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## EASTON BULLYING INVESTIGATION SYSTEM (EBIS)

Designed and Facilitated by Amanda Easton,  
President of EBIS, LLC.

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**Amanda Easton, M. Ed**

EBIS Creator and Trainer

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## Bullying Today

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- Parents and students are willing to fight for school environments that are free from bullying and harassment
- Experts now classify bullying as a form of chronic trauma
- NOT talking about isolated incidents that only involve a small number of students, or a certain kind of student
- Bullying now outranks discrimination, violence, pressure to have sex, drugs and alcohol, racism and HIV/AIDS as a concern among students.

Source: School Bullying: Tools for Avoiding Harm and Liability, McGrath, 2006

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### Where is your threshold as an adult?

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### How much will ADULTS tolerate?

Hostile work environment harassment:  
 Conduct that interferes w/an individual's professional performance and/or creates an intimidating, hostile or demeaning work environment

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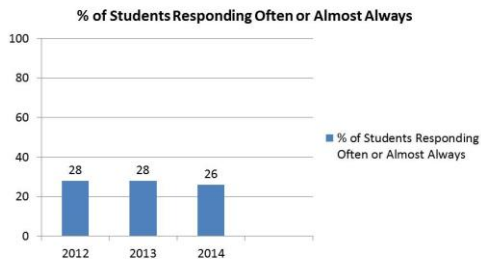
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Student Perception of Staff Intervention

When students insult, tease, harass, or otherwise verbally abuse other students, how often do the teachers or other adults at school put a stop to it?



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Conditions for Learning, Iowa Youth Survey

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## Key Concepts

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- The vast majority of adults have never experienced the kind of bullying students experience today.
- Most adults indicate they would expect an immediate intervention from their employer if they were being bullied at work.
- The difficulty in dealing with bullying behavior for the targeted students and their inability to successfully get the behavior to stop is part of what makes the behavior bullying.
- Students often perceive adults minimizing or ignoring bullying concerns and this hurts students.

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## Identification

The process of determining if bullying is being articulated or not

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## Identification Learning Objectives

1. To be able to define bullying;
2. To be able to recognize what is bullying and what is not bullying;
3. To know, understand and be able to effectively utilize both the legal and socio-emotional definitions of bullying;

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## Identification Learning Objectives

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- 5. To learn how to screen for actual bullying complaints;
- 6. To be able to both define and recognize an objectively hostile learning environment; and
- 7. To be able to use evidentiary fact to establish the four conditions of an objectively hostile learning environment

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### A Legal Definition

## What is Bullying?

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### Iowa Code Section 280.28

Iowa's Anti-Bullying and Anti-Harassment Law—in our state policy, bullying and harassment are treated as the same

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# Bullying Through a Legal Lens



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## Iowa Code section 280.28

Harassment and bullying shall be construed to mean any **electronic, written, verbal, or physical act** or conduct toward a student which is **based on any actual or perceived trait or characteristic** of the student and which creates an **objectively hostile school environment** that meets **one or more** of the following conditions:

- ✓ Places the student in **reasonable fear** of harm to the student's person or property
- ✓ Has a **substantially detrimental effect** on the student's physical or mental health
- ✓ Has the effect of **substantially interfering** with a student's academic performance
- ✓ Has the effect of **substantially interfering** with the student's ability to participate in or benefit from the services, activities, or privileges provided by the school

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## Hostile Environment

1. **Intentional Act; AND**
2. **Unwelcome; AND**
3. **Harm Occurs; AND**
4. **Conduct is Severe, Persistent OR Pervasive; AND**
5. **Unreasonably Interferes with Education THROUGH the 4 conditions**

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## Severe, Persistent, Pervasive

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### Severe:

- Inflicts unreasonable physical discomfort /distress
- Single action
- Typically indicative of physical aggression with injury, serious bodily harm or the threat of either

### Persistent:

Repeatedly

### Pervasive:

- Is diffused through the environment
- Behavior is "everywhere" for target

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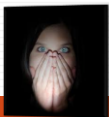
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### Condition #1: Reasonable Fear



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#### “Good reason to be afraid”

- It can be established that a “reasonable possibility” that they will experience harm to their person or their property exists, based on a provable history of conduct causing harm or threat of harm;
- Often demonstrated through avoidance behaviors

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### Condition #2: Substantially Detrimental Effect

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#### “Causing Significant Harm”

Unwelcome, negative conduct that has a demonstrable negative effect on the receiver, causing them physical harm and/or damage to the recipients well-being



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### Conditions #3 & #4: Substantial Interference

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#### “Causing Significant Disruption”

What does significant disruption look like?

- a student’s academic environment
- a student’s ability to participate in or benefit from the services, activities or privileges provided by the school

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- Predominantly verbal
- For girls, generally centered around their sexual status;
- For boys, typically involves the use of homophobic terms and those that are associated with the 'absence' of high status masculinity
- Reasons for sexual bullying involve:
  - The need to dominate another;
  - Attempts at improving social status within the school by seeming more mature and experienced;
  - Jealousy—particularly with girls;
  - Need for attention; and
  - Fear of their own developing sexuality

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## Examples of Sexual Bullying

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- Making sexual jokes, comments, or gestures to or about someone
- Spreading sexual rumors (in person, by text, or online)
- Writing sexual messages about people on bathroom stalls or in other public places
- Showing someone inappropriate sexual videos or pictures
- Posting sexual comments, pictures, or videos on social networks like Facebook

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- Making sexual comments or offers while pretending to be someone else online
- Touching, grabbing, or pinching someone in a deliberately sexual way
- Pulling at someone's clothing and brushing up against them in a purposefully sexual way
- Making comments about someone's sexual preference or sexual activity
- Calling someone sexually explicit and derogatory names
- Pressuring someone to participate in sexting to show commitment or love
- Sending or forwarding sexually explicit text messages and inappropriate pictures via text or e-mail

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- 1. Unwanted/unwelcome? **AND**
- 2. Negative/aggressive? **AND**
- 3. Severe, persistence or pervasive?  
**AND**
  - a. Multiple incidents? **OR**
  - b. Physical injury? **OR**
  - c. Multiple targets or multiple students accused of bullying? **OR**
  - d. Multiple locations/settings? **AND**
- 4. Power imbalance?

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**29** **Screening Activity**

Learning Objective: How to determine when a complaint should be screened in for a full bullying investigation

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### Screening Exercise #1

Lily, a sophomore in high school and a new transfer to the school this year, approaches the counselor to ask how she can get a safety-based transfer back to the high school she attended her freshman year, where she was open-enrolled. When asked why she needed a safety-based transfer, Lily reported she's being bothered at school by a group of sophomore girls.

Is Lily articulating bullying?

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## Screening Exercise #2

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A male student claims in September he was poked with a pencil by another male student sitting in the seat behind him in class two days in a row. The target reported these incidents to the teacher and was subsequently moved to a different seat in the class. Then in March of the following year, the target alleged the accused male intentionally rubbed his behind against the target as the accused passed the target on the way to sharpen his pencil in class. Is the student articulating bullying?

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## Screening Exercise #3

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A male student is given an office referral for lunging at a female student in class and calling her a "bitch." A review of his student disciplinary record indicates that between September and December, he has had six disciplinary incidents, all involving either verbal or physical aggression toward female students. However, the record does not demonstrate the accused has had repeated incidents with any particular female student.

Should this fact-pattern be escalated for investigation as bullying?

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## Screening Exercise #4

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Two female middle school students, both in 7<sup>th</sup> grade this year and new to the school, are brought to the office for fighting after school. Both report an argument escalated. To the vice principal's knowledge, this is the first aggressive incident between the two girls while in middle school. Both are suspended and when contact is made with the parents, the parents of one of the female students reports to the principal that the family filed bullying complaints against the other female student in both 5<sup>th</sup> and 6<sup>th</sup> grade while both attended elementary school. Is bullying being articulated?

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### Screening Exercise #5

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The parent of a smaller male student calls the school to report her son is being bullied. She reports an incident where on the way home, her son tries to walk with some students and they tell him to go away. Previous complaints from this parent include her son being chased home from school by a different boy, having his coat stolen out of his locker by an unknown person and a name-calling incident with still another boy that was previously investigated and a determination was made that both students were engaged in mutual harassment. Is the parent articulating bullying?

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### Screening Exercise #6

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After losing her boyfriend to another girl, a female student logs onto her Facebook page and writes, "Candace Fletcher is a whore and the kind of girl who will steal your boyfriend. Beware!" This is the only comment she posts reference this topic. At school the next day, several students approach Candace to tell her about the post and Candace leaves school prior to lunch, a period she shares with the girl who authored the post. Candace's parents then file a bullying complaint the following day. Are Candace's parents articulating bullying?

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### Screening Exercise #7

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Lily's grandmother, Linda, contacted the Principal to report Lily was physically assaulted at school by a boy who allegedly pushed Lily down with significant force, causing her to skin the heels of her hands and her knees, while Lily was walking to her bus after school. Linda reported Lily arrived at home bleeding and crying. Linda requests a safety-based transfer back to the school her granddaughter had been open-enrolled to her freshman year.

Is Linda articulating bullying?

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## Screening Exercise #8

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A male student who is new to the school comments in class that he was a member of the cheerleading team at his old school and he is interested in trying out for the cheerleading team at his current school. He is asked by another male student sitting next to him if he is gay. The alleged target is offended by this question and tells his parents. His parents contact school the next day and report the incident as bullying.

Are the parents articulating bullying?

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## Be Observant and Document What You See

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- Taunting, name-calling, mimicking, rude gestures, cruel remarks, hitting, kicking, shoving, shoulder-checking, biting, scratching, hair-pulling, pinching, spitting, exclusion, etc.



- All need to be intervened upon, documented, and followed up with

- Bullying as a pattern of behavior is much easier to track when incidents are turned into a central bullying complaint manager

**DID YOU KNOW?**  
We typically have 2-4 times more bullying going on than we know about.

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## Listen and Report

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- Listen to and report rumors of bullying

- While the isolated incident may not seem like much, patterns of behavior can not be detected unless the incidents are reported



- Relational bullying includes malicious gossip, shunning, isolating, ostracizing a particular student, and manipulating friendships

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### Symptoms of Bullying

- Child doesn't want to be noticed
- Anxiety
- Crying
- Avoids Confrontation
- Doesn't feel like he or she belongs
- Difficulty reaching goals
- Diminished self-esteem/depression



**DID YOU KNOW?**  
Targets of bullying typically exhibit one of two patterns: 1) Acting out or 2) Withdrawing

40 Source: The Early Faces of Violence, McGrath, 1999

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### Symptoms of Bullying Cont.

- Feels like Dropping out of School
- Sudden Change of Behavior
- Addictions
  - Over and under eating
  - Sleeping too much or too little
  - Alcohol/Drugs
- Compulsive Behaviors
- Very quiet, refuses to speak
- Destroys belongings
- Bullies at home
- Sick a lot/wants to stay home
- Emotional Outbursts

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### Watch for Signs that a Student is Being Targeted



#### Signs That May Indicate a Student is Being Bullied

- Personal belongings (books, paper, homework, money, etc.) are being taken, damaged or scattered around
- Injuries – including scratches, cuts, bruises, torn clothing – and they can't give you a good explanation as to how it occurred
- Excluded or isolated from peers during breaks, lunch, recess
- Don't seem to have good friends you see them spending time with
- Chosen last for activities during recess or physical education or in the classroom
- Student tries to stay near adults during unstructured activities like recess, lunch, or breaks
- Appears to be depressed, stressed, anxious, insecure, or miserable
- Gradual or sudden drop in school performance

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- Implemented directly following intake;
- Must be developed *with* the targeted student and their parent/legal guardian--
  - Individualized, tailored to the targeted student's individual circumstances, worries and needs;
  - Lets the target know they're being listened to and gives them a voice in ensuring their own safety
  - Telephone input from parent/legal guardian is acceptable for timely implementation
  - If not present, copy sent to parent/legal guardian
- Revisited for modification during and following investigation; and
- Should not be in place longer than 10 days or be overly restrictive per the target/their advocate.

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### Safety is the Responsibility of Staff

- The safety plan is only as effective as the vigilance of the staff who are necessary to implement it comprehensively
- We customarily tell FAR LESS staff at school about a bullying investigation than we need to
- Safety plan effectiveness requires that we tell as many staff members as needed to observe the target in every environment
- Staff will receive supervision assignments they must initial
- Only check the boxes that apply per the target/their advocate to ensure their safety during investigation

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- 1. Targeted student agrees not to interact in any way with the accused;
  - 2. Parents agrees to keep child safe outside of school;
  - 3. Target is assigned a primary point of contact;
- The contact person **proactively** makes contact with the student every day to check for bullying, intimidation, harassment or retaliation
- 4. A back-up is also assigned
  - 5. Target must agree to report any breach of this plan to parents, primary contact person, or any visible teacher or staff member.




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- 6. Including breaches that occur off-campus and/or outside of the regular school day;
- 7 & 8. Each classroom teacher for any class target and accused share will be required to keep the two separate;
- 9. Target and accused schedules will be reviewed and target will provide information on approximate location and times of interaction. And adult will be assigned to those locations to supervise the interaction.
- 10. Target can be assigned a recess monitor who will remain visible and available;
- 11. Target can be assigned a lunch room monitor who will remain visible and available;

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- 12. Target can be assigned a physical education class monitor who will remain visible and available;
- 13. Target can receive an extra-curricular activity monitor/athletic activity monitor who will remain visible and available;
- 14. Bus staff are informed and asked to intervene immediately during incidents and report to school principal and/or dispatch; and
- 15. School agrees to inform parents of any harassment, intimidation, bullying or retaliatory incidents immediately.

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## If necessary, also consider...

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- Changes to school arrival time, entrance and transportation arrangements;
- Transportation—changes in bus stop, bus route, or other reasonable travel arrangements;
- Locker—can the student access the locker earlier or later, can a temporary locker be assigned, if lockers are close to one another, will an adult be assigned to monitor the locker interactions;
- Lunch—is the cafeteria safe? Are there opportunities for retaliation from co-bullies and others? Change lunch schedule?

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- Route changes—places to avoid if staff supervision is difficult or not possible;
- School departure—time, exit, transportation arrangements, designating a friend to leave with;
- Support network of peers to accompany the student throughout the day



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### A Note on Mediation

- Mediation is for resolving conflict
- Bullying is no more a “conflict” than child abuse or spousal abuse
- Mediation is NOT a legally defensible response to known bullying
- The target has the right not to confront the alleged bully
- Mediation sends the wrong message

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## Conflict v. Bullying

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**Conflict**=a struggle between two or more people who perceive they have incompatible goals or desires.

- Occurs naturally as we interact with one another and is normal
- Typically arises in the moment
- People of the same relative amount of power see the same situation from two different points of view
- Emotion on both sides is equal because both are arguing for what they want
- Both want issue resolved, but resolved to their liking

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## Conflict v. Bullying cont.

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**Bullying** =unwanted, purposeful, and aggressive behavior directed toward a target with less power intended to cause harm.

- There is always an imbalance of power
- Behavior is deliberate and unprovoked
- The target is intentionally harmed
- The negative emotion is almost wholly experienced by the target alone
- Students engaged in bullying experience pleasure and satisfaction from the bullying behavior
- They don't experience regret and would like behavior to continue for as long as possible

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## Is it bullying or mutual harassment?

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Consider:

- Who initiates the behavior?
- Is there an imbalance of power?
- Is it reasonable to expect that the target would not fight back and should that be held against them?
- Is the target engaging equally?
- If and when the target stops engaging, does the behavior stop?
- After a period of cessation, does the target engage in aggressive conduct toward the accused?
- Are students looking to resolve a difference of opinion, or to abuse another?

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## Post-Investigation Safety Plan

To be used as a logical consequence to bullying behavior

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- To be used when a **founded** complaint of bullying has been rendered or retaliation has occurred during the investigation;
- The accused or the student(s) engaged in bullying is fully the focus of this plan;
- Intended to observe the student engaged in bullying in every environment w/ or w/out their approval or consent;
- Can be implemented along side the pre-investigation safety plan following an investigation if targeted student desires

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- 1. Student engaged in bullying agrees not to interact with target in any capacity or to discuss target with others;
- 2. Student engaged in bullying is required to report directly to the office upon arrival and is directed to remain there until adult escort arrives;
- 3. & 4. Classroom teachers are directed to keep student engaged in bullying and target separate in class and during class activities;
- 5. Student engaged in bullying is placed on delayed passing and must await their adult escort before leaving each class;
- 6. Student engaged in bullying will monitored at all times in every applicable environment;

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- 7. Student engaged in bullying may receive a recess monitor;
- 8. Student engaged in bullying may receive a lunch monitor;
- 9. Student engaged in bullying may receive a physical education class monitor;
- 10. Student engaged in bullying may receive an extra-curricular/athletic activities monitor;
- 11. Student engaged in bullying will have an assigned seat on the bus;
- 12. If bullying is happening after school, student engaged in bullying will be assigned after school detention;
- 13. The school agrees to report any incidents of bullying to the student's parents/legal guardians.

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