



## **Bullying/Harassment Policy**

All students have the right to attend public schools, including chartered public schools, that are safe, secure, and peaceful environments. Bullying in schools has historically included actions shown to be motivated by a pupil's actual or perceived distinguishing personal characteristics, such as: race, color, religion, national origin, ancestry or ethnicity, sexual orientation, socioeconomic status, age, physical, mental, emotional, or learning disability, gender, gender identity and expression, obesity, or other distinguishing personal characteristics, or based on association with any person identified in any of the above categories. In the attempt to minimize any negative feelings or actions motivated by a pupil's actual or perceived distinguishing personal characteristics, RFCS staff and school board will continually work to develop an atmosphere of acceptance and appreciation for all types of human differences.

It is the intent of RFCS to protect our children from physical, emotional, and psychological violence by addressing bullying and cyberbullying of any kind in our public school, for all of the historical reasons set forth in this section, and to prevent the creation of a hostile educational environment.

## **Definitions**

1. "Bullying" means 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 student's property;
- (2) Causes emotional distress to a student;
- (3) Interferes with a student's educational opportunities;
- (4) Creates a hostile educational environment; or
- (5) Substantially disrupts the orderly operation of the school.

"Bullying" shall 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.

2. "Cyberbullying" means 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" include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

4. "Perpetrator" means a student who engages in bullying.
5. "School property" means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
6. "Victim" means a student against whom bullying has been perpetrated.

### **Statement Prohibiting Bullying or Cyberbullying of a Student**

The RFCS Board of Trustees is committed to providing all students 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 School reserves the right to address bullying and, if necessary, impose discipline for bullying 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 of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The Head of School is responsible for ensuring that this policy is implemented.

### **False Claims**

A student found to have wrongfully and intentionally accused another of bullying 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 shall face discipline or other consequences to be determined in accordance with applicable law, school policies and collective bargaining agreements.

### **Bystander Involvement**

Students who support harassment implicitly through laughter, encouraging comments and/or through explicit endorsement will be subject to disciplinary action as defined by this policy.

### **Conflict vs. Harassment**

It is important to note that harassment differs from 'conflict.' Two or more students can have a disagreement or a conflict. The Head of School or designee will discern whether an alleged incident is a conflict or an act of harassment.

### **Reprisal or Retaliation**

The School 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 against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying.

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 Head of School after consideration of the nature, severity and circumstances of the act, in accordance with law and Board policies.
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, volunteer 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 Students from Retaliation**

If the alleged victim or any witness expresses to the Head of School or other staff member that s/he believes s/he may be retaliated against, the Head of School shall develop a process 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 arrangements to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.

### **Protection of all Students**

This policy shall apply to all students and school-aged persons on school grounds and participating in school functions, regardless of whether or not such student or school-aged person is a student of the school.

### **Disciplinary Consequences for Violations of this Policy (RSA 193-F:4, II(d))**

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

In addition to imposing discipline under such circumstances, the board encourages the administration and schools staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures.

### **Distribution and Notice of this Policy**

#### *Staff and Volunteers*

All staff will be provided with a copy of this policy annually. The School Board may determine the method of providing the policy (employee handbook, hard copy, etc.)

The Head of School will ensure that all school employees and volunteers receive annual training of bullying and related district policies.

#### *Students*

All students will be provided with a copy of this policy annually. The School Board may determine the method of providing the policy (employee handbook, hard copy, etc.)

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

#### *Parents*

All parents will be provided with a copy of this policy annually. The School Board may determine the method of providing the policy (employee handbook, hard copy, etc.). Parents will be informed of the program and means for students to report bullying acts towards them or other students. They will also be told that to help prevent bullying at school, they should encourage their children to:

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

### **Reporting Requirements and Procedures**

The school board requires the Head of School or designee to be responsible for receiving complaints alleging violations of this policy. Any school employee, employee of a company under contract with the school, or volunteer supervising students without a school employee present, are required to report alleged violations of this policy, whether based on first-hand observations or second-hand accounts, to the Head of School or designee. All other members of the school

community, including students, parents, volunteers, and visitors, are encouraged to report alleged violations of this policy, whether based on first- or second-hand information.

#### *Students*

If a student is more comfortable reporting the alleged act to a person other than the Head of School, the student may tell any school employee or volunteer about the alleged bullying. Students may allege harassment incidents anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous allegation. Independent verification of an anonymous report shall be necessary in order for any disciplinary action to be applied. The administration may develop student reporting forms to assist students and staff in filing such reports. An investigation may still proceed even if a student is reluctant to fill out a form and chooses not to do so. Upon receipt of a report of bullying, the Head of School shall commence an investigation consistent with the provisions of this policy.

#### *Parent/Guardian*

Any parent/guardian who believes his/her child has been the victim of bullying should report the alleged acts immediately to the Head of School. If the parent/guardian is more comfortable reporting the alleged act to a person other than the Head of School, the parent/guardian may tell any school employee about the alleged bullying.

#### *Staff*

All school employees and volunteers shall encourage students to tell them about acts that may constitute bullying. An employee must report allegations of harassment or cyberbullying to the Head of School immediately by the end of that day. Upon receipt of a report of bullying, the Head of School shall commence an investigation consistent with the provisions of this policy.

### **Procedure for Internal Reporting Requirements**

In order to satisfy RSA 193-F:6, the Head of School shall be responsible for completing all NH Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within 10 school days of any substantiated incident. Upon completion of such forms, the Head of School or designee shall retain a copy for himself and shall forward one copy to the School Board.

### **Notifying Parents of Alleged Bullying (RSA 193:F:4, II(h))**

The Head of School shall report to the parents of a student who has been reported as a victim of bullying and to the parents of a student who has been reported as a perpetrator of bullying 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 provision of the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **Waiver of Notification Requirement**

The Head of School or designee may, within the 48 hour time period, request from the School Board a waiver from the notification requirements. A waiver may only be granted if the School Board deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver shall be granted in writing. Granting of a waiver does not otherwise negate the school's responsibility to adhere to the approved written policy.

### **Investigative Procedures (RSA 193-F:4, II(j))**

1. Upon receipt of bullying, the Head of School shall, within 5 school days, initiate an investigation into the alleged act. If the Head of school is directly and personally involved with a complaint or is closely related to a party to the complaint, then the School Board shall direct another school 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, 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 Head of School may ask students and/or parents to provide the school with printed copies of emails, 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. A notice shall advise the individuals involved of their due process rights including the right to appeal to the school board and/or State Board of Education. The school board prohibits reprisal or retaliation against any person who reports an act of harassment or cyberbullying.
5. Factors the Head of School or other investigator may consider during the course of the investigation, including but not limited to:
  - a. Description of incident, including the nature of the behavior
  - b. How often the conduct occurred
  - c. Whether there were past incidents or past continuing patterns of behavior
  - d. The characteristics of parties involved (name, grade, age, etc.)
  - e. The identity and number of individuals who participated in bullying behavior
  - f. Where the alleged incident(s) occurred
  - g. Whether the conduct adversely affected the student's education or educational environment
  - h. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident
  - i. The date, time and method in which parents or legal guardians of all parties involved were contacted

6. The Head of School shall complete the investigation within 10 school days of receiving the initial report. If the Head of School needs more than 10 schooldays to complete the investigation, the Chair of the School Board may grant an extension of up to 7 school days. In the event such an extension is granted, the Head of School shall notify in writing all parties involved of the granting of the extension. Any additional extensions must be approved by the School Board.
7. 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 and a written final report to the Head of School.
8. 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.

Response to Remediate Substantial Instances of Bullying (RSA 193-F:4, II(k))  
Consequences for a student who commits an act of bullying 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 systematic problems related to bullying.

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

- Admonishment
- Temporary removal from class
- Deprivation of privileges
- Classroom or administrative detention
- Referral to a disciplinarian/specialist
- In-school suspension
- Out-of-school suspension
- Expulsion

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

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

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying.

#### Communication with Families Upon Completion of Investigation (RSA 193-F:4, II(m))

1. Within two school days of completing an investigation, the Head of School will notify the students involved in person of his/her findings and the result of the investigation.
2. The Head of School will notify via telephone the parents/guardians of the alleged victim and alleged perpetrator of the results of the investigation. The Head of School will also send a letter to the parents within 24 hours again notifying them of the results of the investigation.
3. If the parents request, the Head of School shall schedule a meeting with them to further explain the findings and reasons for actions.
4. In accordance with the Family Educational Rights and Privacy Act and other law concerning student privacy, the School 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 incident.

#### Appeal

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the pupils involved in the bullying shall have the right to appeal the decision of the Head of School to the School Board within five (5) school days. The School Board shall review the Head of School's decision and issue a written decision within ten (10) school days. The School Board will adhere to all applicable NH Department of Education administrative rules.
2. The procedures under RSA 193:13, Ed 317, and school policies establish the due process and appeal rights for students disciplined for acts of bullying.
3. The School Board or its designee will inform parents of any appeal rights they may have to the NH State Board of Education.