



# Hazing, Harassment, & Bullying in Vermont Schools

DEFINITIONS, REPORTING RESPONSIBILITIES, AND RESPONSES TO INAPPROPRIATE  
STUDENT BEHAVIOR

AUGUST 2016

# HHB Model Policy in Vermont

- Vermont schools are required by law to have policies in place to prevent the hazing, harassment, and/or bullying of students.
- Recently, the Vermont Agency of Education has promoted the idea of a “Model Policy” related to HHB. School districts that adopt model policies are considered to be in compliance with the Vermont State Statutes. Colchester School District adopted the HHB model policy in August 2016.
- The HHB policy creates a single, uniform procedure that is applied to all cases of potential hazing, harassment, and bullying within the school district.

# Goals for Presentation:

- CSD employees will
  - Know the legal definition for hazing, harassment, and bullying in the state of Vermont.
  - Know your school's procedure for reporting incidents of inappropriate behavior to the designated employee and/or building administrator.
  - Understand your responsibility to intervene immediately to restore order and stop inappropriate student behaviors.
  - Understand your responsibility to report incidents of inappropriate behavior that may be hazing, harassment, or bullying.

# Continuum of Behaviors



## Generic bullying and harassment



### Rude, disrespectful behavior

- Ignoring someone
- Talking down to someone
- Making faces at someone
- Rolling your eyes at someone
- Sneering at someone
- Laughing at someone

### Bullying (legal definition)

Student to student ONLY

For **ANY** reason:

- Weight
- Clothes
- Where you live
- Height
- Age
- Hair
- Perceived low/high intelligence
- Socioeconomic status

Happens over a period of time and is repeated

Need to look at the **intent** of the alleged bully

**HOWEVER**, if there is **overt** reference to a student's protected category status, treat the incident as possible harassment

### Harassment (legal definition)

Student to student AND between students and adults

Based on **ACTUAL OR PERCEIVED** student's or student's family member's membership in a protected category:

- Race
- Creed (religion)
- Color
- National Origin
- Marital Status
- Sex
- Sexual Orientation
- Disability
- Gender Identity

Happens over a period of time and is repeated **OR** a single severe incident

Need to look at **impact** of alleged conduct on the target

### Criminal behavior

- Physical/sexual assault
- Hate crimes
- Cyberbullying

A school can contact the police or advise parents to contact the police but the school should also do its own investigation of bullying or harassment complaints that may have a criminal element.

# Definition of Harassment

- An incident or incidents of verbal, written, visual, or physical conduct *including incidents conducted by electronic means*
- Based on or motivated by a student's or a student's family member's *actual or perceived*
  - Race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability
- The conduct has the purpose or effect of objectively or substantially undermining and detracting from or interfering with a student's
  - Educational performance,
  - Access to school resources or
  - Creating an objectively intimidating, hostile, or offensive environment (16 V.S.A. Section 11(a)(26)(A))

# Harassment: Key Points

- Harassment can occur with ONE comment, gesture, or blog post. The inappropriate behavior does not need to occur over a period of time or be perpetrated by the same student(s) as is the case with bullying.
- In order to determine the effect of the inappropriate behavior on the complaining student, the investigator will look for changes in that student's performance or behavior:
  - Changes in school attendance – frequent absences or late arrivals
  - Increase in visits to nurse with somatic complaints, such as stomach aches or headaches
  - Acting out to avoid certain classes or situations during the school day
  - Drop in grades, increase in behavior referrals
- Harassment can occur student-to-student and teacher/staff-to-student.

# Definition of Bullying

Bullying is any overt act or combination of acts directed against a student by another student or group of students which is:

- Repeated over time
- Intended to ridicule, humiliate, or intimidate the student; and
- 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

OR

- Does not occur during the school day or school property (etc.) and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

# Definition of Hazing

Hazing is any intentional, knowing, or reckless act committed by a student (whether individually or as a part of a group) against another student in connection with

- Pledging, being initiated into, affiliating with, holding office in, or maintaining membership
- In any organization which is affiliated with the educational institution
- And is intended to have the effect of or should reasonably be expected to have the effect of endangering the mental or physical health of the student.
- Hazing does not include activities or conduct that has legitimate goals approved by the educational institution that are also safe and appropriate, normal and customary for similar programs in other schools.



# Hazing activities may include:

- Forced cleaning
- Running errands or doing menial tasks
- Forced interviews
- Scavenger hunts
- Mental and/or psychological abuse
- Forced use of alcohol or drugs
- Line-ups
- Forced to wear embarrassing clothing
- Being yelled at by other members of the team or group
- Physical and/or sexual abuse

# Not sure if it's Hazing?

- Consider these questions to prevent potential hazing:
  - Does the activity risk emotional or physical harm/abuse?
  - Would I object to this activity being photographed for the school newsletter or filmed by a local TV crew?
  - Would I get in trouble if the principal or superintendent walked by?
  - Am I being asked or asking that these activities be kept secret?

Hazing may be prosecuted.

School personnel are liable if they knowingly fail to take reasonable measures within the scope of the person's authority to prevent hazing.


Consent by the victim is not a defense.



# Employee Responsibilities related to Hazing, Harassment, and Bullying

# Legal Requirements: Reporting Inappropriate Student Behavior

- All school employees who witness conduct that he/she reasonably believes might constitute hazing, harassment, or bullying shall:
  - INTERVENE: Take reasonable action to stop the conduct and to prevent its recurrence
  - REPORT - Immediately report it to a designated employee
  - DOCUMENTATION: Immediately complete a Student Conduct Form.
- School employees have the same obligation to take the steps outlined above if they overhear or directly receive information about conduct that might constitute hazing, harassment, or bullying.

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- Hazing, harassment, and bullying cannot be determined until an investigation is complete.
  - Because all inappropriate behavior could potentially be hazing, harassment, or bullying, all incidents of inappropriate behavior must be reported AND documented in writing.
  - Document every incident by filling out a student conduct form and giving it to your school's designated employee and/or school administrator.

# Legal Requirements: Intervention and Next Steps

- Staff must intervene to address behaviors as they occur in order to immediately restore order and safety to the school environment.
- The next step staff must take is to **report the behavior to the designated employee and/or the building administrator.**
- All reports must be made in writing by filling out your school's form for reporting inappropriate student conduct.
- The designated employee will inform the building administrator, who will investigate and interview students involved to determine if the behavior violated the HHB Model Policy for the district.

# Legal Requirements: Investigation and Conclusion

- Once a report of inappropriate student behavior that MAY constitute a violation of the HHB policy occurs:
  - The school administrator will initiate an investigation no later than **ONE DAY** after the designated employee has received notice (oral or written – all documented using a Student Conduct Form).
  - The investigation must be concluded within FIVE DAYS from the filing of the complaint with the designated employee
  - Administrators must take interim safety measures during the investigation to protect the complaining student from further hazing, harassment, or bullying by the accused student(s)

# Responses to HHB

If hazing, harassment, or bullying is substantiated, the administrator will take prompt and appropriate remedial action to

- Stop the hazing, harassment, or bullying
  - Prevent it from happening again
  - Remedy the impact of the offending conduct on the victim(s), where appropriate
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- “Appropriate remedial action” may range from providing further education to serious discipline, such as suspension, expulsion, or removal from school property.



# Next Steps for CSD Employees:

Follow up with your building administrator to make sure you know:

- Who the designated employee is for your school.
- What form you must use to report inappropriate student conduct.
- Recommended interventions to take to immediately stop inappropriate student conduct.