

## TRIVIUM SCHOOL

### BULLYING AND HARASSMENT PREVENTION AND INTERVENTION POLICY

#### **I.**      **Introduction.**

Trivium School (the “School”) acknowledges that its purpose for existence is rooted in the mission of the Church. In fulfilling its role within the educational mission of the Church, the School must share and live out, through Catholic tradition, the message of Jesus Christ and be committed to providing an integrated Catholic education that permeates all aspects of its daily life and operations. The School must challenge each student to respond to his or her vocation by fostering in each student a love of learning and by providing an environment that also fosters respect and understanding of one another. In this regard, it is essential that a safe, positive, and productive educational environment be established where students can attain the highest academic achievement and where no student shall be subjected to Bullying, Cyber-Bullying, Harassment or Retaliation. Bullying, Cyber-Bullying, Harassment or Retaliation disrupts both a student’s ability to learn and the School’s ability to educate its students. The School’s Staff is expected to demand that all students behave appropriately and treat others with dignity. Bullying, Cyber-Bullying, Harassment and Retaliation are not to be tolerated.

#### **II.**      **Definitions.** For purposes of this Policy, the following definitions shall apply:

“Aggressor” means a student who engages in Bullying, Harassment or Retaliation.

“Bullying” is the repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a Target, who is a current student at Trivium School, that:

- Causes physical or emotional harm to the Target or damage to the Target’s property;
- places the Target in reasonable fear of harm to him/herself, or of damage to his/her property;
- creates a Hostile Environment at School for the Target;
- infringes on the rights of the Target at the School; or
- materially and substantially disrupts the education process or the orderly operation of the School.

By way of example only, Bullying may involve, but is not limited to:

- repeated unwanted teasing
- threatening
- intimidating
- stalking
- Cyber-Stalking
- physical violence
- theft
- sexual, religious, racial or any other type of harassment
- public humiliation
- destruction of School or personal property
- intentional social exclusion, including incitement and/or coercion

- malicious rumor or spreading of falsehoods

*For the purpose of this Policy, whenever the term “Bullying” is used it is to denote either Bullying or Cyber-Bullying (as defined below) or Harassment.*

“Bullying and Harassment Arbitrator” or simply “Arbitrator” means the person designated by the Headmaster to assist and advise him and to take a lead role in implementing this Policy and in responding to complaints made under this Policy.

“Cyber-Bullying” means Bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetics or photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Cyber-Bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of Bullying.

Cyber-Bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of Bullying.

“Harassment” means Bullying that is directed towards a target because of the target’s sex, religion, race, disability, or membership in another identifiable group

“Hostile Environment” means a situation in which ongoing Bullying causes the School environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student’s education.

“Retaliation” means any form of intimidation, reprisal, or harassment directed against a student who reports Bullying, provides information during an investigation of Bullying, or witnesses or has reliable information about Bullying.

“School Grounds” means property on which a School building or facility is located or property that is owned, leased, or used by a School for a School-sponsored activity, function, program, instruction, or training.

“Staff” includes, but is not limited to, educators, faculty, administrators, counselors, custodians, drivers, athletic coaches, advisors to extracurricular activities, support staff, and paraprofessionals.

“Target” means a current Trivium School student against whom Bullying or Retaliation has been directed.

### **III. Leadership.**

Leadership at all levels of the School community has played a critical role in developing and implementing this Policy in the context of other School and community efforts to promote a positive School climate. The Policy has been developed in consultation with the Board of Trustees, School Staff, School volunteers, students, parents, and guardians. Notice and a public comment period by families of students currently attending the School was provided before the Policy was adopted by the School. We all have a primary role in teaching students to be civil to one another and promoting understanding of and respect for diversity and difference. The Headmaster, Arbiter and other designated members of the Staff, working under the oversight of the Board of Trustees, are collectively responsible for setting priorities and for staying up-to-date with current research on ways to prevent and effectively respond to Bullying. It is the responsibility of the Board of Trustees to periodically review and update the Policy, as necessary and at least biennially. It is the responsibility of the Headmaster, Arbiter and other designees to implement the Policy and in doing so, to involve representatives from the greater School and local community as required.

- A. Assessing needs and resources. The Policy is intended to be the School's blueprint for enhancing capacity to prevent and respond to issues of Bullying within the context of other healthy School climate initiatives. As part of the planning process, School leaders, with input from families and the Staff, have assessed the adequacy of current programs; reviewed current policies and procedures; reviewed available information on Bullying and behavioral incidents; and assessed available resources. This review process has assisted the School in identifying potential areas of improvement in the Policy and associated communication with all members of the School community. Based on these findings, the School has revised or developed policies and procedures and set priorities.
- B. Planning and oversight. The Headmaster, Arbiter, or someone else designated by the Headmaster will receive the reports on Bullying and assess the problem and measure the outcome. He will track incidents and develop new or revise current protocols under the Policy. He will review and revise the Policy as necessary and oversee the revision of the student and staff handbooks.
- C. Priorities.

The School expects that all members of the School community will treat each other in a civil manner and with respect for the uniqueness of every person.

The School is committed to providing all students with a safe learning environment that is free from Bullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of Bullying and other harmful and disruptive behavior that can impede the learning process.

The School will take specific steps to create a safe, supportive environment for vulnerable populations in the School community, and provide and encourage in all students the skills, knowledge, and strategies to prevent or respond to Bullying.

The School will not tolerate any unlawful or disruptive behavior, including any form of Bullying or Retaliation, in our School, on School Grounds, or in School-related activities. It will investigate promptly all reports and complaints of Bullying and Retaliation and take prompt action to end that behavior and restore a safe environment for the Target. We will

support this commitment for all members of our School community, including in curricula, instructional programs, Staff development, extracurricular activities, and parent or guardian involvement.

This Policy is a comprehensive approach to addressing Bullying, and the School is committed to working with students, Staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, the Board of Trustees has established this Policy for preventing, intervening, and responding to incidents of Bullying and Retaliation. The Headmaster and Arbiter are responsible for the implementation and oversight of the Policy.

#### **IV. Prohibition Against Bullying and Retaliation.**

Bullying is prohibited:

- On School Grounds owned, leased or used by a School;
- On property immediately adjacent to School Grounds;
- At any School-sponsored or School-related activity, function or program whether on or off School Grounds;
- On a School vehicle owned, leased or used by the School; or,
- Through the use of technology or an electronic device owned, leased or used by the School;

Bullying is also prohibited at a location, activity, function or program that is not School-related or through the use of technology or an electronic device that is not owned, leased or used by the School if the act or acts in question:

- create a Hostile Environment at School for the Target;
- infringe on the rights of the Target at School; or
- materially and substantially disrupt the education process or the orderly operation of the School.

Retaliation against any person who reports Bullying or Retaliation, provides information during an investigation of Bullying or Retaliation, or witnesses or has reliable information about Bullying or Retaliation is also prohibited.

#### **V. Training and Professional Development.**

- A. Annual Staff Training on the Policy. Annual training on the Policy for all School Staff, and, in the discretion of the Headmaster, volunteers who have significant contact with students, will include Staff duties under the Policy, an overview of the steps that the Headmaster and Arbiter or other designee will follow upon receipt of a report of Bullying or Retaliation, and an overview of how the School's approach to education and discipline supports the goal of Bullying prevention. Staff members hired after the start of the School year are required to participate in School-based training during the School year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last two years.

- B. Written Notice to Staff. At the beginning of each School year, the Headmaster or his designee shall provide written notice to the School Staff of this Policy. Sections of this policy relating to the duties of School Staff shall be summarized and/or referenced in the School employee handbook.

**VI. Access to Resources and Services.**

- A. Students with disabilities. When the School determines that a student has a disability that affects social skills development or that a student may participate in or is vulnerable to Bullying because of his/her disability, the School will consider what reasonable accommodations should be undertaken with a view toward developing the student's skills and proficiencies so as to avoid and respond to Bullying.
- B. Referral to outside services. The Headmaster will refer students and families to outside services when, in consultation with the Arbiter, other Staff and/or outside consultants, he determines that such services could be helpful in resolving or preventing Bullying or Retaliation.

**VII. Policies and Procedures for Reporting and Responding to Bullying and Retaliation.**

- A. Reporting Bullying or Retaliation. Reports of Bullying or Retaliation involving a current student of the School may be made by Staff, students, parents or guardians, or others, and may be oral or written, and submitted to the Arbiter or Headmaster. Oral reports made by or to a School Staff member shall be recorded in writing by the School Staff member. Reports made by students, parents or guardians, or other individuals who are not School Staff members, may be made anonymously.

The School's "Bullying Prevention and Intervention Incident Reporting Form" may be used to report Bullying or Retaliation but is not required as a condition of making a report. The School will: 1) include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians; 2) make it available in the School's main office, and 3) post it on the School's website.

At the beginning of each School year, the School will provide the School community, including administrators, Staff, students, and parents or guardians, with written notice of its policies for reporting acts of Bullying and Retaliation. A description of the reporting procedures and resources, including the name and contact information of the Arbiter, Headmaster or designee, will be incorporated in student and Staff handbooks, on the School website, and in information about the Policy that is made available to parents or guardians.

1. Reporting by Staff

A Staff member will report promptly to the Arbiter when he/she witnesses or becomes aware of conduct that may be Bullying or Retaliation. If the Arbiter is not available, the report will be made to the Headmaster. The requirement to report to the Arbiter, Headmaster or designee does not limit the authority of the Staff member to respond to behavioral or disciplinary incidents consistent with School policies and procedures for behavior management and discipline.

## 2. Reporting by Students, Parents or Guardians, and Others

The School expects students, parents or guardians, and others who witness or become aware of an instance of Bullying or Retaliation involving a student to report it to the Arbiter or Headmaster. Reports may be made anonymously, but no disciplinary action will be taken against an alleged Aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a Staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of Bullying with a Staff member, or with the Arbiter or Headmaster.

### B. Responding to a report of Bullying or Retaliation.

#### 1. Safety

Before fully investigating the allegations of Bullying or Retaliation, the Arbiter or Headmaster or their designee will take steps to assess the need to restore a safe environment to the alleged Target and/or to protect the alleged Target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the Target and/or the Aggressor in the classroom or at lunch; identifying a Staff member who will act as a “safe person” for the Target; and altering the Aggressor’s schedule and access to the Target. The Arbiter or Headmaster or their designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Arbiter or Headmaster or their designee will implement appropriate strategies for protecting from Bullying or Retaliation a student who has reported Bullying or Retaliation, a student who has witnessed Bullying or Retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of Bullying or Retaliation, all as necessary.

#### 2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that Bullying or Retaliation may have occurred, the Arbiter or Headmaster or their designee will promptly notify the parents or guardians of the Target and the Aggressor of this, and of the procedures for responding to it. There may be circumstances in which the Arbiter or Headmaster or their designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- b. Notice to Another School. If the reported incident involves students from more than one School district, charter School, non-public School, approved private special education day or residential School, or collaborative School, the Headmaster or designee will promptly notify by telephone the Headmaster or designee of the other School(s) of the incident so that each School may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement. At any point after receiving a report of Bullying or Retaliation, including after an investigation, if the Headmaster, Arbiter or

designee has a reasonable basis to believe that criminal charges may be pursued against the Aggressor, the Headmaster will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on School grounds and involves a former student under the age of 21 who is no longer enrolled in School, the Headmaster or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the Aggressor.

In making this determination, the Headmaster will, consistent with the Policy and with other applicable School policies and procedures, consult with the Arbiter and other individuals the Headmaster or designee deems appropriate.

- C. Investigation. Investigations into reports of Bullying or Retaliation will be coordinated primarily by the Arbiter. If the Arbiter is not available, the Headmaster will coordinate the investigation. The Arbiter, Headmaster or designee will investigate promptly all reports of Bullying or Retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.

During the investigation the Arbiter, Headmaster or designee may, among other things, interview students, Staff, witnesses, parents or guardians, and others as necessary. The Arbiter, Headmaster or designee will remind the alleged Aggressor, Target, and witnesses that Retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the Arbiter, Headmaster or designee, and/or other Staff members as determined by the Arbiter, Headmaster or their designee. Wherever possible, interviews will be conducted with both a male and female Staff member present, one or both of which may be the Arbiter, Headmaster, or designee. Particular requests from a student or parent regarding specific interviewers will be accommodated when possible, but at the sole discretion of the Headmaster or Arbiter. To the extent practicable and given his/her obligation to investigate and address the matter, the Arbiter, Headmaster or designee will maintain confidentiality during the investigative process. The Arbiter, Headmaster or designee will maintain a written record of the investigation.

- D. Determinations. The Arbiter or designee will make a determination based upon all the facts and circumstances. If, after investigation, Bullying or Retaliation is substantiated, the Arbiter or designee will recommend to the Headmaster steps reasonably calculated to 1) prevent recurrence and to ensure that a safe environment is restored to the Target so that the Target is not restricted in participating in School or in benefiting from School activities, and 2) determine what responsive actions and/or disciplinary action is necessary to teach and encourage appropriate behavior by the Aggressor in the future. The Headmaster will, in his/her reasonable discretion, review and accept or modify the Arbiter's or designee's recommendations.

Depending upon the circumstances, the Arbiter, Headmaster or their designee may choose to consult with Staff as well as the Target's and/or Aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the Bullying behavior and to assess the level of need for additional social skills development.

The Headmaster and/or Arbiter or their designee will promptly notify the parents or guardians of the Target and the Aggressor about the results of the investigation and, if Bullying or Retaliation is found, what action is being taken to provide a safe environment for the Target and to prevent further acts of Bullying or Retaliation. All notice to parents must comply with applicable Massachusetts and federal privacy laws and regulations.

Because of the legal requirements regarding the confidentiality of student records, the Headmaster, Arbiter, or their designee cannot report specific information to the Target's parent or guardian about the disciplinary action taken unless it involves a required apology, "stay away" order or other directive that the Target must be aware of in order to implement.

E. Responses to Bullying.

1. Promoting Safety for the Target and Others

The Headmaster and Arbiter or their designee will consider what adjustments, if any, are needed in the School environment to ensure the safety of the Target and others. One strategy that the Headmaster and Arbiter or their designee may use is to increase adult supervision at transition times and in locations where Bullying is known to have occurred or is likely to occur.

2. Teaching Appropriate Behavior Through Skills-building

Upon the Arbiter and Headmaster or their designee determining that Bullying or Retaliation has occurred, the law requires that the School use a range of responses that balance the need for accountability with the need to teach appropriate behavior. (Mass. Gen. Laws. Ch. 71, Section 37O(d)(v).) Skill-building approaches that the Headmaster or designee may consider include:

- offering individualized skill-building sessions based on virtue ethics and the School's anti-Bullying curricula;
- providing relevant educational activities for individual students or groups of students, possibly in consultation with School tutors;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-Bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; and
- making a referral for evaluation.

The choice of skill-building approaches used by the Arbiter, Headmaster, or their designee specifically with the Offender will not be discussed with the Target due to student privacy requirements.

3. Taking Disciplinary Action

If the Headmaster, Arbiter or their designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the Arbiter, Headmaster or their designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will



be consistent with the Policy and with the School’s code of conduct and may range from an apology to expulsion, all at the reasonable discretion of the Headmaster.

Because of the legal requirements regarding the confidentiality of student records, the Headmaster, Arbiter or their designee cannot report specific information to the Target’s parent or guardian about the disciplinary action taken unless it involves a required apology, “stay away order” or other directive that the Target must be aware of in order to implement.

Discipline procedures for students with disabilities may be governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with Massachusetts laws regarding student discipline.

If the Headmaster or designee determines that a student knowingly made a false allegation of Bullying or Retaliation, that student may be subject to disciplinary action.

#### 4. Follow Up

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the Headmaster, Arbiter or their designee will contact the Target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the Headmaster, Arbiter or their designee will work with appropriate School Staff to determine what additional measures are needed and implement them in a timely manner.

### **VIII. Collaboration with Families.**

- A. Parent education and resources. The School will offer education programs and/or educational resources for parents and guardians that are focused on the anti-Bullying curriculum and ways parents can reinforce the curriculum and support the School and Policy. The programs may be offered in collaboration with other organizations.
- B. Notification requirements. Each year, the School will send parents notice about the student-related sections of the Policy along with information about the dynamics of bullying and online safety and cyber-bullying. All notices and information made available to parents or guardians will be in hard copy or electronic formats. The School will post the Policy on its website.

### **IX. Relationship to Other Laws.**

Consistent with Massachusetts and federal laws, and the policies of the School, nothing in the Policy prevents the School from taking action to remediate discrimination or harassment based on a person’s membership in a legally protected category under local, Massachusetts, or federal law, or School policies.

In addition, nothing in the Policy is designed or intended to limit the authority of the School to take disciplinary action or other action under Mass. Gen. Laws. Ch. 71, Section 37O (d)(v), other applicable laws, or local School policies in response to violent, harmful, or disruptive behavior, regardless of whether the Policy covers the behavior.