COLCHESTER SCHOOL DISTRICT

POLICY: PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS

DATE ADOPTED: August 16, 2016

I. POLICY STATEMENT

The Colchester School District (hereinafter "District") is committed to providing all of its students with a safe and supportive school environment in which all members of the school community are treated with respect.

It is the policy of the District to prohibit the unlawful harassment of students based on race, color, religion, creed, national origin, marital status, sex, sexual orientation, gender identity or disability. Harassment may also constitute a violation of Vermont's Public Accommodations Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and/or Title IX of the federal Education Amendments Act of 1972.

It is also the policy of the District to prohibit the unlawful hazing, bullying of students and related acts of retaliation. Conduct which constitutes hazing may be subject to civil penalties.

The District shall address all complaints of harassment, hazing, bullying and retaliation according to the procedures accompanying this policy, and shall take appropriate action against any person - subject to the jurisdiction of the board - who violates this policy. Nothing herein shall be construed to prohibit punishment of a student for conduct which, although it does not rise to the level of harassment, bullying, hazing or retaliation as defined herein, otherwise violates one or more of the board's disciplinary policies or the school's code of conduct.

The Model Procedures are expressly incorporated by reference as though fully included within this Model Policy. The Model Procedures are separated from the policy for ease of use as may be required.

II. IMPLEMENTATION

The superintendent or his/her designee shall:

1. Adopt a procedure directing staff, parents and guardians how to report violations of this policy and file complaints under this policy. (See Model Procedures on the Prevention of Harassment, Hazing and Bullying of Students)

2. Annually, select two or more designated employees to receive complaints of hazing, bullying, harassment, and/or retaliation at each school campus and publicize their availability in any publication of the District that sets forth the comprehensive rules, procedures, and standards of conduct for the school.

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3. Designate an Equity Coordinator to oversee all aspects of the implementation of this policy as it relates to obligations imposed by federal law regarding discrimination. This role may be also be assigned to one or both of the Designated Employees.

4. Respond to notifications of possible violations of this policy in order to promptly and effectively address all complaints of hazing, harassment, bullying, and/or retaliation.

5. Take action on substantiated complaints. In cases where hazing, harassment, bullying and/or retaliation is substantiated, the District shall take prompt and appropriate remedial action reasonably calculated to stop the hazing, harassment, bullying and/or retaliation; prevent its recurrence; and to remedy the impact of the offending conduct on the victim(s), where appropriate. Such action may include a wide range of responses from education to serious discipline.

   Serious discipline may include termination for employees and, for students, expulsion or removal from school property. It may also involve penalties or sanctions for both organizations and individuals who engage in hazing. Revocation or suspension of an organization's permission to operate or exist within the District's purview may also be considered if that organization knowingly permits, authorizes or condones hazing.

III. CONSTITUTIONALLY PROTECTED SPEECH

It is the intent of the District to apply and enforce this policy in a manner that is consistent with student rights to free expression under the First Amendment of the U.S. Constitution. The purpose of this policy is to (1) prohibit conduct or communication that is directed at a person's protected characteristics as defined below and that has the purpose or effect of substantially disrupting the educational learning process and/or access to educational resources or creates a hostile learning environment; (2) prohibit conduct intended to ridicule, humiliate or intimidate students in a manner as defined under this policy.

IV. DEFINITIONS

For the purposes of this policy and the accompanying procedures, the following definitions apply:

A. **"Bullying"** means any overt act or combination of 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.

B. **"Complaint"** means an oral or written report information provided 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 hazing, harassment, bullying and/or retaliation.

C. **"Complainant"** means a student who has provided oral or written information about conduct that may rise to the level of hazing, harassment bullying and/or retaliation, or a student who is the target of alleged hazing, harassment, bullying and/or retaliation.

D. **"Designated employee"** means an employee who has been designated by the school to receive complaints of hazing, harassment, bullying and/or retaliation pursuant to subdivision 16 V.S.A. 570a(a)(7). The designated employees for each school building are identified in Appendix A of this policy.

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, a student teacher, an intern or a school volunteer. For purposes of this policy, "agent of the school" includes supervisory union staff.

F. **"Equity Coordinator**" is the person responsible for implementation of Title IX (regarding sex-based discrimination) and Title VI (regarding racebased discrimination) for the District and for coordinating the District's compliance with Title IX and Title VI in all areas covered by the implementing regulations. The Equity Coordinator is also responsible for overseeing implementation of the District's *Preventing and Responding to Harassment of Students and Harassment of Employees* policies. This role may also be assigned to Designated Employees.

G. **"Harassment"** means an incident or incidents of verbal, written, visual, or physical conduct, including any incident 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 disability, sex, sexual orientation, or gender identity, that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating hostile, or offensive environment.

Harassment includes conduct as defined above and may also constitute one or more of the following:

(1) <u>Sexual harassment</u>, which means unwelcome conduct of a sexual nature, that includes sexual violence/sexual assault, sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature, and includes situations when one or both of the following occur:
   (i) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education, academic status, or progress; or
   (ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

Sexual harassment may also include student-on-student conduct or conduct of a non-employee third party that creates a hostile environment. A hostile environment exists where the harassing conduct is severe, persistent or pervasive so as to deny or limit the

student's ability to participate in or benefit from the educational program on the basis of sex.

(2) Racial harassment, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to cultural customs.

(3) Harassment of members of other protected categories, means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, marital status, disability, sex, sexual orientation, or gender identity and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

H. **"Hazing"** means any intentional, knowing or reckless act committed by a student, whether individually or in concert with others, 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

(1) Which 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 shall not include any activity or conduct that furthers legitimate curricular, extra-curricular, or military training program goals, provided that:

(1) The goals are approved by the educational institution; and
(2) The activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

With respect to Hazing, **"Student"** means any person who:
(A) is registered in or in attendance at an educational institution; (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
(C) intends to attend an educational institution during any of its regular sessions after an official academic break.

I. **"Notice"** means a written complaint or oral information that hazing, harassment, bullying and/or retaliation may have occurred which has been provided to a designated employee from another employee, the student allegedly subjected to the hazing, harassment, bullying or retaliation, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred. If the school learns of possible hazing, harassment, bullying or retaliation through other means, for example, if information is received from a third party (such as from a witness to an incident or an anonymous letter or telephone call), different factors will affect the school's response. These factors include the source and nature of the information; the seriousness of the alleged incident; the specificity of the information; the objectivity and credibility of the source of the report; whether any individuals can be identified who were

subjected to the alleged conduct; and whether those individuals want to pursue the matter. In addition, for purposes of violations of federal anti-discrimination laws, notice may occur when an employee of the district, including any individual who a student could reasonably believe has this authority or responsibility, knows or in the exercise of reasonable care should have known about potential unlawful harassment, bullying and/or retaliation.

J. **"Organization"** means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students at an educational institution, and which is affiliated with the educational institution.

K. **"Pledging"** means any action or activity related to becoming a member of an organization.

L. **"Retaliation"** is any adverse action by any person against a person who has filed a complaint of harassment, hazing or bullying or against a person who assists or participates in an investigation, proceeding or hearing related to complaints of harassment, hazing, or bullying. 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 harassment, bullying, hazing, intimidation, and reprisal.

M. **"School administrator"** means a superintendent, principal or his/her designee assistant principal//technical center director or his/her designee and/or the District's Equity Coordinator**.**

N. **"Student Conduct Form**" is a form used by students, staff, or parents, to provide, in written form, information about inappropriate student behaviors that may constitute hazing, harassment, bullying and/or retaliation.

APPENDIX A

Designated Employees**:**

The following employees have been designated by the Colchester School District to receive complaints of bullying and/or harassment pursuant to this policy and 16 V.S.A. § 570a(a)(7) and 16 V.S.A. §570c(7) and under federal anti discrimination laws;

Name: Amy Minor
Title: Superintendent of Schools
Contact Information: Colchester School District
125 Laker Lane, PO Box 27
Colchester, VT 05446
Phone: (802) 264-5999

Name: Andrew Conforti
Title: Principal, Colchester High School
Contact Information: Colchester High School
131 Laker Lane, PO Box 900
Colchester, VT 05446
Phone: (802) 264-5700

Name: Michele Coté
Title: Principal, Colchester Middle School
Contact Information: Colchester Middle School
425 Blakely Road, PO Box 30
Colchester, VT 05446
Phone: (802) 264-5800

Name: Jordan Burke
Title: Principal, Malletts Bay School
Contact Information: Malletts Bay School
609 Blakely Road, PO Box 28
Colchester, VT 05446
Phone: (802) 264-5900

Name: Carolyn Millham
Title: Principal, Porters Point School
Contact Information: Porters Point School
490 Porters Point Road, PO Box 32
Colchester, VT 05446
Phone: (802) 264-5920

Name: Chris Antonicci
Title: Principal, Union Memorial School
Contact Information: Union Memorial School
253 Main Street, PO Box 48
Colchester, VT 05446
Phone: (802) 264-5959