

Delaware Military Academy's Bullying Prevention Policy

The Delaware Military Academy (hereinafter referred to as "DMA") recognizes that safe learning environments are necessary for students to learn and achieve high academic standards. DMA strives to provide safe learning environments for all cadets' and all employees.

I. Prohibition of Bullying

To further these goals and as required by 14 Del. C. 4112D, DMA hereby *prohibits the bullying of any person on school property or at school functions or by use of data or computer software that is accessed through a computer, computer system, computer network or other electronic technology of a school district or charter school from grades kindergarten through grade twelve. DMA further prohibits reprisal, retaliation or false accusation against a target, witness or one with reliable information about an act of bullying.*¹

"School function" includes any field trip or any officially sponsored public or charter school event in the State.

"School property" means any building, structure, athletic field, sports stadium or real property that is owned, operated, leased or rented by any public school district or charter school including, but not limited to, any kindergarten, elementary, secondary, or vocational-technical school or charter school, or any motor vehicle owned, operated, leased, rented or subcontracted by any public school or charter school.

II. Definition of Bullying

As used in this policy, bullying means any intentional written, electronic, verbal or physical act or actions against a student, school volunteer or school employee that a reasonable person, under the circumstances should know will have the effect of:

A. *Placing a student, school volunteer or school employee in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property.*

B. *Creating a hostile, threatening, humiliating or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or*

C. *Interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits; or*

D. *Perpetuating bullying by inciting, soliciting or coercing an individual or group to demean, dehumanize, embarrass or cause emotional, psychological or physical harm to another student, school volunteer or school employee.*

Explanation: Bullying is usually defined as involving **repeated** acts of aggression that aim to dominate another person by causing pain, fear or embarrassment. However, one act alone may constitute bullying if the requisite intent and effect set forth in the definition are met. Bullying may be perpetuated by an individual or a group. It may be direct or indirect. Although a person may be repeatedly bullied, a different person might be doing the bullying each time, which may make it difficult to recognize that bullying is occurring. An act is intentional if it is the person's conscious objective to engage in conduct of that nature. The actions listed below are some examples of intentional actions which may become bullying depending on their reasonably foreseeable effect:

Physical bullying: Pushing, shoving, kicking, destroying of property, tripping, punching, tearing clothes, pushing books from someone's hands, shooting/throwing objects at someone, gesturing, etc.

Verbal bullying: Name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone's mistakes, using unwelcome nicknames, threatening

Relational Bullying: Isolation of an individual from his or her peer group, spreading rumors.

Cyber-bullying: Bullying by using information and communication technologies. Cyber-bullying may include but is not limited to:

1. Denigration: spreading information or pictures to embarrass,
2. Flaming: heated unequal argument online that includes making rude, insulting or vulgar remarks,
3. Exclusion: isolating an individual from his or her peer group,
4. Impersonation: Using someone else's screen name and pretending to be them
5. Outing or Trickery: forwarding information or pictures meant to be private.

Sexual Bullying: Unwanted touch of a sexual nature, unwanted talking about private parts, unwanted comments about target's sexuality or sexual activities.

Harassment or Bullying on the Basis of Sex: Includes sexual harassment or bullying and gender-based harassment or bullying. Sexual harassment or bullying is unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Gender-based harassment or bullying is nonsexual intimidation or abusive behavior toward a student based on the student's actual or perceived sex, including harassment based on gender identity, gender expression, and nonconformity with gender stereotypes. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties. Both male and female students can be victims of harassment or bullying on the basis of sex, and the harasser or bully and the victim can be of the same sex. Bullying on the basis of sex constitutes sexual harassment.

Harassment or Bullying on the Basis of Race, Color, Or National Origin: Refers to intimidation or abusive behavior toward a student based on actual or perceived race, color, or national origin. Harassing conduct may take many forms, including verbal acts and name calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties. Bullying on the basis of race, color, or national origin constitutes racial harassment.

Harassment or Bullying on the Basis of Disability: Refers to intimidation or abusive behavior toward a student based on actual or perceived disability. Harassing conduct may take many forms, including verbal acts and name-calling, as well as non-verbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating. The conduct can be carried out by school employees, other students, and non-employee third parties. Bullying on the basis of disability constitutes disability harassment.

This list should be used by way of example only, and is by no means exhaustive. These actions become bullying if they meet the definition with regard to intent and reasonably foreseeable effect. This policy is not intended to prohibit expression of religious, philosophical or political views, provided that the expression does not substantially disrupt the education environment. Similar behaviors that do not rise to the level of bullying may still be prohibited by other district policies or building, classroom or program rules.

III. School-wide Bully Prevention Program

DMA is committed in our adoption of a school-wide bully prevention Program. A coordinating committee known as our "student services staff" will be responsible for implementing and coordinating the bullying prevention program.

IV. Coordinating Committee

DMA is required to have a site-based committee comprised of the Superintendent, Commandant, Dean of Cadets, school nurse and guidance counselor that is responsible for

coordinating the school's bully prevention program including the design, approval and monitoring of the program.

V. Reporting Requirements

Bullying is unacceptable and a culture of openness is the best way to counter such behavior. It is the responsibility of each member of the school community: pupils, staff and parents to report instances of bullying or suspicions of bullying, with the understanding that all such reports will be listened to and taken seriously. *Any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of bullying shall immediately report it to the DMA administration.*

VI. Investigative Procedures

A. *DMA is required to have a procedure for the administration to promptly investigate in a timely manner and determine whether bullying has occurred.*

B. *All confirmed bullying incidents must be reported to the Department of Education by the Commandant or his designee within five (5) working days.*

C. The Commandant is aware that some acts of bullying may also be crimes which under the School Crime Reporting Law (14 Del. C. 4112) are required to be reported to the police and /or the Department of Education.

VII. Non-Classroom Supervision

To the extent that funding is available, each school must develop a plan for a system of supervision in non-classroom areas. The plan shall provide for the review and exchange of information regarding non-classroom areas.

VIII Consequences For Bullying

Consequences for bullying will be immediate and consistently applied.

1st offense – Cadet(s) counseled and given a verbal warning

2nd offense – Detention & parent contact

3rd offense – EMI and 1 day suspension. Mandatory parent conference

At any given time, if administration feels the need to notify the authorities they will do so.

In addition to the DMA policy on bullying, the Red Clay Consolidated School District Student Code of Conduct on bullying found on pg. 44-c will be enforced.

A. Consequences should take into account:

1. Nature and severity of the behaviors

2. Degrees of harm

3. Student's age, size and personality (including development and maturity levels of the parties involved)

4. Surrounding circumstances and context in which the incidents occurred

5. Prior disciplinary history and incidences of past or continuing patterns of behavior
6. Relationships between the parties involved (including any imbalance of power between the perpetrator and victim)

IX. Procedure for Cadet/Parent to provide information on bullying

Any cadet/parent/guardian that has information on a bullying incident is encouraged to report the incident to the DMA administration in any of the following ways:

- 1) Phone call
- 2) Email
- 3) Meeting
- 4) Anonymously

DMA is required that after any confirmed bullying incident to notify all parties involved which includes:

- The bullying victim
- The victim's parents or guardians.
- The bully
- The bully's parents or guardians

X. Retaliation

Retaliation for reporting bullying is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act. The potential consequences for retaliation are set forth in the preceding section.

XI. Procedure to Communicate with Medical and Mental Health Professionals.

A. The following procedures for communication between DMA staff members and medical professionals who are involved in treating students for bullying issues must be followed:

1. Pediatricians/Primary Care Physicians and Mental Health Professionals are important links in the overall wellness of the whole child. The ability to communicate appropriately to identify the optimal health care needs of the child is necessary when issues at school impact the physical and emotional health of the child. This is especially true in bullying due to the social nature of the problem. Release of information forms must be signed by the parent, guardian or relative caregiver pursuant to 14 Del. C. § 202(f) or legal guardian in order for the primary care physician or mental health professional to communicate with school personnel regarding any treatment of a child. Releases should be signed both at school and at the physician or mental health professional's office before communication may take place according to HIPPA and FERPA guidelines.

2. If a parent refuses to sign a release form at school the school will review this policy with them, explaining the reasons the release would be advantageous to their child.

3. After confirmation that a child has been involved in a bullying incident, if the administrator's designee recommends a mental health evaluation be completed, the school may:

- a. Require that return to school will be contingent upon the clinical evaluation providing recommendations and treatment plan if identified as appropriate.

XII. Implementation

The DMA School bullying prevention program will be implemented throughout the year, integrated with the school's discipline policies and 14 Del. C. §4112. It will be applied consistently when any form of bullying as mentioned above is displayed.

XIII. Accountability

DMA shall notify the Red Clay School District in writing of their compliance with this policy and submit a copy of the procedures they have adopted under this policy by December 1, of each school year. DMA will verify for the district the method and date that the policy has been distributed, to all cadets, parents, faculty and staff.

XIV. Other Defenses

A. *The physical location or time of access of a technology-related incident is not a valid defense in any disciplinary action by the school district or charter school initiated under this policy provided there is sufficient school nexus.*

B. *This section does not apply to any person who uses data or computer software that is accessed through a computer, computer system, computer network or other electronic technology when acting within the scope of his or her lawful employment or investigation of a violation of this policy in accordance with school district or charter school policy.*

XV. Relationship to School Crime Reporting Law

An incident may meet the definition of bullying and also the definition of a particular crime under State or federal law. Nothing in this policy shall prevent school officials from fulfilling all of the reporting requirements of § 4112, Title 14 of the Delaware Code, or from reporting probable crimes that occur on school property or at a school function which are not required to be reported under that section. Nothing in this section shall abrogate the reporting requirements for child abuse or sexual abuse set forth in Chapter 9 of Title 16 of the Delaware Code, or any other reporting requirement under State or federal law

XVI. Rules and Regulations

Implementation of this policy shall comply with all rules and regulations the Delaware Department of Education may promulgate to implement Title 14 Section 4112D of the Delaware Code.