

## COLCHESTER SCHOOL DISTRICT

### **POLICY: BULLYING PREVENTION**

**DATE ADOPTED: March 13, 2012**

### **POLICY STATEMENT**

The Colchester School District recognizes that students should have a safe, orderly, civil and positive learning environment. Bullying is a form of dangerous and disrespectful behavior that will not be permitted or tolerated. Bullying may involve a range of misconduct that, based on severity, will warrant a measured response of corrective action and/or discipline. Behaviors that do not meet the definition of bullying, as defined below, may still be subject to intervention and/or other discipline under another section of the discipline plan or a discipline policy.

The Colchester School District shall:

- a. Include the prohibition against bullying in the student or school handbook and in other ways make students aware of the prohibition against bullying, the penalties for engaging in bullying, and the procedures for reporting bullying.
- b. Develop strategies for school staff to prevent and intervene in bullying.
- c. Collect data on the number of reported and verified incidents of bullying and shall make such data available to the Commissioner of Education and to the public.

### **DEFINITIONS**

A. **“Bullying”** means any overt act or combination of such acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:

- a. is repeated over time;
- b. is intended to ridicule, humiliate, or intimidate the student; and
- c. (i) occurs during the school day on school property, on a school bus, or at a school sponsored activity, or before or after the school day on a school bus or at a school sponsored activity; or  
(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

Acts or incidents of bullying can take numerous forms and the determination of whether a specific act or acts constitute bullying is within the sole discretion of the administrator. The means of bullying include, but are not limited to, physical actions such as bodily contact, touching, gestures, restraint, aggression and abuse; verbal comments and remarks; written and visual expression regardless of medium; electronic, telephonic and digital communications including e-mail, blogs, networking sites, instant messages; graphic displays and representations including internet, digital or web based images; photographic or video recordings, or any other form of technology, etc.

Last Adopted:	October 7, 2008
Date Warned:	February 3, 2012
First Reading:	February 7, 2012
Second Reading:	February 21, 2012
Third Reading:	March 13, 2012

B. **“Complaint”** means an oral or written report by a student or any person to an employee alleging that a student has been subjected to conduct that may rise to the level of bullying. For a complaint to trigger obligations under this policy, the designated employee must receive notice of the complaint, as defined below.

C. **“Complainant”** means the student allegedly subjected to the bullying, another student, an employee, a parent or guardian, or any other person who has reasonable cause to believe the alleged conduct has occurred, who has filed an oral or written complaint with a school employee. For a complaint to trigger obligations under this policy, the designated employee must receive notice of the complaint, as defined below.

D. **“Designated employee”** means an employee who has been designated by the school to receive complaints of bullying.

E. **“Employee”** includes any person employed directly by or retained through a contract with the District, an agent of the school, a school board member/member of the board of trustees, a student teacher, an intern or a school volunteer. For purposes of this policy, “agent of the school” includes supervisory union staff.

F. **“Notice”** means a written complaint or oral information that bullying may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the bullying, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the complaint is oral, the designated employee shall promptly reduce the complaint to writing, including the time, place, and nature of the conduct, and the identity of the participants and complainant.

G. **“Retaliation”** is any adverse action by any person against a person who has filed a complaint of bullying or against a person who assists or participates in an investigation, proceeding or hearing related to the bullying complaint. Such adverse action may include conduct by a school employee directed at a student in the form of intimidation or reprisal such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action. Retaliation may also include conduct by a student directed at another student in the form of further bullying, intimidation, and reprisal.

H. **“School administrator”** means a superintendent, principal/head of school/technical center director or his/her designee.

## **PROCEDURES FOLLOWING A REPORT**

A. **Notification:** Upon receipt (see definition above) of a complaint of bullying the designated employee shall promptly investigate (or cause to be investigated) to determine whether bullying occurred. In addition, the designated employee shall provide a copy of this bullying policy to the complainant and accused individual. If either the complainant or the accused individual is under the age of 18, his or her parent(s) or guardian(s) shall be: (1) promptly notified that a complaint of bullying has been filed and provided with a copy of this policy, and (2) notified in writing of the results of the complaint investigation. All notification letters shall be subject to state and/or federal laws protecting the confidentiality of personally identifiable student information.

B. Investigation: Unless special circumstances are present and documented, such as reports to the Department for Children and Families (“DCF”) or the police, the designated employee shall, no later than one school day after the filing of a complaint, initiate or cause to be initiated, an investigation of the allegations. The designee may assign another person to conduct the investigation; nothing herein shall be construed to preclude the designated employee from assigning him/herself or a school administrator as the investigator. No person who is the subject of a complaint shall conduct such an investigation.

No later than five school days from the filing of the complaint with the designated employee, unless special circumstances are present and documented, the investigator shall make a determination as to whether the student’s conduct violated the school’s bullying policy.

The investigator’s conclusions shall be documented with copies provided both to the building administrator and the student’s discipline file. When the determination concludes that an accused student has engaged in bullying, the school administrator shall use his or her discretion to decide the appropriate disciplinary and/or remedial action. In cases where the investigation has identified other conduct that may constitute a violation of other school disciplinary policies or codes of conduct, the designated employee shall report such conduct to the school administrator for action in accordance with relevant school policies.

C. Internal Review: The results of the investigation conducted under B above may be challenged via an internal review. Such a review can be requested by students, parents, or staff to the superintendent. All levels of internal review of the investigator’s 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.

D. Action on a substantiated complaint: If, after investigation, the school finds that the alleged conduct occurred and that it constitutes bullying, the school shall take prompt and appropriate disciplinary and/or remedial action reasonably calculated to stop the bullying and prevent any recurrence of bullying. Such action may include, but not limited to, warning, reprimand, education, training and counseling, transfer, suspension, and/or expulsion of a student, and warning, reprimand, education, training and counseling, transfer, suspension and/or termination of an employee.

E. Alternative dispute resolution: At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints. The following should be considered before pursuing alternative dispute resolution methods: (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 such as any disability of the target or accused individual, safety issues, the relationship between the target and accused individual, or any history of repeated misconduct/bullying by the accused individual. However, ADR efforts may not be used *in place of* an investigation to determine whether or not the student’s conduct violated the school’s bullying policies, but rather, may serve as a remedy for addressing such violation, taking into account the above referenced factors.

F. Appeal: A person determined to be in violation of this policy and subjected to disciplinary action under it may appeal the determination and/or the disciplinary action(s) taken in the same manner as other disciplinary actions, in accordance with the District’s discipline policy, applicable statutes, or collective bargaining agreements.

G. Retaliation: It is unlawful for any person to retaliate against a person who has filed a complaint of bullying or against a person who assists or participates in an investigation, proceeding or hearing related to the bullying complaint. A person may violate this anti-retaliation provision regardless of whether the underlying complaint of bullying is substantiated.

### **DISCIPLINE AND/OR CORRECTIVE ACTION**

It is further the purpose of this policy, when it is found that bullying has occurred, to ensure that prompt and appropriate remedial action, reasonably calculated, to stop bullying, is taken by the school district. Remedial action includes the full range of disciplinary consequences up to and including long-term suspension for the student responsible for bullying. Retaliation against a person for reporting bullying or for cooperating in an investigation of bullying report will not be tolerated. It shall be a violation of this policy for any person to take any retaliatory action against any person involved in the complaint or investigation.

Legal Reference: Act 117-An Act Relating to Bullying Prevention Policies 2004  
16 V.S.A. § 1161a  
16 V.S.A § 11

Other Policies: Student Conduct and Discipline  
School Handbooks-Colchester High School, Colchester Middle School  
Malletts Bay School, Porters Point School, Union Memorial School