



## McGrath Bullying and Harassment/ Minimize the Risk Curriculum

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## **McGrath Bullying and Harassment: Minimize the Risk Curriculum**

*What is most surprising of all is how much **fear** there is in school . . . Like good soldiers, [students] control their fears, live with them, and adjust themselves to them. But the trouble is, and here is a vital difference between school and war, that the adjustments children make to their fears are almost wholly bad, destructive of their intelligence and capacity. The scared fighter may be the best fighter, but the scared learner is always a poor learner.*

—John Holt

*How Children Fail* (1982)

*“Lead with your heart, while using your head.”*

—Mary Jo McGrath

*School Bullying: Tools for Avoiding Harm and Liability* (2007)

### **1. Rationale for Training:**

#### ***A Culture of Cruelty***

National surveys tell us that everyday taunting, teasing, bullying and ridicule are the norm for too many students. Sexual harassment is a major issue in schools. Gay bashing has become pandemic. Left unchecked these violent behaviors form the basis for the slow erosion of self that can lead to internal destruction or external violence—withdrawal, suicide, lashing out at others. Research shows that established patterns of sexual harassment, violence and hate crimes can result from being bullied and ridiculed over time.

Schools have a mission beyond academic learning. That mission is about life and the relatedness of people. Learning in a culture of open communication, inclusiveness and belonging is essential. Such an atmosphere instills self-confidence and citizenship in students. Without it, we are likely to breed isolation, fear and insecurity. Without it, kids can't learn.

#### ***Bullying and the Law***

It is vital that any campaign for the eradication of bullying behavior -- and the school district's responses to that end -- be understood from a socio-emotional perspective. It is just as critical that bullying be understood in a *legal context*. More and more students and their parents are suing school districts for their failure to take steps to prevent or intervene in persistent, pervasive, and/or severe acts of social and physical bullying. They are suing, and many of them are winning substantial settlements and judgments.

Monetary awards are occurring because many school officials, administrators, and employees are not fulfilling their duties. There are currently three main causes of action that are being brought in suits against school districts and a variety of incidents and injuries for which they are being held liable. The main causes of action in these cases *include failure to take preventive action, deliberate indifference, and negligent supervision.*

Local and state legislation is also impacting more and more school districts nationwide. To date, at least 39 states have enacted anti-bullying statutes and others have pending legislation to prohibit bullying before it gets to the criminal stage.

### ***Training and Developing Safe, Responsive Adults***

There are many programs and intervention strategies designed to “bully proof” students. While none have been proven effective over time and across multiple settings (see *Bullying in Schools: How Effective Can Interventions Be?* Smith, Pepler and Rigby, eds. 2004), those with the best practices and research behind them may be worth implementing. These programs are necessary, but *they will not protect you in a court of law.* It is a major pitfall to think that training children to interact differently is a replacement for monitoring the environment, intervening, and investigating.

Students—both victims and bystanders—want adults to *intervene* in bullying and harassment behavior. However, most children do not feel safe telling an adult that the behavior is occurring. The code of silence is strong. Training students in how and when to report what they observe and experience is an important part of a legally fit approach to bullying, but you should not *expect* them to report. The adults in the school system must be watchful for the warning signs that bullying is occurring. It is more likely than not that the students will not report situations to the adults, so the adults must take the initiative in combating bullying. Every employee in the school, from the front office staff to the school crossing guards, must be trained to respond.

The key to defending against claims is demonstrating that the adults in the schools are trained, aware and have taken clear and appropriate action to stop bullying and harassment in your schools. If you haven't responded appropriately, the cost to your district, your students and yourself can be devastating both financially and emotionally.

### ***What about Conflict Resolution and Peer Mediation Programs?***

Almost all student-centered anti-bullying programs include conflict resolution or mediation practices. The mindset that there is a “conflict” involved reveals a misunderstanding about the fundamental nature of bullying and harassment. Bullying is not a conflict but a domination of another, an abuse of power. The U.S. Department of Health and Human Services (USDHHS, 2004) puts it this way:

**Bullying is a form of victimization.** It is no more a “conflict” than are child abuse or domestic violence. Mediating a bullying incident may send inappropriate messages to the students who are involved. . . . The appropriate message to the child who is bullied should be, “No one deserves to be bullied and we are going to do everything we can to stop it.” The message for children who bully should be, “Your behavior is inappropriate and must be stopped.” Mediation may further victimize a child who has been bullied. It may be very upsetting for a child who has been bullied to face his or her tormenter in mediation.

There is no evidence to indicate that conflict resolution or peer mediation is effective in stopping bullying (USDHHS, 2004). Furthermore, *conflict resolution and peer mediation are not legally fit responses to bullying behavior*. In cases of actionable harassment, the Office for Civil Rights (2001) has stated that a victim has the right to not confront the perpetrator. Encouraging such action may heighten the risk of liability.

### ***Bullying Prevention Efforts and Student Achievement***

The nexus between anti-bullying efforts and increasing student achievement lies in directly training school personnel to provide a safe environment and to respond effectively in the classroom. In their book, *School Leadership that Works: From Research to Results* (ASCD 2005), Marzano, Walters and McNulty identify 11 factors that can be altered to affect student achievement. They state that each of these 11 factors “represents an area of change that is actually doable.” At the School Level, they link a *safe, orderly environment* to increasing student achievement. At the Teacher Level, one of the key factors is *classroom management*.

**Safe, Orderly Environment:** The authors define a safe and orderly environment as “one in which students and teachers alike are safe and perceive that they are safe from both physical and psychological harm.” They identify safety and order as a necessary condition for effective schooling and point to national goals that have been established regarding this factor.

**Classroom Management:** According to Marzano et al, “One can argue that classroom management is the foundation of effective teaching. In fact, in a major review of the research literature, Wang, Haertel and Walberg (1993) identified classroom management as the factor that has the greatest impact on student achievement out of a list of 228 variables. This makes intuitive sense – a classroom that is chaotic as a result of poor management not only doesn’t enhance achievement, it might even inhibit it.”

A comprehensive approach to bullying prevention and intervention that addresses both students’ experience of safety and teachers’ ability to provide that experience can impact student achievement.

### ***A 360-Degree Approach to Training***

Such training must include the entire school community. A 360-degree approach includes students, parents, teachers, classified personnel, administrators, athletic coaches, and even vendors.

## 2. Curriculum Overview:

The *McGrath Bullying & Harassment: Minimize the Risk Curriculum* is a legally fit, educationally sound system designed to decrease bullying and unlawful harassment and to protect school districts in the event of legal action. The McGrath curriculum is the **only anti-bullying system based on current research in two fields:** (1) the socio-emotional research on the effects of bullying on victims, bystanders and perpetrators and (2) legal research on what the courts are saying regarding standards of care and educator responsibilities.

While we provide student training solutions, our unique approach emphasizes the need for a cohesive adult response. Our methodology includes sound practices for the prevention, identification, intervention and investigation of bullying and harassment complaints. Our objectives with the adults on campus are to train them to respond in a timely, consistent and principled manner and to monitor the environment for signs and symptoms of peer victimization, retaliation, and recurrences. Ultimately, it is the adults on campus who will alter the school culture and climate.

Students must feel safe on campus and they must feel confident that when they report a complaint they will be taken seriously and receive prompt, effective action. Our goals for students are that they learn to recognize bullying behavior, that both victims and bystanders are empowered to report incidents when they occur – breaking the code of silence -- and that all students' feel safe at school. All of these goals relate directly to increased student attendance, graduation rates and performance.

McGrath programs are not mere one-stop lectures but *complete systems* to be implemented and expanded over time. At the heart of McGrath approach to bullying is the McGrath SUCCEED System.

### ***What is the McGrath SUCCEED System?***

The McGrath SUCCEED System organizes fundamental legal and human principles into a powerful methodology for resolving and transforming complex human situations. On the one hand, the McGrath SUCCEED System provides step-by-step, legally sound procedures and practices for identification of bullying and for complaint intake, management, and investigation of these matters. On the other hand, the McGrath SUCCEED System provides practical transformational tools for analyzing bullying situations and for listening to and communicating with all of the constituents involved—students, parents, teachers, staff, community members, and others. The intended outcome of the McGrath SUCCEED System is the creation of a school environment of safety, caring, and excellence.

### ***What Specifically Does the McGrath SUCCEED System Address?***

The McGrath SUCCEED System addresses both the **content** and the **context** of bullying. **Content** means “Who did what to whom?” and “What are we going to do about it?” Provided in the system are practical action steps that respect the due process and just cause rights of those involved, and include

- distinguishing actionable bullying from acceptable student behavior;
- having a uniform, three-tiered system-wide approach for complaint intake and management;
- applying legally fit procedures throughout the process;
- creating quality records of the actions taken; and
- maintaining step-by-step documentation of the investigation.

When dealing with the **context** of bullying, the environment is addressed from two views: (1) the environment in which the behavior arose, and (2) the future environment that the school community is committed to having in school. For this purpose, included in the McGrath SUCCEED System are practices that bring out qualities such as

- acting with honesty, compassion, and accountability;
- fostering trust, respect, understanding, and a commitment to growth;
- honoring the whole human being;
- addressing the varying needs of that whole human being; and
- providing a basic format to integrate these qualities into daily life.

The McGrath SUCCEED System offers practices that put fundamental ethical principles into action. Each interaction flows from an application of the McGrath SUCCEED System’s ultimate purpose—to develop people and the culture and climate in which they work and study. While accomplishing the appropriate result with each individual, the McGrath SUCCEED System provides the means to alter the culture and climate of the school.

On the following pages you will find program descriptions for a curriculum of onsite workshops, distance learning programs and video training systems which explore the issues of safety and civility in our schools from two perspectives: human dynamics and legal intervention.

### **3. Programs and Objectives:**

#### ***Staff and Teacher Awareness (Level 1 Response)***

***Half day training or customized to meet district needs***

#### ***Intake and Management of Complaints (Level 2 Response)***

***Full day training***

For Site Administrators, Classified Managers, Deans, Security Personnel, Title IX Officers, Student Assistance Coordinators, School Counselors

Prerequisite: All attendees should complete Module 1a prior to this session so that legal and socio-emotional definitions and issue identification are fully understood.

This module is designed for anyone on campus who is in a position to receive and respond to student-to-student bullying and harassment complaints. The McGrath Trainer will provide an overview of applicable laws and procedures while inquiring into the psychodynamics of victims, perpetrators and witnesses. The training is designed to walk the participants through the processing of a complaint from initial intake through determination of appropriate action, including guidelines for determining if a formal investigation is warranted and who should conduct the investigation.

#### Objectives:

Participants will receive comprehensive training in the unique methods required for the legally sound intake and management of bullying and harassment complaints including:

A comprehensive, 100+ page *Bullying and Harassment Complaint Intake and Management Manual* is provided for each participant.

#### ***Investigation of Complaints (Level 3 Response)***

***1 Day On-site Training or***

For Title IX Officers, Investigators, Human Resources Managers, EEO Officers, School Principals – anyone who conducts formal investigations into bullying and harassment complaints by students and/or employees

Prerequisite: All attendees should complete Level 1 & 2 prior to this advanced training.

Are you prepared to investigate? Any good anti-bullying program will result in an increase in complaints. School administrators are most at risk of liability and least prepared in this area. All too often they unwittingly take actions that are not legally fit. This leaves the school district exposed and puts students at risk of harm. In this module, participants gain the knowledge and skills needed to conduct a thorough, unbiased investigation and draft a final report that can stand up under scrutiny in a hearing or court of law.

A comprehensive, 180+ page *Bullying and Harassment Investigation Manual* is provided for each participant in the on-site course. Ongoing Internet access to all resources and forms is provided for those who complete the distance learning course.

***Training and Certification of Local Trainers (for delivery of Student Training)***

Available for pre-kindergarten through community college educators

A Certified McGrath Trainer will train a group of counselors, teachers, and/or administrators from your district to deliver bullying and harassment awareness training to students utilizing McGrath videos and materials. These programs are highly customized depending on your needs.

**Training Objective:** To train and certify a group of Local Trainers in the unique methods required for training students in awareness of bullying and harassment, what their rights and responsibilities are, how to report incidents, and how to act respectfully toward one another.

***Parent/Community Session***

This program has 4 goals: (1) informing parents of the school district anti-bullying and harassment policies and school district expectations regarding student conduct, (2) presenting and clarifying the school district anti-bullying efforts and student training plan prior to implementation, (3) increasing parental awareness of bullying behavior, and (4) how parents can work in cooperation with the school when an incident occurs.

## ***Follow Up Training and Consultation Services –Optional Training and Services***

Our experience tells us that even the best designed and delivered training and development programs need follow up. Therefore, we offer the following programs and services:

- ❖ Student questionnaires and site surveys to assess student needs and concerns, training effectiveness, site-specific issues and trends, and campus “hot spots” in need of monitoring.
- ❖ Annual pre-school trainings and refresher courses for faculty and staff.
- ❖ Customized trainings for *vulnerable educators* – those who moderate and coach extracurricular activities, field trips, athletics and other non-classroom activities (these programs include extensive risk management guidance and are designed to minimize the risk of negligent supervision claims in a variety of situations and settings). \*
- ❖ Recertification of Local Trainers (recommended every other year)
- ❖ Advanced training in complaint management and/or investigation
- ❖ Policy review and consultation
- ❖ Telephone consultation regarding implementation of student training programs by Local Trainers
- ❖ Training on other legally based topics incorporating the McGrath SUCCEED System, including:
  - *Supervision, Evaluation and Leadership Training for School Administrators*
  - *Discipline, Documentation and Dismissal of Underperforming Employees*
  - *Student Sexual Abuse Awareness and Investigation*
  - *Civil Rights Compliance (Title IX, Disability, and/or Race/Language Issues)*
  - *Valuing and Managing Cultural and Racial Diversity in a Multicultural Setting*
  - *\*Vulnerable Educators Liability and Athletic Liability*

## **4. Program Materials:**

### Manuals

We provide each participant with written materials developed especially for each workshop—from simple but effective handouts for parents and students to 100+ page implementation manuals for investigators and local trainers. These materials are all copyrighted by Mary Jo McGrath, and the materials cost includes a licensing fee for each participant for their individual use of the copyrighted materials. McGrath materials may not be reproduced nor distributed to anyone other than *Bullying & Harassment: Minimize the Risk* program participants.

### Video Education Materials

McGrath Training Systems produces and distributes two video series with a total of thirteen educational videos for pre-K through 12th grade students, staff, administrators and parents that can be utilized in your bullying and harassment prevention program. Brochures for both *The Early Faces of Violence: From Schoolyard Bullying and Ridicule to Sexual Harassment* (grades pre-K to 6) and *Student Sexual Harassment: Minimize the Risk* (grades 6 to 12) are included with this proposal.

These videos are a required purchase with *Module 5: Training of Trainers*. We recommend purchasing 1 set of videos for every school site but no less than 1 set for every 3 sites.

### Books

We recommend purchasing copies of Mary Jo McGrath’s highly acclaimed book *School Bullying: Tools for Avoiding Harm and Liability* (Corwin Press 2007) for all school administrators in the district.

## 5. About the Program Designer:

Mary Jo McGrath, attorney at law, Founder and President of McGrath Training Systems, graduated *magna cum laude* in 1974 from the University of California Los Angeles, and from Loyola University School of Law *cum laude* in 1977. She has been a practicing attorney for nearly 30 years, specializing in employee performance issues and legal mandates in the school and workplace. In 1989, after serving as a partner in one of California's most prestigious law firms, she founded her own law office specializing in education and personnel law. Ms. McGrath's unique practice involves cases dealing with termination, suspension, and layoffs, as well as labor relation matters such as negotiations, arbitrations, unfair practice proceedings and employment discrimination issues, with an emphasis on sexual harassment and educator sexual abuse.

Ms. McGrath is author of *School Bullying: Tools for Avoiding Harm and Liability* (Corwin Press, 2007). Her training company, McGrath Training Systems, also produces the highly acclaimed educational video series for schools *Student Sexual Harassment and Abuse: Minimize the Risk* and *The Early Faces of Violence: From Schoolyard Bullying and Ridicule to Sexual Harassment*. McGrath Training has delivered workshops on topics ranging from sexual harassment and abuse awareness and investigation to employee supervision evaluation and leadership to more than 250,000 school administrators, teachers, staff, students, parents and community members.

Ms. McGrath is acknowledged as an international expert in sexual harassment and child sexual abuse as well as employee performance, quality and discipline law. She served as an expert consultant to the office of the California Governor on teacher tenure reform and has been the featured legal expert on CBS' *Eye to Eye with Connie Chung*, *The CBS Evening News with Dan Rather* and *48 Hours* programs on the issue of sexual harassment and abuse and on ABC's *20/20* on the issue of teacher quality and performance. She has been featured in *The Los Angeles Times*, *The New York Times*, *Redbook*, *Reader's Digest*, *Seventeen* and several nationally circulated professional journals. Ms. McGrath served as Chair of the US Department of Education Safe, Disciplined and Drug-Free Schools Expert Panel from 2000 to 2002.

Mary Jo McGrath's curriculum vitae can be found on our website at [www.mcgrathinc.com/presenters](http://www.mcgrathinc.com/presenters).

## 6. About Our Presenters:

At McGrath Training Systems we are highly aware of the sophistication of our audience when it comes to their own training and development. We keep up with trends in adult learning theory and continue to develop ourselves to exceed the expectations of our audience.

Every McGrath Trainer has been extensively trained by program designer Mary Jo McGrath. We receive consistently high ratings for program delivery and presentation style, trainer background and expertise, and the content and design of our programs and materials.

Our trainers have delivered our programs for a combined total of over 250,000 participants. In addition, every McGrath trainer has no less than 7 years experience in training and developing school personnel. We will select the trainer for your program whose experience and expertise best meets your needs. Trainer biographies and resumes are located on our website at [www.mcgrathinc.com/presenters](http://www.mcgrathinc.com/presenters).

## What makes McGrath Training Systems unique?

### **Our Vision**

*McGrath Training Systems is a professional development company. We produce and distribute programs, services and products that unite human dynamics with legal integrity. We serve organizations, large and small, worldwide.*

*We focus on what is at the heart of people working and learning effectively together - diversity, communication, respect, responsibility, and leadership. We also address harassment and discrimination, bullying, and liability issues.*

*We provide people and their organizations with new paradigms, the skills needed to grow and succeed, and the power to act with ease, grace and generosity.*

### **Our Expertise**

Mary Jo McGrath, Founder and CEO of McGrath Training Systems, is a practicing attorney with nearly 30 years experience in education and personnel law. Additionally, she has led human development courses for more than twenty years, covering such topics as Being Extraordinary, Creativity: Living at Risk, and Excellence: On the Mark.

With this dual expertise, Ms. McGrath has developed for McGrath Training Systems programs and services that take full advantage of the depth of her expertise in both the law and the delicate intricacies associated with the complex issues surrounding how people relate to each other.

Our products and services unite the legal rights and responsibilities of the work and school environments with the human dynamics present in everyday life. They are legally based and have powerful proven human dynamics.

Based on national recognition as an expert on sexual harassment in schools and workplaces, Ms. McGrath was selected to Chair the United States Department of Education's Expert Panel on Safe, Disciplined and Drug-Free Schools. She has designed for McGrath Training Systems a Sexual Harassment Intervention Curriculum, educating and training adults and students in all aspects of the issue of harassment and discrimination, from awareness to advanced investigation techniques and strategies.

Another area of expertise is the law and human dynamics of quality employee and management performance. Ms. McGrath has developed a proven methodology for enhancing effectiveness and development through what she calls constructive communication. This methodology is utilized in all McGrath workshops from Sexual Harassment Investigation to Cultural Diversity to our approach to Bullying and Conflict Resolution. It is embodied in the copyrighted McGrath SUCCEED with Communication, Supervision, Evaluation, and Leadership Communication, which produces excellence in management/employee communication, performance and evaluation.

In addition to live inservice training, McGrath Training Systems produces and distributes these two highly acclaimed educational video series for schools. One series is a six-part sexual harassment video training system entitled *Sexual Harassment and Abuse: Minimize the Risk*, deemed to be "the best on the subject" by many professionals. Another is a seven-part video training system, called *The Early Faces of*

*Violence: From Schoolyard Bullying and Ridicule to Sexual Harassment*, that takes on the issue of bullying, ridicule and violence in our nation's elementary schools.

### **Our Experience**

Since 1983, Mary Jo McGrath and her associates have trained over 250,000 administrators and managers in employee supervision, evaluation and documentation and in matters pertaining to sexual harassment, discrimination and misconduct. Our programs are delivered through a variety of methods including group discussion, role-play, videos, skill building, and written materials.

The field of "legally based training" has a reputation for being dry, boring and full of "legalese". This is because most qualified legal experts are simply not qualified educators. McGrath Trainers are that rare combination—both experts in their field and engaging, highly skilled trainers. They receive the highest ratings and accolades from workshop participants.

### **Our Programs**

In addition to the SUCCEED with Communication, Supervision, Evaluation, and Leadership curriculum, McGrath Training Systems provides comprehensive **video and inservice training systems**, **distance learning**, and **consultation** services including:

**SUCCEED with Communication, Supervision, Evaluation and Leadership** -- A holistic, breakthrough methodology that trains supervisors and administrators to powerfully communicate with their employees to impact performance under the protection of sound legal principles. The Course emphasizes the interrelationship of the supervision, evaluation and documentation processes. When communication is grounded in the values and requirements of both employee supervision and labor relations, administrators gain the will and the skill to fully communicate and effect systemic change.

**Sexual Harassment and Discrimination** – Awareness, Intervention, Investigation

**Cultural & Racial Diversity** – Workshops and seminars teach how to create an environment in the workplace that addresses multicultural/multiracial issues by learning to value differences, utilize constructive communication and create problem-solving processes.

**Athletic Liability Training** – Training for athletic directors and coaches to minimize the risk of harm and legal liability in supervising and conducting student athletic programs both on and off campus. *The McGrath Athletic Liability: Minimize the Risk Guidebook* is available for school districts nationwide.

**Distance Learning** – A number of McGrath programs are available for online delivery and can be previewed on our website at: [www.mcgrathinc.com](http://www.mcgrathinc.com).

For program information, Mary Jo McGrath's CV and useful articles by Mary Jo McGrath go to [www.mcgrathinc.com](http://www.mcgrathinc.com)









