

Descriptor Term: PREVENTION AND INTERVENTION AGAINST HARASSMENT, INTIMIDATION OR BULLYING, CYBERBULLYING, SEXTING, AND SEXUAL HARASSMENT	Descriptor Code: 409	Issued Date: 12/07/11
	Rescinds:	Issued:

Board Policy

I. PURPOSE

It is the policy of the Guam Education Board to ensure that students who attend the Department of Education (DOE) are safe, secure, and can count on being treated with respect. Schools shall be free from harassment, intimidation or bullying, cyber bullying, sexting and sexual harassment and shall provide an environment that is conducive to learning. School administrators shall ensure that the school environment is free of any threat while attending school and any school sponsored activities. This requires a fundamental change in the way that administrators and employees in the DOE view harassment, intimidation or bullying, cyber bullying, sexting and sexual harassment. The school principal and employees must recognize that minor events, which do not rise to the level of violations of school rules or a crime, may still create an environment which makes students feel uncomfortable or even terrified at the prospect of attending school. This policy is to allow students active participation in school affairs without fear and threat of harassment, intimidation or bullying, cyber bullying, sexting and sexual harassment.

This policy will also follow federal antidiscrimination laws enforced by the Office of Civil Rights (OCR). The statutes that OCR enforces includes Title VI of the Civil Rights Act of 1964 (Title VI), which prohibits discrimination on the basis of race, color or national origin; Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Title II of the Americans with Disabilities Act of 1990 (Title II). Section 504 and Title II prohibit discrimination on the basis of disability.

II. JURISDICTION

This policy governs all students from grades kindergarten to 12th grade who attend any school within the jurisdiction of DOE with special focus on the prevention of bullying, cyber bullying, sexting and sexual harassment. The term “at school” is defined in 17 GCA Section 3112.1 (a) that states “at school means in a classroom, elsewhere on or within school fences or at a school-sponsored activity or event whether or not it is held on school premises”.

III. DEFINITIONS

A. HARASSMENT, INTIMIDATION OR BULLYING

1. 17 GCA Section 3112.1 (a) - “any gesture or written, verbal, or physical act that a reasonable person under the circumstances should know will have the effect of harming a pupil or damaging his or her property or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property, or that has the effect of insulting or demeaning any pupil or group of pupils in such a way as to disrupt or interfere with the school’s educational mission or the education of any pupil. Harassment, intimidation, or bullying includes but is not limited to, such a gesture or written, verbal, or physical act that is reasonably perceived as being motivated by a pupil’s religion, race, color, national origin, age, sex, sexual orientation, disability, height, weight, or socioeconomic status, or by any other distinguishing characteristic”.

2. Bullying behavior components:
 - a. aggressive behavior that involves unwanted, negative actions
 - b. involves a pattern of behavior repeated over time
 - c. involves an imbalance of power or strength
3. Common forms of harassment, intimidation or bullying include:
 - a. Repeated negative behaviors intended to frighten or cause distress to a student or group of students. Behaviors also include assault & battery, pushing and shoving, teasing, and name calling.
 - b. Posting of negative messages on the bathroom walls, school walls, and classroom walls thus creating an atmosphere which causes distress to the point that a student or students are frightened to attend school or their classes.
 - c. Verbal expressions, physical acts, and gestures and antagonism intended to strike fear with students and school staff.
 - d. Threatening notes, phone calls, and other electronic communications which indicate some form of retaliation.
 - e. Aggressive behavior of an individual or group meant to use greater power by threatening and generally oppressing a targeted individual or group of individuals.
 - f. Acts of intimidation that prevents students from engaging in the academic and learning process.
 - g. An action that targets a student or group of students and cause distress or suggest oppression based on race, color, religion, disability and beliefs and further causes students to lose focus and performance in the learning process.
 - h. Physical aggression such as assault, kicking, punching, hitting and biting.
 - i. Physical and aggressive gestures imitating an action to hit another person.
 - j. Extortion for lunch money or other student property.
 - k. Teasing in such a manner as to impact a student's, emotional, or academic functioning.
 - l. Writing nasty notes on walls, paper, or other surfaces in an attempt to demean and defame a person's character or integrity.
 - m. Other behaviors meant to create a climate of fear and that affects the daily functioning on students on and off campus.
 - n. Behaviors that causes or intends to cause social exclusion or isolation of another student; lies, false rumors and/or other behaviors that promotes relational aggression.
 - o. Having money or other things taken or damaged or threatening or forced others to engage in bullying behaviors

B. CYBER BULLYING

1. 17 GCA Section 3112.1 (3) – the use of any electronic communication device to harass, intimidate or bully as defined in 17 GCA Section 3112.1 (2).
2. Olweus Bullying Prevention Program; Cyber bullying is bullying through the email, instant messaging, (IMing), chat room exchanges, Web site posts, or digital messages or images send to a cellular phone or personal digital assistant (PDA) (Kowalski et al. 2008). Cyber bullying, like traditional bullying, involves an imbalance of power, aggression, and a negative action that is often repeated.
http://olweus.org/public/cyber_bullying.page.

3. Cyber bullying behavior components:
 - a. aggressive behavior that involves unwanted, negative actions
 - b. involves a pattern of behavior repeated over time
 - c. involves an imbalance of power or strength
 - d. involves the use of electronic device(s) or digital means
4. Common forms of cyber bullying:
 - a. Harassment: Repeatedly sending offensive, rude, and insulting messages
 - b. Denigration: Distributing information about another that is derogatory and untrue through posting it on a Web page, sending it to others through email or instant messaging, or posting or sending digitally altered photos of someone
 - c. Flaming: Online "fighting" using electronic messages with angry, vulgar language
 - d. Impersonation: Breaking into an email or social networking account and using that person's online identity to send or post vicious or embarrassing material to/about others.
 - e. Outing and Trickery: Sharing someone's secrets or embarrassing information, or tricking someone into revealing secrets or embarrassing information and forwarding it to others
 - f. Cyber Stalking: Repeatedly sending messages that include threats of harm or are highly intimidating, or engaging in other online activities that make a person afraid for his or her safety (depending on the content of the message, it may be illegal)

C. SEXTING

1. 9 GCA §28.100; a minor is guilty of an offense of Illegal Use of a Computer Telecommunications Device Involving a Minor, otherwise known as sexting, if the minor, by use of a computer or any telecommunications device, recklessly or knowingly creates, receives, exchanges, sends, disseminates, transmits or possesses a photograph, video, depiction or other material that shows himself or herself, or of another minor, in a state of nudity.
2. Sexting behavior components include:
 - a. aggressive behavior that involves unwanted, negative actions and/or material that are sexual in nature
 - b. involves the use of electronic device(s) or digital means to transmit or distribute material that are explicate and sexual in nature
3. Examples and common forms of sexting include but not limited to:
 - a. Electronically transmitting offensive, sexually explicate and/or inappropriate pictures, images or drawings that damages a student's reputation, educational standing or social standing or that interferes with the educational mission of the school.

- b. Electronically transmitting offensive messages, postings, texts, instant messages and/or other forms of written communication that contain sexual context that interferes with the educational mission of the school.
- c. Electronically transmitting offensive music, sound bites, voices, noises or any recorded material that contain sexually explicate and/or inappropriate content that interferes with the educational mission of the school.

D. SEXUAL HARASSMENT

1. Office of Civil Rights Title IX - Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcomed sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the school's program. Sexual harassment of students is, therefore, a form of sex discrimination prohibited by Title IX.
2. Sexual Harassment behavior is unwelcome conduct of a sexual nature.
3. Common forms of sexual harassment include:
Sexual harassment may occur as a pattern of degrading sexual speech or action ranging from verbal or physical annoyances or distractions to deliberate intimidation and frank threats or sexual demands. Forms of sexual harassment may include but not limited to the following:
 - a. verbal, non-verbal, and physical sexual behaviors
 - b. coerced sex
 - c. sexual jokes and innuendoes
 - d. remarks about a person's body
 - e. turning discussions inappropriately to sexual topics
 - f. whistling or cat calls
 - g. looking a person up and down or staring in a sexually suggestive manner
 - h. invading someone's personal space or blocking her/his path
 - i. sexually explicit visuals such as pin-ups
 - j. suggestions of sexual intimacy
 - k. repeated requests for dates
 - l. unwanted letters, electronic mail or other computer communications
 - m. unwanted gifts
 - n. touching, hugging, massaging, and other gestures or sounds that a reasonable person of the same sex as the recipient would find offensive

IV. PREVENTION AGAINST HARASSMENT, INTIMIDATION, BULLYING, CYBER BULLYING, SEXING AND SEXUAL HARASSMENT

- A. Public schools are required to form bullying and cyber bullying prevention task forces and committees to implement prevention, intervention, and remediation programs; and explore other initiatives that involve the school community, law enforcements, assistance organizations, and community members.
- B. All schools shall include the provisions of this policy in their student hand book.
- C. Each school will be responsible in teaching behavior expectations to their students in their respective school communities

V. INTERVENTIONS AGAINST HARASSMENT, INTIMIDATION, AND BULLYING, CYBERBULLYING, SEXTING, AND SEXUAL HARASSMENT

- A. Responsibility of Students and/or Parents
 - 1. Students and/or parents shall immediately report incidences to the school principal, a teacher, and school aide or school employee. The school staff or personnel shall report the incident immediately to the school principal for disposition.
 - 2. Students and/or parents will be subject to disciplinary action resulting from false accusations of harassment, intimidation, bullying cyber bullying, sexting and sexual harassment.
 - 3. Each student shall adhere to the behavior expectations of the respective school community.
- B. Responsibility of Teachers, School Staff, and volunteers
 - 1. Teachers and school staff who receive complaints of bullying and sexual harassment by students shall refer the complaints immediately to the school principal.
 - 2. A school employee or volunteer who has witnessed, or has reliable information that a student has been subjected to harassment, intimidation, bullying cyber bullying, sexting and sexual harassment whether verbal or physical, shall report the incident to the School principal or principal's designee.
- C. Responsibility of school principals or principal's designee
 - 1. School principals shall maintain an educational and work environment free of harassment, intimidation, bullying cyber bullying, sexting and sexual harassment. The responsibility includes discussing the policy with students and employees and formulating school level policies consistent with the District standard operating procedures. Principals will develop a system for students to report acts of bullying, harassment, or intimidation anonymously.
 - 2. Report incidences that have been investigated and substantiated by the school's administration to the Guam Police Department and the Deputy Superintendent of Educational Support and Community Learning.
 - 3. Identify and implement a mediation program in consultation and assistance from the Administrator of Student Support Services Division, for non-bullying and non-cyber bullying incidences.
 - 4. Inform the parents of the target/victim and perpetrator about the reported incidences using the Allegation of Assault form or other official designated form so that appropriate action may follow.
 - 5. Investigate and document complaints promptly in ways designed to respect the privacy of all parties involved.
 - 6. Refer the students involved in the incidences, after the investigation is completed, to the school guidance counselor for appropriate assistance such as mediation (except in bullying and cyber bullying incidences) between parties and restorative justice interventions or other appropriate dispositions at the discretion the school principal. This shall occur within three days after the completion of the investigation.
 - 7. Follow related policies concerning appropriate disciplinary and other actions pursuant to Board Policy 405 and the District Discipline/Truancy Data Manual.
- D. Responsibility of Student Support Services Administrator:
 - 1. Assist the Superintendent in the oversight of this policy.
 - 2. Provide assistance to the schools in training and the latest research on of harassment, intimidation, bullying cyber bullying, sexting and sexual harassment in schools.
 - 3. Monitor, assess, and use the disciplinary information contained in the Annual State of

Education Report of the Superintendent in planning and implementing appropriate staff development.

4. Submit a monthly District Discipline Data report to the Superintendent.

VI. DOE EMPLOYEES WHO ENGAGE IN HARASSMENT, INTIMIDATION, BULLYING, CYBER BULLYING, SEXTING, AND SEXUAL HARASSMENT OF STUDENTS AND OTHER EMPLOYEES

DOE employees who engage in harassment, intimidation, bullying cyber bullying, sexting and sexual harassment of students or other employees shall promptly be investigated and appropriately reported by the School Principal to the Guam Police Department and the Deputy Superintendent of Educational Support and Community Learning. Disciplinary action shall follow the DOE Personnel Rules and Regulations.

VII. NON-COMPLIANCE

Non-compliance to this policy will result in appropriate disciplinary action to students, teachers and DOE employees.

VIII. FURTHER ACTION BY THE SUPERINTENDENT

The Superintendent shall have created appropriate standard operating procedures for implementation of this policy against harassment, intimidation or bullying, cyber bullying, sexting and sexual harassment of students. School administrator will ensure that the standard operating procedures are followed.

The Superintendent shall have this policy reviewed every year to ensure that students are safe, secure, and respected.

ADOPTED: Guam Education Policy Board 3/14/07

AMENDED: 11/30/11