

# HILLCREST EDUCATIONAL CENTERS, INC.

## Bullying Prevention and Intervention Plan

Updated July, 2023

# Hillcrest Educational Centers Schools

## BULLYING PREVENTION and INTERVENTION

### PLAN

Hillcrest operates three residential treatment and one non-residential therapeutic special education programs in Berkshire County for severely emotionally disturbed and behaviorally disordered youth. Hillcrest's treatment/intervention approach is based on the premise that challenging behaviors are the result of chronic abuse/neglect and/or developmental disabilities. At Hillcrest, we strive to help our students gain an understanding into their treatment issues and provide them with the skills they need to cope with their everyday stressors in a non-violent, constructive manner. Hillcrest expects that all members of the school community will treat each other in a civil manner and with respect for differences. Hillcrest Educational Centers affords all students the same protection, regardless of legal status.

#### I. POLICY

- A. It is the policy of the Hillcrest Educational Centers, herein after referred to as HEC, to provide a learning and working atmosphere for students and employees free from bullying, hazing, harassment, and intimidation. Such action may occur on the basis of race, color, religion, national origin, age, gender, sexual orientation, genetics, disability, or for any other reason.
- B. It is the responsibility of every staff member, student, parent and legal guardian to recognize acts of bullying and take appropriate action to ensure that the applicable policies and procedures of HEC are implemented. It is additionally the responsibility of the HEC to record and keep data, monitoring the prevalence of bullying issues to assist in the biennial review.
- C. It is a violation of this policy for any staff member, or for any student to engage in bullying in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of bullying. All employees are mandated to report all cases of bullying, as required by this policy and state law.
- D. We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school related activities.
- E. Any employee or student who believes that he or she has been subjected to bullying has the right to file a complaint and to receive prompt and appropriate handling of the complaint. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the victim's sense of safety..

- F. The Program Directors / Program Managers shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to any form of bullying.
- G. If an Individualized Education Program (IEP) indicates that a child has a disability which affects “social skills development” or the child is “vulnerable to bullying or teasing because of the child’s disability” the IEP shall address the skills/proficiencies needed to avoid and respond to these issues.

## II. DEFINITIONS

“Bullying” means the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

“Cyber-bullying”, 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, electromagnetic, 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 (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of 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 clauses (i) to (v), inclusive, of the definition of bullying.

“Hostile Environment” means, a situation in which bullying causes the school environment to be permeated with intimidation, ridicule and/or insult that is sufficiently severe or pervasive to alter the condition of a student’s education.

“Perpetrator”, a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation

“Victim”, a student against whom bullying or retaliation has been perpetrated.

“Retaliation”: Is any form of intimidation, reprisal, or harassment, directed against a person(s) who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

“Staff”: includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

### III. GUIDELINES FOR REPORTING BULLYING OR RETALIATION

By law, bullying is defined by the victim’s perception in combination with objective standards or expectations. What one person may consider acceptable behavior may be viewed as bullying by another person. Therefore, in order to protect the rights of both parties, it is important that the target or the Program Director / Program Manager to whom a complaint was made or reported make it clear to the perpetrator that the behavior is objectionable.

In all reports of bullying, the student, staff, parent, legal guardian, or others should describe in writing or orally the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts. Oral reports will be recorded in writing. Anonymous complaints may be made by other than personnel connected to the school. No disciplinary action will be taken against an alleged perpetrator solely on the basis of an anonymous report. The *Bullying Reporting Form* (Appendix D) shall be completed. Reporting forms are available to all students and staff at each school either in classrooms or supervisors office.

Any school employee that has reliable information that would lead a reasonable person to suspect that a person is an instigator/participant or a victim of bullying, shall immediately report it to the Program Director / Program Manager; each school shall document any prohibited incidents of bullying or cyber-bullying and the resulting consequences, including discipline and referrals, to the Program Director / Program Manager office as they occur. The *Bullying Reporting Form* shall be completed.

If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day, residential school, or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action.

If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day, residential school, or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement officials consistent with the provisions of state law.

At the beginning of each school year, the school will provide the school community, including administrators, staff, students, parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation.

In all cases of alleged retaliation, the reporting and investigating procedures shall adhere to those procedures that apply to cases of alleged bullying.

#### **IV. PROTOCOL FOR INVESTIGATING BULLYING CLAIMS**

Once a report of bullying or retaliation has been made, including reports of mental, sexual, emotional, or physical harassment as well as threats to a person's safety, property or position in the school or work environment, the following course of action shall be taken.

The Program Director / Program Manager shall promptly investigate the report through discussions with the individual(s) involved. The outcome shall be documented in the *Investigator's Report Form*. (Appendix E)

In situations involving allegations by one student against another student, the Program Director / Program Manager should engage the appropriate classroom or special subject area teachers. Parents/Guardians of both sides of this report will be informed of the situation. It is important that the situation be resolved as confidentially and as quickly as the circumstances permit. The *Investigator's Report Form* shall specify the outcome.

If the perpetrator and victim are willing to discuss the matter indicated in the *Investigator's Report Form*, in the presence of the Program Director / Program Manager, a supportive faculty member and/or parent should be included in the discussion. During the discussion the offending behavior should be described by the target and the administration, a request for a change in behavior should be made, and a promise should be made that the described behavior will stop. If the circumstances do not permit a face-to-face meeting, the administration will present the target's position. Follow-up verification procedures will be explained. Failure to comply after a resolution meeting will result in appropriate discipline. The matter shall be documented in the *Investigator's Report*.

#### **V. GUIDELINES FOR SUPPORT SERVICES AND SAFETY PLANS**

In an effort to provide the victim, or other involved individuals such as reporters, witnesses, students who report bullying, provide information during an investigation and those who provide reliable information about an act of bullying, with a learning and working atmosphere where the victim feels safe, and to prevent the re-occurrence of bullying, a victim's Safety Plan will be developed to ensure these basic rights can be achieved. This Safety Plan will provide clear procedures for restoring a sense of safety for a victim and assessing that victim's need for protection. The Safety Plan can

include change of schedule, locker, lunch period, counseling, teacher notification, and a daily check in person. The students' Clinician shall complete the Safety Plan and share it with the , his/her parent/guardian and appropriate school personnel in an efficient time frame.

In addition, the school will offer appropriate support services, education and or intervention services for victims, perpetrators, and appropriate family members of the involved students. The school may consider current tools including, but not limited to, behavioral intervention plans, social skills groups, and individually focused curricula.

## **VI. NOTIFICATIONS**

### **1. TO OTHER INVOLVED PARTIES**

Program Director / Program Manager will promptly notify the parents or guardians of the victim and perpetrator about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Program Director / Program Manager cannot report specific information to the victim's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the victim must be aware of in order to report violations

### **2. TO LAW ENFORCEMENT**

The Program Director / Program Manager shall determine when acts of bullying need to be reported to local law enforcement. School officials will coordinate with the local Police Department to identify a police liaison for bullying cases.

## **VII. RETALIATION AND FALSE ACCUSATIONS**

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited. Any student or staff member who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

In any situation where relational and/or false accusations occur in any form against any person who has made or filed a complaint relating to bullying, reprisal is forbidden. If either action occurs, it could be considered grounds for dismissal of staff personnel and/or disciplinary action on the student up to including removal from the educational setting. A referral to law enforcement could be made.

## **VIII. CONFIDENTIALITY**

Reports of bullying should be kept confidential, consistent with necessary investigation procedures and legal restraints on the dissemination of information about students with the goal of protecting the

victim and stopping the behavior. This is in accordance with the Family Educational Rights and Privacy Act (FERPA.)

## **IX. SCHOOL-HOME PARTNERSHIP**

- A. **PARENT EDUCATION AND RESOURCES:** The HEC Schools are committed to working collaboratively with families/guardians in order to ensure that we have a safe and supportive school community. In partnership with the HEC Schools, parents/guardians share in the responsibility to (i) reinforce the curriculum at home and support the school plan; (ii) learn the dynamics of bullying; and (iii) reinforce proper online safety and cyber-bullying. To assist parents/guardians in this partnership, the HEC Schools will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying and social curricula used by each school. These programs will be offered in collaboration with appropriate School community organizations.
- B. **NOTIFICATION TO PARENTS AND/OR GUARDIANS:** Each year the HEC Schools will inform parents and guardians of the anti-bullying curricula that will be used in each of our schools. This notice will include information about the dynamics of bullying, including cyber bullying and online safety. The HEC Schools will send parents/guardians a written notice each year about the student-related sections of the Plan and the HEC Internet Safety Policy. All written notices and information will be made available to parents/guardians in the language most prevalent among the students and parents/guardians. The plan will also be available electronically on the HEC website, <https://hillcrestec.org/>. The HEC Schools are committed to supporting the diversity of our community and will offer this policy in other languages if needed by families.

Parents will be informed about each school's bullying prevention and intervention plan and trainings.

## **X. PREVENTION & TRAINING**

- A. The professional development of staff and training for students is a critical part of this policy. All staff and students will receive annual trainings on this policy. Newly hired staff shall be trained promptly on this policy and its procedures and will receive professional development as needed.
- B. The content of professional development for this policy shall include, but not be limited to, (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among an aggressor, target and witnesses to

the bullying; (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for 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.

- C. Each HEC school shall provide age-appropriate instruction at each grade level for all students on bullying prevention annually.
- D. The HEC schools shall update their bullying prevention and intervention plans biennially, in consultation with teachers, staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians.
- E. Specialized training for staff of students with special education IEPs and for students with special needs.

## **XI. RELATIONSHIP TO OTHER LAWS**

Consistent with state and federal laws, and the policies of the HEC Schools, no person shall be discriminated against in admission to a public/private school of any town or in obtaining the advantages, privilege and course of study of such public/private school on account of race, color, gender, religion, national origin or sexual orientation. Nothing in this Plan prevents the HEC Schools from taking action to remediate discrimination or bullying based on a person's membership in a legally protected category under local, state or federal law or HEC School Policies.

In addition, nothing in this Plan is designed or intended to limit the authority of the HEC Schools to take disciplinary action or other action under M.G.L. c. 71 37H or 37 H ½ , other applicable laws or school policies in response to violent, harmful or disruptive behavior, regardless of whether the Plan covers the behavior.

### LEGAL REFERENCES

1. Title VII of the 1964 Civil Rights Act, Section 703
2. Title IX of the 1972 U.S. Civil Rights Act.
3. Chapter 151B, Massachusetts General Laws
4. M.G.L. Chapter 76 § 5
5. M.G.L. Chapter 269 § 17, 18, 19
6. M.G.L. Chapter 71, §370, 82, 84 93
7. Family Education Rights and Privacy Act
8. Mass Student Records Laws and Regulations
9. Senate 2404 Bill: An Act Relative to Bullying in Schools
10. MGL C71, S 370



**Appendix D  
Hillcrest Educational Centers**

## Bullying Prevention and Intervention Incident Reporting Form

*(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report)*

### Reporter Information

**Name** *(first and last)*: \_\_\_\_\_

This writer is the victim of the behavior described below

**Phone Number:** \_\_\_\_\_

**Check whether you are a....**

Staff

Student

Location: \_\_\_\_\_

School: \_\_\_\_\_

Parent

Grade: \_\_\_\_\_

Administrator

Other: \_\_\_\_\_

### Incident Information

**Name of Victim** *(of behavior)*: \_\_\_\_\_

**Name of Perpetrator:** \_\_\_\_\_

**Incident Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**Location:** \_\_\_\_\_

**Incident Time:** \_\_\_\_\_  am  pm

*(Be as specific as possible)*

**Witnesses** *(list people who saw the incident or have information about it)*

Name: \_\_\_\_\_  student  staff  other

Name: \_\_\_\_\_  student  staff  other

Name: \_\_\_\_\_  student  staff  other

Describe the details of the incident, including names of people involved, what occurred, and what each person did or said (including specific words used). Please use additional space on the back if necessary.

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### For Administrative Use Only

Signature of Person Filing this report: \_\_\_\_\_ Date: \_\_\_\_\_

*(Note: report may be filed anonymously)*

Form Given to: \_\_\_\_\_ Position: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date Received: \_\_\_\_\_

Appendix E  
**Bullying Investigation Form**  
Investigation

Investigator Name(s): \_\_\_\_\_  
Position(s): \_\_\_\_\_

Interviewed Perpetrator:	_____	Date:	____/____/____
Interviewed Victim:	_____	Date:	____/____/____
Interviewed Witness:	_____	Date:	____/____/____
Interviewed Witness:	_____	Date:	____/____/____
Interviewed Witness:	_____	Date:	____/____/____

Does the perpetrator have prior documented incidents?  Yes  No  
If yes, have the incidents involved this victim?  Yes  No  
Do any incidents have findings of bullying/retaliation?  Yes  No

**Summary of Investigation:**

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**Conclusions**

Finding of bullying or retaliation:  Yes  No  
 Incident Documented  
 Discipline Referral

**Contacts**

<input type="checkbox"/> Victim's Parent/Guardian;	Date: ____/____/____
<input type="checkbox"/> Perpetrator's Parent/Guardian	Date: ____/____/____
<input type="checkbox"/> School Equity Coordinator	Date: ____/____/____
<input type="checkbox"/> Law Enforcement	Date: ____/____/____

**Actions Taken**

<input type="checkbox"/> Loss of Privileges	<input type="checkbox"/> Community Service
<input type="checkbox"/> Review Board	<input type="checkbox"/> Education
<input type="checkbox"/> Other: _____	

