



DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT



www.gdoe.net

500 Mariner Avenue

Barrigada, Guam 96913

Telephone: (671) 300-1547 / 1536 • Fax: (671) 472-5001

Email: jonfrenandez@gdoe.net

JON J.P. FERNANDEZ
Superintendent of Education

STANDARD OPERATING PROCEDURES

SOP#: 1200-022

SUBJECT: IMPLEMENTATION OF THE BOARD POLICY 409, PREVENTION AND INTERVENTION AGAINST BULLYING, CYBERBULLYING, SEXTING, and SEXUAL HARASSMENT

EFFECTIVE DATE:

INQUIRIES: STUDENT SUPPORT SERVICES DIVISION

- I. REFERENCES: BOARD POLICY 379, 405, 406, 409 & SOP 1200-023:SPAM
- II. APPLICABILITY: ALL SCHOOLS WITHIN THE DEPARTMENT OF EDUCATION
- III. PURPOSE

The purpose of this SOP is to ensure that students who attend Department of Education (DOE) Schools are safe, secure, and treated with respect. Schools shall be free from harassment, intimidation, bullying, cyber bullying, sexting, and sexual harassment and provide an environment that is conducive to learning. School administrators shall ensure that the school environment is free of any threat to all students 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, 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 SOP allows students active

participation in school affairs without fear and threat of harassment, intimidation, bullying, cyber bullying, sexting and sexual harassment.

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

IV. PREVENTIVE PROCEDURES:

- A. School principals shall maintain an educational and work environment free of harassment, intimidation, bullying cyber bullying, sexting, and sexual harassment. This responsibility includes discussing the policy with students, parents and employees, and formulating school level policies consistent with the district standard operating procedures.
- B. Principals shall develop a system for students to report acts of bullying, harassment, or intimidation anonymously.
- C. Public schools are required to form a bullying and cyber bullying prevention task force or committee to implement prevention, intervention, and remediation programs. They also explore other initiatives that involve the school community, law enforcements, assistance organizations, and community members.
- D. Each school shall responsible for teaching behavior expectations, definitions and consequences for Bullying, Cyberbullying and Sexting and Sexual Harassment to their students in their respective school communities.
- E. Each school will provide training to students at the beginning of the school year.
- F. This SOP shall be communicated annually and reference to it, placed in the school's student/parent and faculty/staff handbooks and/or websites.
- G. The database for Bullying, Cyberbullying and Sexting and Sexual Harassment incidences shall be tracked with the Office Discipline Referral form and inputted into PowerSchool.
- H. The Deputy Superintendent of Educational Support and Community Learning shall ensure that all school principals receive and understand Board Policy 379, 405, 406, 409, and SOP 1200-023 to ensure compliance with this SOP.
- I. All School Principals shall conduct and provide training on BP 409 for staff and faculty at least annually and before the opening of each new school year.
- J. No later than 60 days after revision of this SOP, schools shall communicate the SOP to students, parents, faculty, and staff.

V. INTERVENTIONS FOR 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 shall 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 their respective school community.

B. Responsibility of Teachers, School Staff, and Volunteers

1. Teachers and school staff who receive complaints of bullying, cyber bullying, sexting 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.
3. Schools are not to report cases of BULLYING, CYBERBULLYING, SEXTING, and SEXUAL HARASSMENT to Child Protective Services.
4. Teachers and staff shall teach and model appropriate behavior expectations.

C. Responsibility of School Principals or Principal's Designee

1. Reporting:
 - a. Incidences of bullying, intimidation, or harassment (non-sexual) are to be investigated and substantiated by the school's administration before to the Guam Police Department and the Deputy Superintendent of Educational Support and Community Learning.
 - b. Any alleged sexual harassment and/or sexual assault is to be reported immediately to the Guam Police Department and the Deputy Superintendent of Educational Support and Community Learning.
 - c. Schools are not to report cases of BULLYING, CYBERBULLYING, SEXTING, and SEXUAL HARASSMENT to Child Protective Services.
2. Inform the parents of the target/victim about the reported incident using the Allegation of Assault form in (SOP 1200-023: SPAM Chapter One). The document shall be composed to respect the privacy of all parties involved.
3. Inform the parents of the alleged perpetrator about the reported incident.

4. Investigate and document complaints promptly using the Incident Report form (SOP 1200-023: SPAM Chapter One).
5. Refer the students involved in the incidences, after the investigation is completed, to the School Guidance Counselor for appropriate assistance such as mediation or restorative justice (except in bullying and cyber bullying incidences, unless both parties agree) between parties or other appropriate intervention.
6. Follow related policies concerning appropriate disciplinary and other actions pursuant to Board Policy 405 and the Student Conduct Procedural Manual.
7. If applicable, have a person of the same gender as the student (preferably a counselor or health counselor) assist the administrator in interviewing the student if the student alleges the assault or threat was sexual in nature. Do not pressure the student to provide details if he/she is reluctant to do so. (Refer to the child abuse/neglect section for appropriate services.).
8. Alleged perpetrators should not have any contact with the student until the investigation is complete, therefore, appropriate arrangements should be made for alleged perpetrators.
9. If the investigation produces compelling evidence that the student has made a false accusation, school administrators shall take appropriate disciplinary/corrective action.

V. CONSEQUENCES OF VIOLATIONS

School Administrators will ensure that all students found guilty of these offenses are adjudicated in a fair and equitable manner when issuing consequences. Please note the following:

- A. The provisions set forth in Board Policy 379, 405, 406, 407, 409, 17 GCA 3112.1(k), 9 GCA 28.100 and 28.101, DOE SOPs or any other relevant board policy, will be guided by the development of school level procedures and, SOP 1200-018: Student Conduct Procedural.
- B. School faculty and staff shall consult the District Data Dictionary to ensure that the infraction is consistent with the definitions listed for bullying, cyberbullying, sexting, and sexual harassment. (SOP 1200-018: Student Conduct Procedural Manual in appendix A).
- C. The following violations are defined in the District Discipline Data Dictionary as listed below:
 - 1) Bullying/Harassment/Intimidation (Level Three): As stated in the District Discipline Data Dictionary:

These behaviors include: physical, verbal, relational, exclusion, harassment and/or obscene pictures, graffiti or written notes which are meant to place others in fear of their safety, loss of dignity or have the effect of demeaning them based on their race, religion, color, national origin, age, sex, sexual orientation, disability, or other personal characteristic. Bullying behavior components:

- a. aggressive behavior that involves unwanted, negative actions; and
- b. involves a pattern of behavior repeated over time; and
- c. involves an imbalance of power or strength

Common forms of harassment, intimidation or bullying include (this list is not exhaustive):

- 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.
- 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.
- Verbal expressions, physical acts, and gestures and antagonism intended to strike fear with students and school staff.
- Threatening notes, phone calls, and other electronic communications which indicate some form of retaliation.
- Aggressive behavior of an individual or group meant to use greater power by threatening and generally oppressing a targeted individual or group of individuals.
- Acts of intimidation that prevents students from engaging in the academic and learning process.
- 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.
- Physical aggression such as assault, kicking, punching, hitting and biting.
- Physical and aggressive gestures imitating an action to hit another person.
- Extortion for lunch money or other student property.
- Teasing in such a manner as to impact a student's, emotional, or academic functioning.
- Writing nasty notes on walls, paper, or other surfaces in an attempt to demean and defame a person's character or integrity.

- Other behaviors meant to create a climate of fear and that affects the daily functioning on students on and off campus.
- 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.
- Having money or other things taken or damaged or threatening or forced others to engage in bullying behaviors.

2) Cyber Bullying (Level Three): as stated in 17 GCA 3112.1

"harassment, intimidation, or bullying" and "cyber bullying" are CRIMINAL IN NATURE and any of these actions can constitute a criminal offense that is chargeable under Guam law." Delivers threats, intimidation and/or disrespectful messages via any form of electronic transmission that includes but not limited to: Disrespectful messages place others in fear of their safety, loss of dignity or have the effect of demeaning them based on their race, religion, color, national origin, age, sex, sexual orientation, disability, or other personal characteristic.

Cyberbullying is bullying through email, instant messaging, chat room exchanges, Web site posts, or digital messages or images send to a cellular phone or electronic devices (Kowalski et al. 2008). Cyber bullying, like traditional bullying, involves:

- a. an imbalance of power; and
- b. aggression; and
- c. negative action that is often repeated

Common forms of cyber bullying (this list is not exhaustive):

- Harassment: Repeatedly sending offensive, rude, and insulting messages.
- 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
- Flaming: Online "fighting" using electronic messages with angry, vulgar language
- 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.
- Outing and Trickery: Sharing someone's secrets or embarrassing information, or tricking someone into revealing secrets or embarrassing information and forwarding it to others

- 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)
 - Exclusion: Intentionally excluding someone from an online group based on instructional purposes or school related events like a "buddy list" or a game that interferes with the educational mission.
 - Trolling: Intentionally posting provocative messages about sensitive subjects to create conflict, upset people, and bait them into "flaming" or fighting.
- 3) Sexting (Level Three): As stated in 9 Guam code Annotated §28.100.

"A minor is guilty 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 possess a photograph, video, depiction or other material that shows himself or herself, or of another minor, in a state of nudity." 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

Common forms of sexting (this list is not exhaustive):

- 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.
 - 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.
 - 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.
- 4) Sexual Harassment (Level Three): To deliver unwelcomed sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

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.

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:

- verbal, non-verbal, and physical sexual behaviors
- coerced sex
- sexual jokes and innuendoes
- remarks about a person's body
- turning discussions inappropriately to sexual topics
- whistling or cat calls
- looking a person up and down or staring in a sexually suggestive manner
- invading someone's personal space or blocking her/his path
- sexually explicit visuals such as pin-ups
- suggestions of sexual intimacy
- repeated requests for dates
- unwanted letters, electronic mail or other computer communications
- ○ unwanted gifts
- touching, hugging, massaging, and other gestures or sounds that a reasonable person of the same sex as the recipient would find offensive

VI. RESPONSIBILITIES

- A. The Deputy Superintendent of Educational Support and Community Learning is responsible for ensuring Principals comply with this SOP.
- B. School Principals will ensure that their school community is informed and is implement this SOP.

VII. INTERNAL CONTROL

The Deputy Superintendent of Educational Support and Community Learning will monitor compliance with this policy.

VIII. TRAINING

- A. The Deputy Superintendent of Educational Support and Community Learning shall facilitate training for principals at least annually.

B. School Administrators will conduct annual training to ensure their school community is aware of Board Policy 409 and this SOP.

IX. REPORTS

All student violations will be reported using the Office Discipline Referral (ODR) form, inputted in PowerSchool, and reported monthly/annual in the District Student Conduct Report.

X. PENALTY

Failure to adhere to this SOP may result in Disciplinary action in accordance with the Policies, Rules, Regulations, and Procedures of the DOE and the Department of Administration.

XI. EFFECTIVE DATE

Upon approval of the Superintendent of Education

XII. CHANGE (S)

This SOP shall be reviewed annually for changes.

APPROVED BY: _____


JON L. P. FERNANDEZ, Superintendent of Education

DATE: _____

8/31/17

