

PUPIL SAFETY AND VIOLENCE PREVENTION BULLYING

I. Definitions (RSA 193-F:3)

1. Bullying. Bullying is defined as a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another pupil which:

- 1) Physically harms a pupil or damages the pupil's property;
- 2) Causes emotional distress to a pupil;
- 3) Interferes with a pupil's educational opportunities;
- 4) Creates a hostile educational environment; or
- 5) Substantially disrupts the orderly operation of the school.

Bullying shall also include actions motivated by an imbalance of power based on a pupil's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the pupil's association with another person and based on the other person's characteristics, behaviors, or beliefs.

Certain behaviors may or may not constitute bullying depending on the context in which they occur. Behaviors such as teasing, property destruction, disrespectful behavior or comments, for example, though inappropriate and in violation of the code of conduct, may not necessarily constitute bullying. In these cases, the disciplinary actions and procedures outlined in the school's code of conduct will be followed. (Please refer to the paragraph above.)

2. Cyberbullying. Cyberbullying is defined as any conduct defined as "bullying" in this policy that is undertaken through the use of electronic devices. For purposes of this policy, any references to the term bullying shall include cyberbullying.
3. Electronic devices. Electronic devices include, but are not limited to, telephones, cellular phones, computers, pages, electronic mail, instant messaging, texting messaging, and websites.
4. School Property. School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

Any reference in this policy to "parent" shall include parents or legal guardians.

- II. Statement Prohibiting Bullying or Cyberbullying of a Pupil** (RSA 193-F:4, II(a))
The Governor Wentworth Regional School Board is committed to providing all pupils a safe and secure school environment. This policy is intended to comply with RSA 193-F. Conduct constituting bullying and/or cyberbullying will not be tolerated and is hereby prohibited.

Further, in accordance with RSA 193-F:4, the District reserves the right to address bullying or cyberbullying and, if necessary, impose discipline for bullying and cyberbullying that:

- 1) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- 2) Occurs off school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

- III. Statement prohibiting retaliation or false accusations** (RSA 193-F:4, II(b))

False Reporting

A student found to have wrongfully and intentionally accused another of bullying or cyberbullying may face discipline or other consequences, ranging from positive behavioral interventions up to and including suspension or expulsion.

A school employee found to have wrongfully and intentionally accused a student of bullying or cyberbullying shall face discipline or other consequences as determined in accordance with applicable law, District policies, procedures, and collective bargaining agreements.

Reprisal or Retaliation

The District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee who retaliates against any person who makes a good faith report of alleged bullying or cyberbullying against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying or cyberbullying.

1. The consequences and appropriate remedial action for a student, teacher, administrator, volunteer, or other employee who engages in reprisal or retaliation shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies, and any applicable collective bargaining agreements.
2. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.

3. Any teacher, administrator, or other employee found to have engaged in reprisal or retaliation in violation of this policy shall be subject to discipline up to, and including, termination of employment.
4. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

Process to Protect Pupils from Retaliation

If the alleged victim or any witness expresses to the Principal or other staff member that they believe they may be retaliated against, the Principal shall develop a process or plan to protect that student from possible retaliation.

Each process or plan may be developed on a case-by-case basis. Suggestions include, but are not limited to, re-arranging student class schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

IV. Protection of All Pupils (RSA 193-F:4, II(c))

This policy shall apply to all pupils regardless of their status under the law.

V. Disciplinary Consequences for Violation of This Policy (RSA 193-F4, (d))

The district reserves the right to impose disciplinary measures against any student who commits an act of bullying or cyberbullying, falsely accuses another student of bullying or cyberbullying, or who retaliates against any student or witness who provides information about an act of bullying or cyberbullying.

VI. Distribution and Notice of This Policy (RSA 193-F:4 II(e))

Staff and volunteers

All staff will be provided with a copy of this policy annually in the school's staff handbooks and on the District website.

Students

All students will be provided with a copy of this policy annually in the school's student handbook and on the District website.

Students will participate in an annual education program which sets out expectations for student behavior and emphasizes an understanding of harassment, intimidation, and bullying or cyberbullying of students, the District's prohibition of such conduct, and the reasons why the conduct is destructive, unacceptable, and will lead to discipline. Students shall also be informed of the consequences of bullying or cyberbullying conduct toward their peers.

The Superintendent may authorize student anti-bullying, anti-cyberbullying training and education into the district's curriculum, but shall not be required to do so.

Parents

All parents will be provided with a copy of this policy annually in the parent/student handbook. Parents will be informed of the means for students to report bullying and cyberbullying acts toward them or other students. They will also be told that to help prevent bullying and cyberbullying at school they should encourage their children to:

1. Report bullying and cyberbullying when it occurs;
2. Take advantage of opportunities to talk to their children about bullying and cyberbullying;
3. Inform the school immediately if they think their child is being bullied or is bullying or cyberbullying other students;
4. Cooperate fully with school personnel in identifying and resolving incidents.

VII. Procedure for Reporting Bullying (RSA 193-F:4, II (f))

At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy.

Student Reporting

1. Any student who believes they have been the victim of bullying or cyberbullying should report the alleged acts immediately to the Principal. If the student is more comfortable reporting the alleged act to another administrator, teacher, paraeducator, or counselor other than the Principal, the student may tell any school district employee about the alleged bullying or cyberbullying.
2. Students, parents, volunteers, and visitors may report anonymously to the principal or other administrator, or teaching or counseling staff. Formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.
3. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.
4. Upon receipt of a report of bullying or cyberbullying, the Principal shall commence an investigation consistent with the provisions of Section XI of this policy.

Staff Reporting

1. An important duty of the staff is to report acts or behavior or evidence that they witness that appears to constitute bullying or cyberbullying.
2. All district employees and volunteers shall encourage students to tell them about acts that may constitute bullying or cyberbullying.

3. Any school employee or volunteer who witnesses, receives a report of, or has knowledge or belief that bullying or cyberbullying may have occurred shall inform the Principal as soon as possible, but no later than the end of that school day.

Upon receipt of a report of bullying or cyberbullying, the Principal shall commence an investigation consistent with the provisions of section XI of this policy.

VIII. Procedure for Internal Reporting Requirements (RSA 193-F:4, II(g))

In order to satisfy the reporting requirements of RSA 193-F:6, the Principal or designee shall be responsible for completing all New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying and cyberbullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Principal or designee shall retain a copy and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms.

IX. Notifying Parents of Alleged Bullying or Cyberbullying (RSA 193-F:4, II(h))

The Principal shall report to the parents of a student who has been reported as a victim of bullying or cyberbullying and to the parents of a student who has been reported as a perpetrator of bullying or cyberbullying within 48 hours of receiving the report. Such notification may be made by telephone, writing, or personal conference. The date, time, method, and location (if applicable) of such notification and communication shall be noted in the report. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Education Rights and Privacy Act of 1974 (FERPA).

X. Waiver of Notification Requirement (RSA 193-F:4, II(i))

The Superintendent may, within a 48 hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

XI. Investigative Procedures (RSA 193-F:4, II(j))

1. Upon receipt of a report of bullying or cyberbullying, the Principal shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another district employee to conduct the investigation.
2. The investigation may include documented interviews with the alleged victim, alleged perpetrator and any witnesses. All interviews shall be conducted privately and separately, and shall be confidential. Each individual will be interviewed separately and at no time will the alleged victim and perpetrator be interviewed together during the investigation.

3. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and /or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
4. A maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
5. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent or designee may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.
6. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances, and shall include recommended remedial steps necessary to stop the bullying or cyberbullying and a written final report to the Principal.
7. Students who are found to have violated this policy may face discipline in accordance with other applicable board policies, up to and including suspension. Students facing discipline will be afforded all due process required by law.

XII. Response to Remediate Substantiated Instances of Bullying or Cyberbullying
(RSA 193-F:4 II(k))

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying or cyberbullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students and dismissal from employment for staff members.

Consequences for a student who commits an act of bullying or cyberbullying or retaliation shall be varied and graded according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented problems related to bullying or cyberbullying.

Examples of consequences may include, but are not limited to:

- Admonishment
- Temporary removal from classroom
- Deprivation of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension

- Out-of-school suspension
- Expulsion

Examples of remedial measures may include, but are not limited to:

- Restitution
- Peer support group
- Corrective instruction or other relevant learning experience
- Behavior assessment
- Student counseling
- Parent conferences

XIII. Reporting of Substantiated Incidents to the Superintendent (RSA 193-F:4, II(l))
The Principal or designee shall forward all substantiated reports of bullying or cyberbullying to the Superintendent upon completion of the investigation.

XIV. Communication With Parents Upon Completion of Investigation (RSA 193-F:4 II(m))

1. As soon as possible but no later than within 10 school days of completing an investigation, the Principal will notify the students involved in person of their findings and the result of the investigation.
2. The Principal will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal will also send a letter to the parents as soon as possible but not later than 10 school days after the completion of the investigation, notifying them of the results of the investigation.
3. In accordance with the Family Educational Rights and Privacy Act and other law concerning student privacy, the District will not disclose educational records of students including the discipline and remedial action assigned to those students and the parents of other students involved in a bullying or cyberbullying incident.

XV. Appeal

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils involved in the bullying or cyberbullying shall have the right to appeal the Principal's decision to the Superintendent in writing within five (5) school days. The Superintendent shall review the Principal's decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, the aggrieved party may file a written request for review by the School Board within ten (10) school days of the Superintendent's decision. The School Board will adhere to all applicable New Hampshire Department of Education administrative rules.

2. The procedures under RSA 193:13, Ed 317, and District policies establish the due process and appeal rights for students disciplined for acts of bullying or cyberbullying.

XVI. School Officials (RSA 193-F:4, II(n))

The Superintendent of Schools is responsible for ensuring that this policy is implemented. In order to facilitate the implementation of this policy, the Superintendent may establish further administrative rules or regulations.

XVII. Use of Video or Audio Recordings in Student Discipline Matters

The District reserves the right to use audio and/or video recording devices on District property (including school buses) to ensure the health, safety and welfare of all staff, students, and visitors. Placement and location of such devices will be established in accordance with the provisions of Policy ECAF.

In the event an audio or video recording is used as part of a student discipline proceeding, such video may become part of the student's education record.

Legal References:

RSA 193-F:3, Pupil Safety and Violence Prevention Act

NH Code of Administrative Rules, Section Ed 306.05(a)(8), Student Harassment

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