



Ann McLane Kuster is a shareholder and director of Concord law firm Rath, Young and Pignatelli. She focuses her legal practice primarily on legislative and policy matters for clients such as Dartmouth College, Dartmouth Medical School, The New Hampshire College and University Council, and New Hampshire Independent Schools. Her recent presentation, "What Are Bullying and Harassment?" was well-received by AE/MS middle school students.

Photo by Gretchen Hildebrand

## Bullying from page 1

student or teacher about the Eagle Code and they will tell you that the Eagle Code means:

- Always Be Respectful
- Everybody Is Responsible
- Make Good Choices

Safety: First, Last, and Always

Attorney Kuster congratulated the students on having a set of laws that govern them within their school environment and added that the group was among the most attentive and respectful she has seen, including high school and college audiences. Students were also encouraged to think carefully about their actions and how they might be perceived by others. Even though a student may not intend to harm another student, harm may occur.

Today's generation of kids has become desensitized to the issues and visual images of sex and violence. It is, therefore, important to understand exactly what bullying and sexual harassment are. Although the terms "bullying" and "harassment" are often heard, they are rarely defined in legal terms. Attorney Kuster took the opportunity to clearly outline how the State of New Hampshire views these behaviors.

### Bullying Defined

New Hampshire law defines "bullying" as a form of student harassment that:

- Subjects a student to insults, taunts, or challenges, whether verbal or physical in nature; and
- Is likely to intimidate or provoke a violent or disorderly response from the student being treated in this manner.
- New Hampshire law requires public schools to implement anti-bullying policies.

### Sexual Harassment Defined

The legal definition of sexual harassment is verbal or physical conduct imposed on the basis of gender that denies, limits, or results in different educational opportunities. Some examples include:

- Comments about body parts or appearance.
- Touching private parts, even on top of clothing.
- Graffiti on bathroom walls.

- Comments about sexual orientation.
- If attention of a sexual nature is interfering with a student's ability to do schoolwork, a sport, or to socialize or enjoy life, they might be a victim of sexual harassment.

What does a bully look like? Often, a bully is regarded as a "tough kid." Yet, in reality, bullies (who can be boys or girls) are kids who do not really feel tough on the inside. Attorney Kuster offered students advice about how to effectively deal with bullies to avoid becoming victims themselves. Studies have shown that bullies are often victims and victims often become bullies as a result of being bullied – a vicious cycle that is difficult to break.

A question and answer period followed the presentation where the students learned:

- Adults can bully, too.
- Students can be sued in civil court, even though they are not adults.
- Online harassment is the newest form of harassment.
- It is easy to become a perpetrator or a victim online.
- What you might think of as casual behavior and language could be characterized as harassment.
- Beware of what you say online and who you say it to – people are watching.
- Seek out the help of a trusted adult when you feel threatened in any way.

A special thank you to AE/MS Principal Jane Slayton for arranging the presentation and to Ann McLane Kuster for discussing these extremely important issues and offering real-world answers to students' questions.

### Resources

The following resources are helpful in combatting bullying and harassment:

- "Bullying Prevention is Crime Prevention" at FightCrime.org.
- Center for Prevention of School Violence at www.NCDJDP.org
- OperationRespect.org
- www.Bullying.org

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## The Facts About Bullying

- Compared to their peers, kids who are bullied are five times more likely to be depressed.
- Bullied boys are four times more likely to be suicidal.
- Bullied girls are eight times more likely to be suicidal.
- Nearly 60% of boys who researchers classified as bullies in grades six through nine were convicted of at least one crime by the age of 24. Of that group, 40% of them had three or more convictions by the age of 24.
- One study of school shootings found that almost three-quarters of the attackers felt persecuted, bullied, threatened, attacked, or injured by others prior to the incident.
- 160,000 students are absent from schools nationwide each day because they fear being bullied.

## The Facts About Harassment

- In one study, 85% of girls and 76% of boys in grades eight through 11 reported some form of harassment.
- 13% of girls and 9% of boys reported being forced to do something sexual at school other than kissing.
- One in four girls stayed home or cut class because of harassment.

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