

Bullying Procedures

F-120R

The following administrative procedures apply to the Supervisory Union's policy: Bullying

I. Definitions

The terms "bullying & cyber bullying," shall have the same meaning when used in these procedures as they are defined in the District's Bullying policy.

II. Designated Employees

The superintendent, principal or designee will assign two individuals (one male and one female) at the building level and supervisory union level on an annual basis; this information shall be prominently displayed at each building site. (16 V.S.A. §565(c)(1))

III. Reporting Student Bullying Complaints

- A. A student who believes that s/he has been bullied, or who witnesses conduct that s/he believes might constitute bullying; may report the conduct to a designated employee, or to any other school employee.
- B. When a student reports such conduct to a school employee, other than a designated employee, that school employee shall refer the report to a designated employee.
- C. A complaint or report may be made either orally or in writing. If a complaint report is oral, a designated employee shall promptly reduce the report to writing, including the time, place, and nature of the conduct, and the identity of the participants and the complainant.
- D. An employee who witnesses conduct that s/he believes might constitute bullying under the Bullying policy shall take prompt and appropriate action to stop the conduct and immediately report the conduct to a designated employee.
- E. Any other person who witnesses conduct that s/he believes might constitute bullying under the Bullying policy should report the conduct to a designated employee.
- F. If one of the designated employees is the person alleged to be engaged in the conduct witnessed or complained of, the report shall be filed with the other designated employee.

IV. Procedures Following a Report

- A. At any stage of the procedures following a complaint, the complainant and the accused individual may request alternative dispute resolution methods, including mediation, of the District.
- B. When a designated employee receives a complaint, the designated employee shall complete a bullying complaint form based on the written or verbal allegations of the complainant.
- C. The completed complaint form shall detail the alleged facts and circumstances of the incident or pattern of behavior. Bullying complaint records shall be maintained consistent with the requirements of the Family Educational Rights and Privacy Act, 34 C.F.R. Part 99.
- D. Depending on (1) the nature of the accusations, (2) the age of the complainant and the accused individual, (3) the agreement of the complainant and (4) other relevant factors, the designated employee or another individual

identified by the designated employee may attempt to resolve a complaint through a conversation with the complainant and the accused individual. If such informal resolution is either not appropriate or is unsuccessful, the designated employee shall initiate or cause to be initiated an investigation of the allegations.

F. Unless special circumstances are present and documented, the Principal shall, no later than one school day after the receipt of a complaint, initiate or cause to be initiated, an investigation of the allegations. The Principal shall assign a person to conduct the investigation; nothing herein shall be construed to preclude the Principal from assigning him/herself or a designated employee as the investigator.

G. The investigator shall submit a written initial determination to the Superintendent or Principal within two (2) days of the completion of the investigation(s). The report shall include a statement of the findings of the investigator as to whether the allegations have been substantiated, and as to whether the alleged conduct constitutes a violation of the Bullying policy. When the initial determination is that an accused student has engaged in bullying behavior(s), the Principal shall use his or her discretion to decide the appropriate disciplinary and/or corrective action. He/she shall notify the parties of the results of the determination and as allowed by law, disciplinary and/or corrective action to result.

H. Consideration of whether a particular action or incident constitutes a violation of the bullying policy requires review of all the facts and surrounding circumstances. Although conduct may be found to be in violation of other standards of student or employee conduct or decorum, it shall not be deemed bullying when the subject of a complaint is an incident(s) that is not shown to have the effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or to have created an objectively intimidating, hostile, or offensive environment. Free expression rights of the First Amendment of the U.S. Constitution will be protected.

I. All levels of internal review of the investigator's initial determination, and the issuance of a final decision, shall, unless special circumstances are present and documented by the District, be completed within 30 calendar days after the review is requested.

J. When the initial determination is that an employee has engaged in bullying against a student, the Superintendent and/or Principal shall use his or her discretion to initiate disciplinary and/or corrective action in accord with the District's policies and procedures, employment contracts and state and federal law.

V. Discipline and/or Corrective Action

A. Final Action on Complaint. The District shall take prompt and appropriate disciplinary and/or corrective action reasonably calculated to stop the bullying. Disciplinary or corrective action may include, but shall not be limited to, warning, calls to parents, reprimand, education, training, counseling, restorative justice suspension and/or expulsion of a student, and warning, reprimand, education, training, counseling, transfer, suspension and/or termination of an employee.

B. A Bullying Rubric is attached as examples of levels of consequences.

C. Other Disciplinary Response. If the conduct does not rise to the level of bullying, but otherwise violates the District's disciplinary policies or Comprehensive Plan for Responding to Student Misbehavior including anti-bullying provisions, disciplinary or corrective action under those policies or plan shall be taken.

D. Retaliation. Acts of retaliation for reporting bullying or for cooperating in an investigation of bullying is unlawful pursuant to subdivision 4503(a)(5) of Title 9. There shall be no adverse action taken against a person for reporting a complaint of bullying when the complainant has a good faith belief that bullying has occurred or is occurring or for participating in or cooperating with an investigation. In the context of retaliation, "adverse action" means any form of intimidation or reprisal such as verbal/physical threats or abuse, diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits or other unwarranted disciplinary action in the case of students and includes any form of intimidation, or reprisal such as suspension, termination, change in working conditions, loss of privileges or benefits or other disciplinary action in

the case of employees. Any individual who retaliates against any employee or student who reports, testifies, assists or participates in an investigation or hearing relating to a bullying complaint shall be subject to appropriate action and/or discipline by the District.

E. False Complaint. Any person who knowingly makes a false accusation regarding bullying shall be subject to disciplinary action up to and including suspension and expulsion with regard to students or up to and including discharge with regard to employees.

F. Appeal: A person determined to be in violation of the Bullying policy may appeal the determination and/or any remedial action taken as a consequence of the determination.

1. Student. If the person filing the appeal is a student, the appeal shall proceed in accordance with the District's policy and procedures governing discipline of students.

2. Staff. Employees subject to disciplinary action shall appeal in accord with applicable statutes, collective bargaining agreements, and the District's policy and procedures.

VI. Confidentiality; Notification of Results; and Record Keeping

A. The privacy of the complainant, the accused individual, and the witnesses shall be maintained consistent with (1) the District's obligations to investigate, (2) to take appropriate action, and (3) to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

B. Subject to state and/or federal laws protecting the confidentiality of personally identifiable student information, the complainant and the accused individual shall be informed in writing of the results of the investigation. If either the complainant or the alleged individual is under the age of 18, subject to the above limitation, his or her parent(s) or guardian(s) shall be provided with a copy of this policy and related procedures, and notified in writing of the results of the investigation.

C. The Superintendent or Principal shall assure that a record of any complaint, its investigation and disposition, as well as any disciplinary or remedial action taken following the completion of the investigation, is maintained by the District in a confidential file accessible only to authorized persons. The report of the investigation shall be kept for at least six years after the report is completed.

VII. Mandatory Reporting to State Agencies

A. If a bullying complaint is made that conduct by a licensed educator might be grounds under the State Board of Education Rules for suspension or revocation of a license or endorsement, the Principal shall report to the Superintendent and the Superintendent shall report the alleged conduct to the Commissioner.

B. When a person responsible for reporting suspected child abuse under 33 V.S.A. § 4911, et seq., determines that a complaint made pursuant to the Bullying policy must be reported to the Commissioner of the Department for Children and Families, he or she shall make the report as required by law and related District policy. If the victim is a vulnerable adult, as that term is defined in 33 V.S.A. §6902(14), the report shall be made to Adult Protective Services in accordance with 33 V.S.A. § 6903 and 6904.

C. Nothing in these procedures shall preclude anyone from reporting any incidents and/or conduct that may be considered a criminal act to law enforcement officials.

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