



# A MODEL CODE on Education and Dignity

## CHAPTER 3: DIGNITY

### 3.7.e Model Policy on Bullying Behavior

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#### Human Rights Goal

No student should have to experience bullying behavior or any kind of targeted harassment from their peers in the school environment. Where students exhibit bullying behavior, schools will adopt positive and restorative responses that get to the root of the problem and teach students why bullying each other is wrong. Students should not be viewed only as “bullies” who must be excluded from school; rather they are young people who need to be held accountable for their actions in order to grow as individuals and repair any harm they have caused.

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#### Recommended Language

- A. States, districts and schools shall adopt a policy for prevention of and response to bullying behavior by students and adults. This policy shall be developed with the participation of administrators, teachers, parents or guardians, students and community members and shall contain the key elements described below.<sup>263</sup>**
- B. States, districts and schools shall define “Bullying behavior” as behavior that takes place in a pattern that is repeated over time that harms or threatens to harm any student’s physical, social, or emotional well-being. Bullying behavior may be connected to a negative and biased view of a targeted student due to an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity and expression, mental or physical disability, or by any other distinguishing characteristic. Bullying behavior may adversely affect the student’s ability to participate in school activities or even to attend school at all, and may involve an imbalance of power or strength.**
- C. State, district and school policy shall prevent bullying behavior through:<sup>264</sup>**
1. Implementation of school-wide and classroom-based culturally affirming social and emotional learning (SEL) strategies and positive approaches to discipline (described in Section 3.1 Key Elements of School Climate and Positive Discipline) including relationship-building circles and other Restorative Justice Practices preventative measures;
  2. Age-appropriate instruction on prevention of bullying behavior in each grade that is incorporated into the curriculum;
  3. Creation of a school-wide and classroom climate that supports racial, cultural and other forms of diversity, (i.e. clear communication of behavioral expectations, incorporation of lesson plans on prejudice reduction, modeling unbiased behavior, empathy development and cooperative learning) (see Section 1.3 Culturally Relevant Curriculum and Teaching); and
  4. Encouragement of parent participation in bullying behavior prevention initiatives.
- D. Schools and districts shall intervene to put an end to bullying behavior, utilizing discipline methods that reflect a commitment to Restorative Justice Practices and without criminalizing student behavior, including:**
1. Immediate referral of the student harmed to appropriate support services in the school and community;
  2. Referral of those who caused harm to counseling to address underlying behavior and/or to administrators for appropriate discipline;

3. Notification of parents of all those involved;
  4. Processes for resolution, such as restorative justice circles led by an experienced circle leader or peer support interventions such as Circle of Friends;<sup>265</sup>
  5. Ongoing actions intended to prevent recurrence, such as increasing adult supervision of an activity in which incidents have occurred and close monitoring of the security of those harmed; and
  6. Restrict the use of removal, suspension, expulsion, arrest or other forms of exclusion as a measure of last resort and in accordance with the Section 3.2 Guidelines for Suspensions, Expulsions and Removals.
- E. Schools and districts shall conduct ongoing professional development to build the skills of all staff members, including, but not limited to, teachers, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to:**<sup>266</sup>
1. Developmentally appropriate strategies to prevent and respond to bullying behavior;
  2. The complex interaction and power differential that can take place between all parties involved in bullying behavior;
  3. Information about specific categories of students who have been shown to be particularly at risk for bullying behavior in the school environment; and
  4. Information on the incidence and nature of cyber-bullying.
- F. States, districts and schools shall document and conduct regular assessment of the effectiveness of efforts to prevent and respond to bullying behavior.**

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<sup>263</sup> See, e.g., The Olweus Bullying Prevention Program, <http://www.violencepreventionworks.org/public/index.page>.

<sup>264</sup> U.S. Department of Education Office for Civil Rights and National Association of Attorneys General, Protecting Students from Harassment and Hate Crime, A Guide for Schools (1999), available at <http://www2.ed.gov/offices/OCR/archives/Harassment/fundamentals1.html>.

<sup>265</sup> Circle of Friends Anti-Bullying Intervention. Available at: <http://www.antibullyingworks.co.uk/resources/intervention-strategies/circle-of-friends/>.

<sup>266</sup> MASS. ADV. LEGIS. SERV. CH. NO. 92-2010 (LEXIS NEXIS 2010).