



ENSURING SAFE
AND EFFECTIVE
SCHOOLS FOR ALL

MODEL DISTRICT ANTI-BULLYING & HARASSMENT POLICY

MODEL
LANGUAGE,
COMMENTARY &
RESOURCES

POLICY
HARASSMENT

RESOURCES
COMMENTARY &

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Text on the white background displays the District Model Language.

*Text in the yellow boxes provides additional information
and key points to consider.*

INTRODUCTION

This document presents our Model District Anti-Bullying and Harassment Policy and presents some key points and alternatives to consider. The commentary below will help you tailor the model language to the specific needs of your school district. While this document provides a useful model, it is still necessary to carefully consider the legislative background of your state, the local political environment, the fiscal impact of any proposal, and any existing laws with which this policy might interact.

If you have any questions about this document or would like GLSEN's assistance to construct or advocate for your own district anti-bullying and harassment policy, you may contact our Public Policy Department at 202-621-5821 or by email at publicpolicy@glsen.org.

STATEMENT OF PURPOSE & DEFINITIONS

MODEL LANGUAGE

Statement of Purpose

This School District acknowledges that all students have the right to participate fully in the educational process, free from bullying and harassment, and in that regard, a safe and civil environment in school is necessary for students to learn and to achieve high academic standards. Bullying and harassment, like other disruptive or violent behaviors, are forms of conduct that disrupt both a student's ability to learn and a school's ability to educate its students in a safe environment. Because students learn by example, school administrators, faculty, staff, and volunteers should be expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying and harassment.

Definitions

- A. "Bullying" means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion or any other distinguishing characteristics that may be defined by the district or state educational agency. This also includes association with a person or group with one or more of the abovementioned characteristics, whether actual or perceived.
- B. "Harassment" means written, verbal or physical conduct that adversely affects the ability of one or more students to participate in or benefit from the school's educational programs or activities because the conduct is so severe, persistent or pervasive. This includes conduct that is based on a student's actual or perceived race, color, national origin, sex, disability, sexual orientation, gender identity or expression, religion, or any other distinguishing characteristics that may be defined by the district or state educational agency. This also includes association with a person or group with one or more of the abovementioned characteristics, whether actual or perceived.
- C. "Cyber-bullying" means use of any electronic communication technology to bully or harass, as defined above, one or more students, regardless of location or the type of electronic communication used.

THE IMPORTANCE OF ENUMERATION

While the goal of any anti-bullying and harassment policy is to protect all students, research has continually shown that enumeration, or the specification of particular categories of students, is critically important for an effective policy. Enumeration that includes characteristics like race, religion, sex, disability, sexual orientation and gender identity/expression is absolutely necessary to protect ALL students, particularly those students most marginalized by societal discrimination. Research has consistently shown that students experience less bullying and harassment, they feel safer overall, and teachers are more likely to intervene to prevent incidents of bullying and harassment in a school with an enumerated anti-bullying and harassment policy.

Proponents of generic anti-bullying and harassment policies may contend that enumeration is unnecessary because all students should be protected from bullying and harassment. Although enumerated policies specify certain categories, all students are protected by the bullying and harassment prohibitions. Moreover, LGBT students in states with generic anti-bullying and harassment laws have the same increased risk of bullying and harassment as students in states without any anti-bullying and harassment laws.

Enumeration gives teachers and other educators the tools they need to implement anti-bullying and harassment policies, which makes it easier for them to intervene to prevent bullying and harassment. Some educators do not recognize that anti-LGBT bullying and harassment are unacceptable behaviors. School personnel often fear that they will themselves be targeted for intervening on behalf of LGBT students. When they can point to language that provides clear protection for LGBT students, they feel more comfortable enforcing the policy.

SCOPE, PROHIBITIONS AND RESPONSIBILITIES

Scope of Proscribed Conduct

This policy is applicable to all educators, staff members, students, and volunteers, and covers conduct that takes place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles and at bus stops. This policy also pertains to usage of electronic technology and electronic communication that is used for bullying, harassment, or cyber-bullying.

Prohibition on Bullying Behavior

Bullying, harassment, and cyber-bullying are prohibited in this District. Retaliation or threats of retaliation meant to intimidate the victim of bullying, harassment, or cyber-bullying, or toward those investigating incidents thereof, are also prohibited.

District Responsibilities

- A. The Superintendent shall identify the district administrator(s) responsible for collecting and responding to reports of bullying, harassment, or cyber-bullying.
- B. The District shall provide a report on the aggregate complaints of bullying, harassment, and cyber-bullying and responses to these complaints to the Board at least annually. This report shall be made available to the public.
- C. The District shall receive and investigate complaints from parents, students, educators, and staff members, which allege that a school is failing to implement this policy.
- D. This policy will be distributed annually, and will also be included in any district-wide student codes of conduct, disciplinary policies, student handbooks, and websites.

School Responsibilities

- A. The school principals and designated administrators within this district shall create environments where the school community upholds the standards of respect and civility and understands that bullying, harassment, and cyber-bullying are inappropriate, harmful and unacceptable.
- B. This policy will be distributed annually and will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school websites.
- C. Schools within this district shall identify the school administrator(s) responsible for receiving reports of, and responding to, complaints of bullying, harassment, or cyber-bullying. The system for reporting suspected bullying, harassment, and cyber-bullying must ensure the reporting can be done easily, safely and privately.
- D. Schools within this district shall maintain written or electronic records regarding all complaints of bullying, harassment, and cyber-bullying, any investigation thereof, and any disciplinary action taken. These records shall be maintained for no less than 5 years.
- E. All schools shall report on all complaints of bullying, harassment, and cyber-bullying and responses to these complaints to the District at least every three months.

STATE ANTI-BULLYING & HARASSMENT STATUTES

It is important that any proposed district anti-bullying and harassment policy provide at least as much protection as required by any existing anti-bullying and harassment statute in your state. While the majority of states have some form of anti-bullying and harassment legislation, only 10 states specifically prohibit bullying and harassment on the basis of sexual orientation and gender identity. Before proposing a district anti-bullying and harassment policy, you should carefully review any state law on this issue. Note that in some states anti-bullying and harassment laws reference anti-dating violence, anti-hazing, and other matters related to school violence. State anti-bullying and harassment laws may require school districts to adopt specific baseline definitions of bullying and harassment and include specific components such as training or reporting to the state education department.

If the anti-bullying and harassment law in a state requires a specific definition for bullying or harassment, in most cases the district policy is free to use the state definition and incorporate specific protections for characteristics such as race, religion, disability, sexual orientation, and gender identity. To ensure these characteristics are enumerated, you may include the following language in the definition of bullying and harassment:

Bullying and harassment includes, but is not limited to, conduct based on a student's actual or perceived race, color, national origin, sex, gender, disability, sexual orientation, gender identity or expression, religion, or any other distinguishing characteristics or based on association with a person or group with any person with one or more of the aforementioned actual or perceived characteristics.

RESPONSIBILITIES AND COMPLAINT PROCEDURE

Educator and Staff Responsibilities

Educators, school and district staff share responsibility for modeling appropriate behavior and creating an environment where mutual respect, civility, tolerance, and acceptance among students and staff are promoted and where students understand that bullying and harassment are inappropriate, harmful and are taken seriously.

All educators, school and district staff members will take reasonable measures to prevent bullying, harassment, and cyber-bullying and are obligated to report in a timely manner any such acts or complaints of such that come to their attention.

Student Responsibilities

Students share responsibility for helping to create a safe school environment by not engaging in or contributing to bullying, harassment, or cyber-bullying, treating everyone with respect, and being sensitive as to how others might perceive their actions or words.

Any student who observes an act of bullying, harassment, or cyber-bullying should report the incidents to school authorities in a timely manner.

Complaint Procedure

- A. All allegations of bullying, harassment, or cyber-bullying shall be reported to the designated school administrator, either orally or in writing. Any student, parent or guardian, volunteer, educator, or staff member may file such a report. If a report contains incomplete information, the designated administrator shall take reasonable measures to contact the individuals involved to determine whether an investigation should be pursued.
- B. Upon receiving a complaint of bullying, harassment, or cyber-bullying from any student, educator, staff member, or parent, the designated school administrator shall:
 1. Promptly and thoroughly investigate the alleged incident of bullying, harassment, or cyber-bullying;
 2. Take immediate steps, at the administrator's discretion, to protect any involved students, educators, or staff pending completion of an investigation;
 3. Provide notification to the parents or guardians of all involved students, provided that such notification does not endanger the health, safety or well-being of any student;
 4. Maintain a written or electronic record of the complaint, any investigation, and any intervention or disciplinary actions taken;
 5. Take proper disciplinary action immediately following the conclusion of the investigation; and

NONDISCRIMINATION POLICIES

While this model provides the basis for a strong anti-bullying and harassment policy, we also suggest that districts adopt a nondiscrimination policy that makes it clear that schools should not discriminate against students on the basis of their sexual orientation or gender identity/expression. Nondiscrimination policies help to protect students against discrimination that may otherwise not qualify as bullying or harassment. Examples of items covered by a nondiscrimination policy may include discriminatory behavior on the part of educators, discriminatory application of a dress code or bathroom policy, and failure to allow LGBT students to participate in school activities such as sports teams or school proms.

There are several states that currently prohibit discrimination in schools based on sexual orientation and/or gender identity/expression. California, Colorado, Illinois, Iowa, Maine, Minnesota, New Jersey, Oregon, Vermont, and Washington, as well as the District of Columbia provide nondiscrimination protection on the basis of sexual orientation and gender identity, while Connecticut, Massachusetts, and Wisconsin provide protection on the basis of sexual orientation only. It is particularly important in these states that district policies reflect state law so that educators and students are aware of the district's responsibility to treat all students fairly and equally.

COMPLAINT PROCEDURE AND NOTIFICATION

6. Issue a report in a timely manner regarding the complaint, investigation, and any disciplinary measures taken to all involved students, parents, and educators, while maintaining the privacy and safety of any involved students.
- C. Reports of bullying, harassment, and cyber-bullying may be filed anonymously. However, disciplinary action cannot be taken solely based on an anonymous report. Anonymous reports will be investigated with the same procedure, timeliness and vigor as other reports and disciplinary action can occur based on the results of the investigation.
- D. Students who file false reports of bullying, harassment, or cyber-bullying will be subject to discipline.
- E. School administrators shall also use this procedure to investigate complaints of retaliation or threats of retaliation meant to intimidate the victim of bullying, harassment, or cyber-bullying or toward those investigating incidents thereof.
- F. Incidents of bullying, harassment, or cyber-bullying that involve criminal activity shall be reported to law enforcement.
- G. A complainant may request that the District conduct an independent review if they: (1) believe that the school did not correctly analyze the complaint and failed to conduct an investigation of the incident because the school believed the alleged conduct did not constitute bullying or harassment, (2) are dissatisfied with the final determination following an investigation as to whether bullying or harassment occurred, or (3) believe that although a final determination was made that bullying or harassment occurred, the school's response was inadequate to correct the problem. The complainant shall make such a request in writing to the Superintendent. Upon such request, the Superintendent shall promptly initiate an independent review by a neutral person, and the school and all employees shall cooperate with the independent reviewer so that they may proceed expeditiously. The review shall consist of an interview of the complainant and relevant school officials and a review of the written materials from the school's investigation.

Notification of Parents and Guardians

When a complaint of bullying, harassment, or cyber-bullying is filed, the designated school administrator shall notify the parents or guardians of all involved students. Additionally, when the investigation is completed, the designated administrator shall issue a report in a timely manner regarding the complaint, investigation, and any disciplinary measures taken to the parents and guardians of any involved students. Private educational or personal data regarding an

CRIMINALIZATION OF STUDENT BEHAVIOR

This model emphasizes a range of appropriate disciplinary and counseling options. Operating under a theory of education and prevention, we provide tools to allow educators to effectively intervene to prevent bullying behavior rather than focus on punitive action or criminalization of student behavior. There has been significant research showing that efforts to protect students by criminalizing certain types of behaviors, such as cyber-bullying, bias harassment, and "sexting" often backfire and end up harming marginalized students. Moreover, criminalizing student behavior can unfortunately lead to student incarceration or disengagement from the educational environment, which can have lifelong a negative impact on both the student and the community. While it is sometimes necessary to involve law enforcement to address egregious matters of student discipline, approaches that strive to educate and prevent negative behavior should be the first recourse for educators.

CURRICULUM COMPONENTS

Depending upon your particular school district, it may be advisable to include requirements that certain aspects of the school curriculum contain components meant to reduce bullying and promote student civility and respect. GLSEN research has demonstrated that curriculum that includes positive representations of LGBT people, history, and events helps promote respect for all and can improve an individual LGBT student's school experiences and increase their sense of school connectedness. In fact, students in schools with an inclusive curriculum heard fewer homophobic remarks, felt safer overall, report about half as much absenteeism, and are more likely to report their classmates are somewhat or very accepting of LGBT people, when compared to schools without an inclusive curriculum.

DISCIPLINE, PROFESSIONAL DEVELOPMENT & STUDENT TRAINING

alleged perpetrator who is a student or employee of the District shall not be disclosed, to the extent protected by law. In certain circumstances, disclosure of the basis for which a student is bullied may result in additional negative consequences to the student's health and well-being. Prior to notification of any parent or guardian regarding any incident of bullying, harassment, or cyber-bullying, school authorities must consider the issue of notification as they would any other educationally-relevant decision, considering the health, well-being, and safety of any students involved in the incident.

Discipline and Counseling

Disciplinary actions for bullying, harassment, and cyber-bullying may include, but are not limited to: warnings; counseling; loss of opportunity to participate in extracurricular activities, school social events or graduation exercises; loss of school bus transportation; community service; in-school suspension; short term suspension; or transfer to another school among others. The specific consequences should be consistent, reasonable, fair, age appropriate and match the severity of the incident. While the District takes ALL reported cases of bullying, harassment, and cyber-bullying seriously, we promote progressive discipline and intervention as opposed to "zero tolerance" policies.

If necessary, counseling will be provided for the target and/or the student perpetrating the bullying, harassment, or cyber-bullying.

Professional Development

The school district shall implement ongoing professional development to build the skills of all staff members, including, but not limited to educators, school and district staff, to prevent, identify and respond to bullying, harassment, and cyber-bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying, harassment, and cyber-bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying, harassment, and cyber-bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying, harassment, and cyber-bullying; (iv) research findings on bullying, harassment, and cyber-bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying, harassment, and cyber-bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The district shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section.

Student Training and Prevention

Each school shall present in age-appropriate language the District's policy on bullying, harassment, and cyber-bullying as part of any orientation program conducted for students at the beginning of each academic term. This will also include instruction on how to prevent bullying, harassment, and cyber-bullying; the process for filing complaints; and the process/consequences that will result from the complaint. This policy will be distributed annually and will also be included in any student codes of conduct, disciplinary policies, student handbooks, and school and district websites.

ADDITIONAL RESOURCES

The following reports examine the experiences of both LGBT students and all students with regard to bullying and harassment in schools and discuss ways to effectively prevent this harmful behavior.

Greytak, E. A. and Kosciw, J. G. (2010). Year One Evaluation of the New York City Department of Education Respect for All Training Program. New York: GLSEN.

Harris Interactive and GLSEN (2005). From Teasing to Torment: School Climate in America, A Survey of Students and Teachers. New York: GLSEN.

Kosciw, J. G., Greytak, E. A., Diaz, E. M., and Bartkiewicz, M. J. (2010). The 2009 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools. New York: GLSEN.



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