

MASSACHUSETTS ANTI-BULLYING LAW 2010

What does it mean for us?

SECTION 1

- ◉ Governor designates fourth Wednesday in January as “No Name Calling Day”

SECTION 5

DEFINES BULLYING AS:

- ◉ The repeated use by one or more students of a written, verbal, or electronic expression, physical act, or gesture, or any combination, directed at a victim that:
 - ❖ Causes physical or emotional harm to the victim or damages the victim's property
 - ❖ Places the victim in fear of harm to himself or his property
 - ❖ Creates a hostile environment at school for the victim
 - ❖ Infringes on the rights of the victim at school
 - ❖ Disrupts the education process or orderly operation of the school

CYBERBULLYING

- ◉ **Bullying through the use of technology:**
- ❖ **Cell phones**
 - ✓ Verbal harassment
 - ✓ Graphic/obscene pictures or texts
 - ✓ Taking/Transferring/Showing a picture or video without someone's knowledge or consent
- ❖ **Internet**
 - ✓ Sending verbally abusive e-mails or instant messages
 - ✓ Making threats or abusive comments on e-mail, IM, or social networking sites like Facebook or MySpace
 - ✓ Blogs
 - ✓ Bashing websites
 - ✓ Internet polling (rating scales, teachers, peers, looks, tougher, etc)
 - ✓ Interactive gaming (watch what you say!)
 - ✓ Impersonating another person (identity theft/fraud)
 - ✓ Stealing passwords
- ❖ **Three way calling (when one person is unaware another is listening in)**
- ❖ **Voice mail**
- ❖ **Fax**

HOSTILE ENVIRONMENT

- Is created when 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.
- What does this mean? It means that you are causing someone to be uncomfortable enough at school as to make them lose focus, miss class time, be unable to concentrate, etc...

WHERE IS BULLYING PROHIBITED?

- ◉ Schools are now responsible for preventing, monitoring, and consequenting bullying:
 - on school grounds,
 - on property adjacent to school grounds,
 - at school sponsored/related activities whether or not they are on school property,
 - at bus stops,
 - on the busses or on other school vehicles,
 - through technology/electronic devices leased or used by the school,
 - through the use of technology/electronic devices that are not owned by the school or used on school property if the bullying creates a hostile environment for the victim at school and/or infringes on the rights of the victim at school or disrupts the educational process or orderly operation of the school.

WHAT DOES THAT MEAN FOR US?

- It means that even if you verbally harass, threaten, intimidate, or physically assault someone outside of school and it creates an uncomfortable atmosphere for ANYONE in this building, you are **BREAKING THE LAW!**

QUESTIONS TO CONSIDER

- When we have to take time out of our schedule and you/others out of class to question you about a possible bullying incident, does this constitute a “disruption of the educational process?”
- If you threaten or verbally bash someone on-line while you are at home and they are uncomfortable around you and your friends here at school does this constitute a “hostile environment”?

RETALIATION IS AGAINST THE LAW

- Getting back at someone for “snitching” on you.
 - “Snitching” is not a word we will tolerate! If someone is called a “snitch” for reporting bullying they will be consequented for retaliation.
 - There is a difference between “snitching” and telling someone about harassment. Reporting bullying is the right thing to do and it is the law. It is also ethically and morally responsible.
 - If you make anyone feel badly for reporting any bullying behaviors (including gossip & fights) or trying to stop any form of bullying you will be held accountable!

REPORTING PROCEDURES

○ How can you report bullying?

- Locked boxes
- Directly to a staff
- To parents
- Anonymous notes
- New web/cell based system guidance and tech is working on for next year

SCHOOL RESPONSIBILITIES

OUTLINED:

1. Teach students about bullying, harassment, cyberbullying, and retaliation and the law
2. Have clear procedures in place for reporting
3. Have procedures for anonymous reporting
4. Ability to respond promptly and investigate thoroughly
5. Provide a range of disciplinary actions against the perpetrator that include teaching appropriate behavior
6. Procedures for restoring a sense of safety to the victim

SCHOOL RESPONSIBILITIES CONT'D

8. Strategies to protect the victim from retaliation
9. Procedures consistent with state and federal law for notifying parents and guardians of the bullying
10. Procedures consistent with state and federal law for notifying law enforcement agencies of the bullying when criminal charges are being pressed against the perpetrator.
11. A provision that disciplinary action will be taken against anyone making false reports against another student
12. Strategies for making counseling referrals

CIVIL RIGHTS VIOLATIONS

- You may not tease, harass, taunt, name-call, or otherwise point out or degrade someone for any of the following protected categories under the law:
 - Race
 - National origin
 - Religion
 - Color
 - Sex
 - Disability
 - Age
 - Sexual orientation

WHO IS RESPONSIBLE?

- ◉ Teachers & assistants
- ◉ Administrators
- ◉ Support staff
- ◉ Nurses
- ◉ Cafeteria workers
- ◉ Facilities staff
- ◉ Bus drivers
- ◉ Coaches/extracurricular activity advisors

WHAT CRIMES WILL YOU BE CHARGED WITH?

○ Stalking:

- 1) willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer emotional distress
- 2) Making a threat with the intent to place the person in imminent fear of death or bodily injury,

Stalking carries a penalty of possible imprisonment in a state or county prison for up to 5 years or by a fine of up to \$1000 or both.

WHAT CRIMES WILL YOU BE CHARGED WITH?

- Criminal Harassment

willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer emotional distress

Criminal Harassment carries a possible penalty of imprisonment in a state or county prison for up to 2 ½ years and/or a fine of up to \$1,000

ELECTRONIC COMMUNICATION

- Whoever telephones another person or contacts another person by electronic communication, or causes a person to be telephoned or contacted by electronic communication, repeatedly, for the sole purpose of harassing, or annoying the person or the person's family, whether or not the conversation ensues, or whoever telephones or contacts a person repeatedly by electronic communication and uses indecent or obscene language to the person, shall be punished by a fine of not more than \$500 or by imprisonment for up to 3 months or both.

WHAT DOES THAT MEAN?

You can be charged if you:

- 1) Call a person, or use technology, repeatedly to harass/annoy them
- 2) Call/use technology to contact their family
- 3) Call a person, or use any form of technology, and use obscene language to/at them
- 4) Ask someone to contact the person for you or send a message for you through their friends through technology or by phone

JOINT COMMITTEE ON EDUCATION

- There will be a committee formed with at least 7 members
 - 1) Member of the DA's Assoc.
 - 2) Member of the Police Chief's Assoc.
 - 3) Member of the Sherrif's Assoc.
 - 4) Member of the School Committee
 - 5) Member of the Superintendant Assoc.
 - 6) Rep of the Assoc of Indep. Schools
 - 7) Attorney General

What is the purpose of this committee? Study bullying and Cyberbullying in schools, review and amend the laws, and determine **parental responsibility and liability for bullying and cyberbullying.**