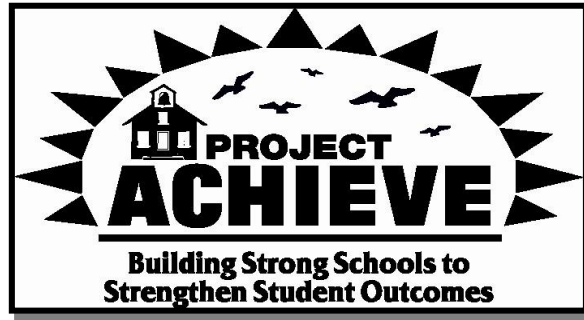

A Sample Bullying Policy for the Anytown School District School Board

**Addressing Bullying/Harassment, Cyber
or Electronic Bullying, and Hazing**

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Recommended Policy to the Anytown School District School Board ¹

Bullying/Harassment, Cyber or Electronic Bullying, and Hazing

April, 2012

I. Introduction

The Anytown School District School Board believes that all district students and staff have the right to a safe, positive, caring, and healthy school environment. As such, the district, its schools, and the community have an obligation to promote mutual respect, tolerance, and the acceptance of individual and other differences.

The Anytown School District School Board further believes that all students attending the district have the right to a school environment where intimidation, bullying, harassment, and hazing do not exist. Recognizing that these interactions negatively impact the school and classroom environment and students' ability to take full advantage of the educational or extracurricular opportunities offered by the district, the School Board strictly prohibits, by all district students and personnel, all acts of intimidation, bullying (including, without limitation, electronic intimidation or cyberbullying), harassment, and hazing on school property, in school buildings, on school buses, or at district-sponsored events or activities whether occurring on or off campus. Relative to electronic intimidation or cyberbullying, these acts are prohibited in any form and in any place if they create or negatively impact the school environment or a student's ability to take full advantage of the educational extracurricular opportunities offered by the district.

The Anytown School District School Board also strictly prohibits, by all district students and personnel, any acts of retaliation directed to any person who reports an incident of intimidation, bullying, harassment, or hazing; who provides information during an investigation of an act; or who has witnessed or has reliable information about an act that has occurred.

Any act of intimidation, bullying, harassment, and hazing will not be tolerated and shall be just cause for disciplinary and/or behavioral health action. This policy shall be interpreted and applied in a manner consistent with all applicable state, and federal statutes, laws, or regulations.

¹ This document was developed by Dr. Howard M. Knoff, Director of the Arkansas Department of Education's State Personnel Development Grant (SPDG) and Project ACHIEVE. The document is a compilation of a number of district policies from across the country. This document has not been legally reviewed, and it may not conform to all state statutes, rules, or regulations. It is provided as a sample or model policy and may be duplicated or transmitted to others with appropriate acknowledgements. For additional information, contact knoffprojectachieve@earthlink.net.

II. Definitions

The definitions below are intended to clarify and differentiate, as much as possible, some of the terms included in the introduction above. Clearly, as reflected in the definitions, there are overlaps in the acts described below. Thus, at some points, the issue becomes less about what an act of teasing, taunting, bullying, harassment, and hazing is called, and more about what occurred, at what level of intensity and intent, and with what outcomes.

A. Bullying is an intentional act or series of acts whose goal is to inflict physical hurt, emotional distress, or psychological harm to one or more students or employees. It may involve an purposeful unwanted written, verbal, nonverbal, or physical behavior or interaction by an adult or student that includes, but is not limited to, a threat, insult, or dehumanizing gesture that has the potential (a) to create an intimidating, hostile, or offensive educational environment; (b) to cause long-term discomfort, damage, or humiliation; (c) to unreasonably interfere with the individual's school performance or participation; or (d) to substantially disrupt the orderly operation of the school.

Bullying is often characterized by an imbalance of power, and such acts may involve, but are not limited to:

1. Unwanted teasing, ridicule, taunting, harassment, or public humiliation
2. Intimidation, threats, extortion, or creating a fear of physical harm
3. Stalking, cyberstalking, or cyberbullying
4. Hazing and physical violence (e.g., hitting, kicking, spitting, pushing, invading one's personal space in an aggressive manner)
5. Theft, hiding, or the destruction of school or personal property
6. Spreading malicious or other rumors or falsehoods, negatively manipulating social relationships or environments, engaging in social exclusion
7. Those motivated by or calling attention to differences due to gender, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background

B. Cyberstalking consists of a series of persistent acts or intended acts that are transmitted by or through electronic mail, a smart phone, or some other technologically-based communication process involving words, images, or messages that are directed at or about one or more people and are designed to cause social, emotional, or psychological discomfort, damage, or humiliation.

C. Cyberbullying is a willful act or repeated acts that have characteristics consistent with the definition of bullying above, but that occur through the use of any digital, electronic, or technological process or device including, but not limited to, e-mail, blogs, (cell) phone messages or texts, social networks (e.g., Facebook, Twitter, etc.), chatrooms, "sexting," instant

messaging, or video voyeurism. Cyberbullying shall also include (a) the creation of a web page or blog in which the creator assumes the identity of another person, or (b) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions identified in bullying definition above.

D. Harassment involves a pattern of unwelcome verbal, physical, written, or electronic/digital threats, insults, or dehumanizing gestures directed against a student or school employee that violates that individual's constitutionally or statutorily protected rights and status, and that:

1. Places the student or school employee in reasonable fear of harm to his or her person, or damage to his or her property;
2. Has the effect of substantially interfering with the student's educational performance, the employee's work performance, or either's opportunities or benefits;
3. Has the effect of substantially negatively impacting the student's or employee's emotional or mental well-being; or
4. Has the effect of substantially disrupting the orderly operation of the school, or creating a Hostile school climate or work environment.

Harassment may focus on the following areas: gender, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background. Harassment may occur as an aggressive/initiated act, or as a retaliatory act.

E. Hazing shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include (a) whipping, beating, branding, or forced calisthenics; (b) exposure to the weather; (c) forced consumption of any food, liquor, beverage, drug or other substance; or (d) any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

F. School setting means in the school, on school grounds, in school vehicles, at a designated school bus stop, or at any activity sponsored, supervised or sanctioned by the school.

III. Training and Notification of this Policy and its Procedures

The training and notification procedures for the District will include, but are not limited to, the following:

- A. An adaptation of this policy, with relevant procedures, will be included in the district's staff/personnel handbook (or its equivalent), student Code of Conduct, and student/parent handbook. Policies and procedures will be updated, as needed, on an annual basis.
- B. All new instructional, related services, and administrative staff, as well as all new support staff (e.g., secretaries, custodians, cafeteria workers, bus drivers, school resource officers/deputies, extracurricular club and activity leaders or coaches, afterschool supervisors or program staff) will receive training, coordinated by the Superintendent and/or Building Principal, along with a written summary of this policy prohibiting bullying, harassment, and hazing, and the staff's respective roles and responsibilities, before the beginning of the school year wherein they are employed. This training shall include instruction on distinguishing characteristics and features of, ways to prevent, ways to stop (during an event), ways to respond to, ways to report, and how the district will investigate incidents of bullying, harassment, and hazing as defined in this policy.
- C. All continuing full-time and part-time instructional, related services, and administrative staff, as well as all support staff (e.g., secretaries, custodians, cafeteria workers, bus drivers, school resource officers/deputies, extracurricular club and activity leaders or coaches, afterschool supervisors or program staff) will receive an oral and written summary of this policy prohibiting bullying, harassment, and hazing, and their respective roles and responsibilities before or within two weeks of the beginning of each school year.
- D. All students in the district will receive training, in a developmentally appropriate way and within the first two weeks of the school year, on this policy and ways to prevent, stop (during an event), respond to, and report incidents of bullying, harassment, and hazing as part of their school's more global training on its positive behavioral support system and student Code of Conduct.

Students who enter or re-enter the district, during the school year after this training has occurred, will receive an oral and written summary of this policy and its procedures—along with their parents or guardians—as part of a briefing on their responsibilities relative to the student Code of Conduct.

- E. In addition to (D) above, all secondary (Mid-High) students who are members of a student team, organization, or extracurricular club will receive training and an adapted copy of this policy with a particular emphasis on preventing, responding to, and reporting incidents of hazing. This training must occur prior to or at the first meeting of the group, team, or organization each year, and participating student and staff members must agree to comply with all provisions of this policy prior to and contingent on their involvement or membership.

- F. All new volunteers who have significant contact with students will receive training as in (B) above. All continuing volunteers who have significant contact with students will receive a briefing as in (C) above.
- G. Information regarding this policy and its related procedures will be posted on the district's website, and communicated to the community through other reasonable means.

IV. Reporting and Investigation Responsibilities and Procedures

The Anytown School District will respond promptly to all allegations of bullying, harassment, and hazing, and all allegations of retaliation against a person who witnesses, has information about, reports, or provides information about (e.g., during an investigation) bullying, harassment, or hazing.

A. Reporting Responsibilities and Procedures

Students may report complaints of bullying, harassment, or hazing, or retaliation related to these acts, to any school district employee, faculty, or staff member. All such complaints, ideally with the student's direct involvement, shall be brought to the attention of the principal of the school in which the student attends.

If any parent/guardian of a student, staff member, or other community member believes that a student or staff member has been subjected to bullying, harassment, or hazing—or to retaliation as described above—he or she should bring (or be directed to bring) the matter to the attention of the principal of the school in which the student attends. This may be done verbally or in writing, and either may be done anonymously.

If the principal or a school board member is the subject of the offense or retaliation, the information should be brought the attention of the superintendent. If the superintendent is the subject of the offense or retaliation, the information should be brought the attention of the Chair of the school board.

Students, parents/guardians, and other community members are encouraged to report behavior they consider to be bullying, harassment, or hazing—including a single act which, if allowed to continue, would constitute bullying, harassment, or hazing. All district employees and school board members are required to report incidents that they have witnessed or that have been reliably reported to them, including single acts and those which, if allowed to continue, would constitute bullying, harassment, or hazing. All such reports shall occur on the same day as the event or the report of the event, and a written report may be required following any verbal report. A district employee's failure to report will result in action(s) or discipline, consistent with any contractual or collective bargaining agreements, up to and including termination of employment.

B. Investigation Responsibilities and Procedures—Students

1. The principal shall report all complaints in writing and through a data management system to ensure that problems are addressed in a timely manner and documented so that an annual summary of offenses and actions is available. This process is to be followed whether a complainant is known or anonymous.
2. The principal will begin his or her investigation within two (2) school days of receiving a complaint, and will complete the investigation with a written report and decision within ten (10) school days of the complaint. After any decision, parents/guardians will have the right to appeal, as relevant, any decision to the principal and/or the superintendent within five (5) school days. The appeal must be written, and it must specify the reasons and the desired resolution or relief. An appropriately filed appeal must occur within ten (10) school days. All reports and decisions will be reported in the school/district's data management system.
3. Initially, the principal, in consultation with the superintendent as needed, will determine if the reported act of bullying, harassment, or hazing falls within the scope of the definitions in this policy. It is understood that, in order to make one of the determinations below, the principal will need to begin a formal investigation of the complaint. At the point where one of the decisions below can be made, the principal will discontinue the investigation—except where the reported act falls within this policy.
 - If the act does not fall within the scope of this policy, the principal will determine if it still falls within the district's discipline policy and, if so, will determine the appropriate response using those guidelines.
 - If the act falls within the scope of this policy, the principal will complete the investigation of the act as described below.
 - If the act is outside the scope of this policy, but may represent a criminal act, the principal will consult with the superintendent, and then refer the situation to law enforcement.

A principal may disclose a possible criminal act to law enforcement without the consent of a student or his/her parent/guardian, but all communications with law enforcement officials will be done in a manner that protects the privacy of all of the students involved (e.g., targets, aggressors, and witnesses) to the greatest extent possible under the circumstances.

Beyond the referral to law enforcement, the principal will still determine and implement any needed school-based responses or interventions, and document the incident according to this policy.

- If the act is outside the scope of this policy, but determined to not constitute a possible criminal act, the principal will inform the parents/guardians of all the students involved, determine and implement any needed school-based responses or interventions, and document the incident according to this policy.

4. The principal, even upon receiving the initial verbal or written report, may take interim measures to ensure the safety, health, and welfare of any or all parties involved pending the findings of the investigation. If these measures involve law enforcement, the procedures above should be followed. If these measures involve student behavioral health services, the principal must determine the presence of an emergency, and follow district procedures relative to taking an action with or without parent/guardian consent. Any actions or disclosures are limited to the period of the emergency, and the principal must document any disclosures and the reasons why he or she determined that a health or safety emergency existed.

5. If the reported act falls within this policy, the principal will complete the investigation by completing at least the following steps:

- The principal will inform the parents of all the pupils involved of the alleged incident, and, as appropriate, may discuss the availability of behavioral health and other intervention services. This will occur by telephone, through a written notice, or during a parent conference.

When notifying any parent/guardian, the principal must comply with all district, state, and federal confidentiality requirements, including the Federal Family Education Rights and Privacy Act regulations, 34 C.F.R. Part 99, as set forth in 603 C.M.R. 49.07. More specifically, a principal may not disclose any information from any student record unless the information is about the parent/guardian's own child.

- The principal will complete all necessary fact-finding steps, including interviews of relevant students, staff, parents, and others.

All interviews of the victim(s), aggressor(s), and witnesses will be documented, and will be conducted privately, separately, and in a confidential manner. At no time during the fact-finding stage will an alleged aggressor and victim be interviewed together.

- Informal Resolution. Depending on the nature and severity of the incident, and with the mutual agreement of the parents/guardians and the students primarily involved in the incident [i.e., the victim(s) and aggressor(s) if all are at least 14 years of age), the principal may decide to remediate the situation through an informal resolution. When this occurs, the principal will write a report describing the incident, the facts collected along with their sources, and the actions (including, for example, remedial, corrective, and/or disciplinary actions) needed to respond to and resolve the situation. If even one of the above parties does not

agree with the recommended resolution, then the situation will require a formal resolution.

- **Formal Resolution.** In this situation, the principal—after completing his or her investigation—will write a report describing the incident, the facts collected along with their sources, the actions (including, for example, remedial, corrective, and/or disciplinary actions) needed to respond to and resolve the situation, and the right of appeal (see the above timelines). This report will be sent to the relevant parents/guardians involved, and the recommendations or actions to be taken will be discussed with the students involved in one or more meetings attended by school officials.

As appropriate, student-parent conferences will be conducted to ensure that everyone involved understands the contents of the report, the recommendations or actions to be taken, and how, when, and with whom the recommendations will be implemented.

C. Investigation Responsibilities and Procedures—Staff

When an employee, staff member, administrator, school board member, or school-involved adult is the subject of a complaint, the procedures above will be adapted accordingly. The investigation will be conducted by the principal, superintendent, or school board member as specified in Section IVA above, and the involvement of law enforcement or other community entities will occur as relevant and needed.

If the accused is an employee, disciplinary action(s) may be taken consistent with any contractual or collective bargaining agreements, up to and including termination of employment. As per state and/or federal law, the accused retains all rights to due process.

V. Disciplinary Actions and Due Process

When it is determined, under this policy, that inappropriate bullying, harassment, or hazing has occurred, the Anytown School District is committed to acting promptly to eliminate the conduct, to protect victims from further offenses, to re-establish a positive, prosocial atmosphere across the school, and to impose appropriate remedial, corrective, and/or disciplinary action as necessary. The latter actions may range from requiring the aggressor to apologize and make amends with the other students involved in the original offense; to work with school personnel on improving interpersonal, social problem solving, conflict prevention or resolution, or emotional coping skills and behavior; to engage in behavioral health services; and/or to accept consequences or discipline up to and including suspension, expulsion, and/or potential court involvement.

As appropriate, the principal may utilize the expertise of the Student Assistance Team (SAT) in order to determine the most appropriate remedial, corrective, and/or disciplinary actions for students. All recommended actions will occur after considering the nature and severity of the behavior, the degree of harm, the surrounding circumstances and relationship between the parties involved, the developmental age and skills of the student, the presence and impact of any disabilities or extenuating circumstances, and the student's history of discipline and behavior management problems.

The principal, and others, may utilize those involved employee assistance or human relations experts to determine the most appropriate action(s) for employees. All recommended actions will occur after considering the nature of the behavior, the presence and impact of any disabilities or extenuating circumstances, and the employee's history of discipline and job performance problems.

A. Responses to Student Violations of this Policy

A student who violates any provision of this policy shall be subject to the following remedial, corrective, and/or disciplinary actions within the context outlined immediately below. Depending on the severity or context of the problem, some cases may warrant an immediate second or third offense response.

- **First Offense:** Remedial, corrective, and/or disciplinary actions as appropriate, after a documented investigation, report, and recommendations; parent/guardian notification and conference to discuss the report and recommendations; and student involvement as appropriate (required when age 14 or older)

- **Second Offense:** Corrective and disciplinary actions required, with remedial actions as appropriate after a documented investigation, report, and recommendations; parent/guardian notification and conference to discuss the report and recommendations; and student involvement as appropriate (required when age 14 or older)

- **Third Offense:** Disciplinary action required, with corrective and/or remedial actions as appropriate after a documented investigation, report, and recommendations; parent/guardian notification and conference to discuss the report and recommendations; and student involvement as appropriate (required when age 14 or older)

1. Remedial actions may include, but are not limited to the following:

- Restitution and/or restoration
- Social, emotional, and/or behavioral skills instruction
- Involvement in a peer support group
- A relevant learning project or experience
- A behavior management plan/contract with outcomes that are closely monitored
- Behavioral health services that may include counseling or behavior therapy

2. Corrective actions may include, but are not limited to the following:
 - Personal action such as a letter of apology
 - Restitution and/or restoration
 - Relevant school or community service
 - Assignment of a Team Builder on a temporary basis
 - Assignment to leadership responsibilities (e.g., hallway or bus monitor)

3. Disciplinary or consequence-related actions may include, but are not limited to the following:
 - Temporary removal from the classroom
 - Deprivation of privileges
 - Restriction of the times allowed on-campus (i.e., before and after school)
 - Required supervision during the school day
 - Classroom or administrative detention
 - Ban from participating in school- or district-sponsored activities or programs
 - In-school suspension during the school week or weekend
 - After-school program participation
 - Out-of-school suspension (short-term or long-term)
 - Referral to an alternative program
 - Expulsion

B. Responses to Staff Violations of this Policy

Employees or administrators found to have violated any provision of this policy will receive and engage in the remedial, corrective, and/or disciplinary actions determined by the principal, superintendent, or school board. These actions will be determined and delivered in accordance with district policies, procedures, and agreements. They may include, but are not limited to: reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but are not limited to: in or out-of-school counseling, professional development programs, and/or work environment modifications.

C. Responses to Visitor or Volunteer Violations of this Policy

Depending on the nature, severity, and circumstances of a confirmed or validated violation of any provision of this policy, the following actions may be taken against visitors or volunteers: removal of building, grounds, or school activity/attendance privileges; restricting or prohibiting contact with students or staff; restricting or

disallowing access to pupil services (as consistent with law); referral to law enforcement or the initiation of other legal actions. For volunteers, remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and/or work environment modifications.

VI. False Accusations

The Board prohibits any person from falsely accusing another of bullying, harassment, or hazing either as a means of retaliation, or as its own means of intimidation, bullying, harassment, or hazing. When this occurs, the policies and procedures above will be adapted and used, in order to validate the false accusation and to determine the remedial, corrective, and/or disciplinary actions needed.

A. Students. Students found to have falsely accused another as defined above will receive and engage in the remedial, corrective, and/or disciplinary actions determined by the principal. These actions may range from positive behavioral interventions up to and including suspension or expulsion as consistent with the student Code of Conduct. All students shall be afforded the same rights and protection regardless of their status under the law.

B. School Employees or Administrators. Employees or administrators found to have falsely accused another as defined above will receive and engage in the remedial, corrective, and/or disciplinary actions determined by the principal, superintendent, or school board. These actions will be determined and delivered in accordance with district policies, procedures, and agreements. They may include, but are not limited to: reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but are not limited to: in or out-of-school counseling, professional development programs, and/or work environment modifications.

C. Visitors or Volunteers. Depending on the nature, severity, and circumstances of a confirmed or validated false accusation, the following actions may be taken against visitors or volunteers: removal of building, grounds, or school activity/attendance privileges; restricting or prohibiting contact with students or staff; restricting or disallowing access to pupil services (as consistent with law); referral to law enforcement or the initiation of other legal actions. For volunteers, remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and/or work environment modifications.

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