimidation may be deemed bias behavior or language, or a criminal act under State or federal law.

#### C. DEFINITIONS

1. ***Bullying, Cyberbullying, Harassment, or Intimidation*** – intentional conduct, including verbal, physical, graphic or written conduct, or an intentional electronic communication that:
  - a. 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:

- i. Based on an actual or perceived characteristic of a person or group of persons, including race, color, ethnicity, national origin, marital status, sex, sexual orientation, gender identity, gender expression, religion, ancestry, physical attributes, socioeconomic status, homelessness, familial status, or physical or mental ability or disability;
  - ii. Sexual in nature, including descriptions or depictions of a student with the student's intimate parts exposed or while engaged in an act of sexual contact; or
  - iii. Threatening or seriously intimidating; and
- b.
  - i. Occurs on school property, at a school activity or event, or on a school bus or other school vehicle; or
  - ii. Substantially disrupts the orderly operation of a school regardless of where the incident occurs.
- c. ***Bullying*** – unwanted, demeaning behavior among students that involves a real or perceived power imbalance. This is a pattern of behavior where a person repeatedly uses power in an intentional manner, including verbal, physical, or written conduct or electronic communication which adversely affect a student's ability to participate in or benefit from the school's educational programs or activities. To be considered bullying, the behavior must be intentional, repetitive, and include an imbalance of power.
- d. ***Cyberbullying*** – bullying in the form of electronic communication via a digital device, including a cell phone, computer, and tablet. Cyberbullying may occur in various ways, including via text, apps, social media, online forums, and gaming forums where people can view, engage with, or share content. Cyberbullying may include sending, posting, or sharing negative, harmful, false, or hurtful content about another student.
- e. ***Harassment*** – perceived or actual experiences of discomfort which adversely affects a student's ability to participate in or benefit from the school's educational programs or activities. Harassment includes actual or perceived negative actions that offend, ridicule, or demean another individual with regard to race, color, ethnicity, national origin, marital status, sex, sexual orientation, gender identity, gender expression, religion, ancestry, physical attributes, socioeconomic status, homelessness, familial status, and physical or mental ability or disability.
- f. ***Intimidation*** – any communication or action directed at another student that threatens and induces a sense of fear or inferiority which adversely impacts a student's ability to participate in or benefit from the school's educational programs or activities. Retaliation may be considered a form of intimidation.

2. ***Bystander*** – a person who observes bullying, cyberbullying, harassment, or intimidation, and who, by their inaction, may encourage, support, or promote its occurrence.
3. ***Electronic Communication*** – the act of transmitting any information, data, writing, image, or communication via digital device, including a cell phone, computer, and tablet. This also includes a communication that involves the use of e-mail, an instant messaging service, text, apps, social media, online forums, and gaming forum.
4. ***Evidence-based Strategies*** – a process in which well-researched, effective interventions guide and inform the delivery of programs and services producing improved and measurable student outcomes.
5. ***Retaliation*** – an act of reprisal or revenge toward a person who opposes the behavior and language prohibited by Policy JCCA – Bullying, Cyberbullying, Harassment, and Intimidation, or participates in the complaint or investigation of such behavior. Retaliation may be considered a form of intimidation.

## **D. PROCEDURES**

It is a violation of this regulation and accompanying policy for an AACPS student to engage in bullying, cyberbullying, harassment, or intimidation on AACPS property, on a school bus or other school vehicle, at school-sponsored activities, on the way to or from school, via electronic communication, or in any manner that substantially disrupts the orderly operation of a school regardless of where the incident occurs. It is also a violation of this regulation and accompanying policy for an AACPS student to engage in retaliation against a person who opposes bullying, cyberbullying, harassment, or intimidation prohibited by this regulation and accompanying policy, or participates in the complaint or investigation of such behavior and language.

### **1. Reporting**

- a. In accordance with State law, an incident of bullying, cyberbullying, harassment, or intimidation may be reported by:
  - i. A student;
  - ii. The parent(s)/guardian(s) or close adult relative of the student; or
  - iii. A school staff member.
- b. A school staff member shall report incidents of bullying, cyberbullying, harassment, or intimidation. The *Bullying, Harassment, or Intimidation Reporting* form shall be used to report an incident of bullying, cyberbullying, harassment, or intimidation.

- c. If a student reports to a school staff member that the student is currently the victim of bullying, cyberbullying, harassment, or intimidation, the school staff member shall respond quickly and appropriately to investigate and intervene, as safety permits. The school staff member shall make an effort to provide the student with a practical, safe, private, and age-appropriate way of reporting. The school staff member shall advise the student of the reporting and investigation process and shall assist the student as necessary.
- d. The principal or the principal's designee shall designate a private, secure location for students to submit a completed *Bullying, Harassment, or Intimidation Reporting* form if the student feels uncomfortable submitting the reporting form in person. Each school principal shall determine how and by whom the forms will be collected and reviewed for investigation.
- e. The school staff member shall submit a written report of an incident of bullying, cyberbullying, harassment, or intimidation and any action taken to the principal or the principal's designee using the *Bullying, Harassment, or Intimidation Reporting* form.
- f. A *Bullying, Harassment, or Intimidation Reporting* form may be obtained in the school's main office, counselor's office, media center, and health room.
- g. A *Bullying, Harassment, or Intimidation Reporting* form may also be obtained electronically from the school system's website or a school's website and may be submitted by a student, parent(s)/guardian(s), close relative, or school staff member to school administration.
- h. A *Bullying, Harassment, or Intimidation Reporting* form shall be included in the *AACPS Student Handbook* for students and their parents/guardians. Information regarding this form and how to access it will be included at least twice a year in the school's newsletter.
- i. The school administration shall inform school staff during the opening of school meetings and periodically throughout the school year of the availability and use of the *Bullying, Harassment, or Intimidation Reporting* form.
- j. The school administration shall inform students about the availability and use of the *Bullying, Harassment, or Intimidation Reporting* form during orientation to the *AACPS Code of Student Conduct* and a minimum of one additional time during the school year.
- k. If the complaint involves child sexual abuse, the school staff member shall follow reporting procedures in accordance with Regulation JEF-RA – Reporting Child Abuse and Neglect and in accordance with State law and regulations.

## **2. Investigation**

- a. Complaints of bullying, cyberbullying, harassment, and intimidation shall be promptly and appropriately investigated by the principal or the principal's designee, consistent with due process rights and within 2 school days or 2 business days if the report is made outside of the regular school year, after receipt of the report or as soon as administratively practicable.
- b. The principal or the principal's designee shall determine whether bullying, cyberbullying, harassment, or intimidation actually occurred by taking the necessary steps to verify who committed the reported behavior and whether others played a role in perpetrating this act. Other related complaints, if any, shall also be reviewed when making this determination.
- c. While all discussions, written communications, records, and proceedings shall be considered confidential, neither the alleged victim nor bystanders can be promised confidentiality at the onset of an investigation. The alleged victim and any bystanders shall be advised that confidentiality shall be in accordance with the Family Educational Rights Privacy Act (FERPA).
- d. The parent(s)/guardian(s) of the alleged victim shall be notified as soon as practicable. The confidentiality provisions of FERPA shall be applied to the release of student information, including the identity of the student alleged to have committed the behavior. While the principal or the principal's designee is limited in sharing other student information with the parent(s)/guardian(s) of the alleged victim, the principal or the principal's designee shall inform the parent(s)/guardian(s) of the alleged victim of the potential consequences as well the potential interventions and supports available in accordance with this regulation and the *AACPS Code of Student Conduct*.
- e. Information gathered during the investigation shall be documented. Such documented information may include statements from the alleged victim, bystander(s), and student alleged to have committed the behavior. Material records or evidence shall be retained if there is an ongoing criminal investigation or prosecution as a result of the incident.
- f. Complaints alleging bullying, cyberbullying, harassment, or intimidation by an AACPS employee, volunteer, or other third party shall be reported to the Office of Investigations for appropriate action.
- g. Some acts of bullying, cyberbullying, harassment, and intimidation may also be criminal delinquent acts, as defined by State law. Such delinquent acts shall be reported promptly to law enforcement in accordance with State law and regulations.

### **3. Due Process**

- a. Consequences and remedial actions for students committing acts of bullying, cyberbullying, harassment, or intimidation; students engaged in reprisal or retaliation; and students who have made false accusations shall be consistently and fairly applied after appropriate investigation has determined that such an offense has occurred.
  - i. A principal shall take necessary action to ensure that instances of unlawful bullying, cyberbullying, harassment, and intimidation are addressed promptly, fairly, and effectively. The principal or the principal's designee shall apply consequences or remedial actions consistent with due process rights in accordance with the *AACPS Code of Student Conduct*.
  - ii. The student alleged to have committed the behavior shall be informed that retaliation against a victim or bystander is strictly prohibited and that progressive consequences shall occur if the activity continues.
- b. The safety and welfare of students involved in incidents of alleged bullying, cyberbullying, harassment, and intimidation are the primary concern of the principal and school staff members.
  - i. If, after an initial inquiry, it has been determined that a student may have been involved in an incident of alleged bullying, cyberbullying, harassment, or intimidation, the principal or the principal's designee shall make every reasonable effort to contact the parent(s)/guardian(s). A follow-up letter to the student's parent(s)/guardian(s) shall be sent by first class mail.
  - ii. Information that is shared with a parent(s)/guardian(s) shall be in accordance with FERPA.
  - iii. If the principal or the principal's designee determines that the timing of the notice to and acknowledgment from the parent(s)/guardian(s) impedes prompt, fair, and effective action in addressing an alleged incident of bullying, cyberbullying, harassment, or intimidation, the principal or the principal's designee shall proceed with discussions, interviews, and a resolution of the incident.
- c. In accordance with State regulations, a student whose presence in a school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be removed immediately from school. In such cases the necessary notice and due process shall follow as soon as practicable.

#### 4. Consequences

A student who violates this regulation shall be subject to appropriate disciplinary actions in accordance with the *AACPS Code of Student Conduct*.

#### 5. Prevention and Education Programs

The prevention of bullying, cyberbullying, harassment, and intimidation requires a concerted effort to support a whole-school-based prevention and intervention program that involves all stakeholders in the school community. Accordingly, AACPS shall develop a systemwide evidence-based educational program on bullying, cyberbullying, harassment, and intimidation. The training shall be provided at least annually to AACPS students, employees, parents/guardians, and volunteers. AACPS shall also implement the following prevention and intervention measures when addressing bullying, cyberbullying, harassment, and intimidation:

- a. Professional development for AACPS employees to increase awareness of the prevalence, causes, and consequences of bullying, cyberbullying, harassment, and intimidation; appropriately respond to students who engage in bullying, cyberbullying, harassment, and intimidation, students who are victims, and bystanders who report; and increase the use of evidence-based strategies for preventing bullying, cyberbullying, harassment, and intimidation.
- b. Schoolwide evidence-based anti-bullying programs implemented as part of a system of positive behavioral supports and school improvement efforts at all grade levels.
- c. School climate improvement efforts to promote student involvement in the anti-bullying efforts, including information regarding bystander responsibility, peer support, mutual respect, and a culture which encourages students to report incidents of bullying, cyberbullying, harassment, and intimidation to adults.
- d. Collaboration with families and the community to inform parents/guardians about the prevalence, causes, and consequences of bullying behaviors, including its central role as a public health hazard and the means of preventing it.
- e. Annual school-building-specific data collection on the prevalence and characteristics of bullying which is used to guide local decision-making related to surveillance, prevention, intervention, and professional development at AACPS.
  - i. Information obtained from reports on the *Bullying, Harassment, or Intimidation Reporting* form shall be recorded for data collection and submitted in accordance with State law.
  - ii. Schools shall receive summary information obtained from the *Bullying,*

*Harassment, or Intimidation Reporting form.*

**6. Interventions and Support**

The school shall provide a range of support and referral services to students exhibiting bullying behaviors, victims of bullying, cyberbullying, harassment, and intimidation, and bystanders. A list of these services is available to students, parents/guardians, and school staff.

- a. AACPS interventions and supports include:
  - i. Positive behavioral interventions;
  - ii. Education to correct behavior;
  - iii. Counseling;
  - iv. Conflict resolution;
  - v. Problem-solving skills;
  - vi. Social skills training;
  - vii. Anger management training;
  - viii. Peer support groups;
  - ix. Schedule modifications;
  - x. Restorative practices; and
  - xi. Targeted supervision such as hallways, cafeteria, and school buses or other school vehicles.
- b. Community and family referral sources include:
  - i. Public or private community-based mental health services;
  - ii. Faith-based services;
  - iii. Multi-service centers;
  - iv. County Department of Health programs;
  - v. Youth development organizations;



- vi. Department of Juvenile Services;
- vii. Department of Social Services; and
- viii. Law enforcement agencies.

## **7. Bias Behavior and Language**

There are instances where bullying, cyberbullying, harassment, and intimidation may be deemed bias behavior or language. Such instances shall also be addressed in accordance with Policy JO and Regulation JO-RA – Bias Behavior and Language.

## **8. Professional Development**

AACPS shall provide training to school system employees, at least annually, on a systemwide evidence-based educational program on bullying, cyberbullying, harassment, and intimidation.

## **9. Limitation on Liability**

In accordance with State law, a school employee who reports an act of bullying, cyberbullying, harassment, or intimidation in accordance with this regulation and accompanying policy is not civilly liable for any act or omission in reporting or failing to report an act of bullying, cyberbullying, harassment, or intimidation under this section.

**Regulation History:** Issued 06/04/14; Revised 09/11/19; 02/28/22

**Note Previous Regulation History:** Replaces Regulation JCC-RAE, adopted 06/07/06 and revised 03/10/10  
Developed by the Superintendent 03/03/09  
Reviewed by the Board of Education 06/04/14

**Legal References:** Sections 7-424, 7-424.1, 7-424.2 of the Education Article; Maryland's Model Policy Prohibiting Bullying, Harassment, or Intimidation