

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: JICK
Policy Committee Review: November 8, 2017 School Board First Read: November 15, 2017 School Board Second Read/Adoption: December 6, 2017 Policy Committee Review: December 8, 2022 School Board First Read: December 21, 2022 School Board Second Read/Adoption: January 4, 2023	Page 1 of 5 Category: Priority

BULLYING AND CYBERBULLYING  
PUPIL SAFETY AND VIOLENCE PREVENTION

I. GENERAL STATEMENT OF POLICY

It is the policy of the Oyster River Cooperative School District that its students have an educational setting that is safe, secure, peaceful, and free from student harassment, also known as bullying or cyberbullying. The School District will not tolerate unlawful harassment of any type and conduct that constitutes bullying or cyberbullying as defined herein is prohibited. Retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying is prohibited. All students are protected regardless of their status under the law. Any person violating this Policy may be subject to disciplinary action up to and including expulsion. Each building Principal is responsible for the implementation of this Policy.

II. BULLYING AND CYBERBULLYING DEFINED

1. "Bullying" is 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 student which:
  - (a) physically harms a student or damages the student's property;
  - (b) causes emotional distress to a student. For the purposes of this policy, the term "emotional distress" means distress that impairs the student's participation in academic or other school-sponsored activities. The term "emotional distress" does not include the unpleasantness or discomfort that accompanies an unpopular viewpoint;
  - (c) interferes with a student's educational opportunities;
  - (d) creates a hostile educational environment; or
  - (e) substantially disrupts the orderly operation of the school.

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

2. "Cyberbullying" is any conduct defined in paragraph 1 of this Section undertaken through the use of electronic devices which include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. Cyberbullying includes, but is not limited to, the following actions: harassing, teasing, intimidation, threatening, stalking or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs or other use of technology.
3. Bullying or cyberbullying occurs when an action or communication defined in paragraphs 1 or 2 of this Section:
  - (a) occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
  - (b) 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.

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4. "Parent" means parent, parents, or legal guardians.
5. "Perpetrator" is a student who engages in bullying or cyberbullying.
6. "School property" is all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
7. "Victim" is a student against whom bullying, or cyberbullying has been perpetrated.
8. Bullying in violation of this Policy need not rise to the level of unlawful harassment under Title IX of the Education Acts of 1972, the Americans with Disabilities Act, Title VI, or the Rehabilitation Act of 1974.

### III. REPORTING PROCEDURE

1. Any student who believes they have been a victim of bullying or cyberbullying shall report the alleged act to the building Principal. If a student is more comfortable reporting the alleged act to a person other than the building Principal, the student may contact any School District employee. The School District will respect the confidentiality of the victim and the perpetrator(s) as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of alleged bullying and cyberbullying and to take appropriate remedial disciplinary action when such conduct has been substantiated. However, no disciplinary action can be taken against a perpetrator solely on the basis of a confidential report.
2. Any school employee, volunteer, or employee of a company under contract with the school or School District, who has witnessed or has reliable information that a student has been subjected to bullying or cyberbullying shall report the incident to the student's Principal. "Reliable information" shall include a parent's or student's claim that a student is the victim of bullying or cyberbullying.
3. All reports must be documented on the School District's Bullying/Cyberbullying Reporting Form. The victim or reporter shall provide copies of documents relating to the bullying or cyberbullying and/or save those documents so that the documents can be provided to the investigator. If a victim or reporter is either unwilling or unable to complete the School District's Bullying/Cyberbullying Reporting Form, the school employee who receives the oral report will promptly fill out the School District's Bullying/Cyberbullying Reporting Form, using, to the extent practicable, the reporter's or victim's own words to describe the alleged bullying or cyberbullying.
4. Upon receipt of a report of bullying or cyberbullying, the Principal shall within twenty-four (24) hours forward a written report to the Superintendent of the incident and the Principal or their designee's response to the initial report.
5. The Principal shall by telephone and in writing by first-class mail, notify the parent of the victim and perpetrator within forty-eight (48) hours of receiving the School District's Bullying/Cyberbullying Reporting Form that a report of alleged bullying or cyberbullying was received and is being investigated in accordance with this Policy. The content of the notice shall comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

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6. The Superintendent may, within the forty-eight (48) hour time period in paragraph 5 of this Section, grant the Principal a written waiver from the notification requirement if the Superintendent deems such waiver to be in the best interest of the victim or perpetrator. The waiver shall not negate the school's responsibilities to comply with the remainder of this Policy.
7. The Principal or their designee shall notify the Superintendent of all substantiated instances of bullying or cyberbullying. Reporting of individual cases of bullying and cyberbullying to the School Board will be at the discretion of the Superintendent.
8. Within ten (10) school days of completion of the investigation, the Principal shall notify the parents of the victim and perpetrator of the school's remedial action. In accordance with FERPA, the School District may not disclose to the parents of victims the educational records of perpetrators which include but are not limited to the discipline and remedial action assigned to the perpetrators.

#### IV. INVESTIGATION AND REMEDIAL ACTION

1. The Principal or their designee shall begin an investigation of the alleged acts of bullying or cyberbullying within five (5) school days of receiving the School District's Bullying/Cyberbullying Reporting Form. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations, to determine whether bullying or cyberbullying occurred, and to identify the student(s) responsible for the acts. These procedures are intended to protect the rights of a victim and perpetrator.
  - (a) The alleged perpetrator(s) will be provided the opportunity to be heard as part of the investigation.
  - (b) Privacy rights of all parties shall be maintained in accordance with applicable laws.
  - (c) The building principal/assistant principal shall keep a written record of the investigation process.
  - (d) The building principal/assistant principal may take interim remedial measures to reduce the risk of further bullying/cyberbullying, retaliation and/or to provide assistance to the alleged victim while the investigation is pending.
  - (e) The building principal/assistant principal shall consult with the Superintendent as appropriate concerning the investigation and any remedial measures or assistance provided.
  - (f) Consistent with applicable law, students may not be required to disclose or provide to the District the student's user name, password or other authenticating information to a student's personal social media account. However, District investigators may request a student or a student's parent/guardian voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing investigation.
2. The Principal or designee will complete the investigation within seven (7) school days after they, receive verbal or written notification, except in cases where the Superintendent grants a written extension. The Superintendent, if necessary, may grant an extension of the time period for the completion of the investigation for up to an additional seven (7) school days. The Principal or designee shall notify all parties in writing of the granting of an extension.

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3. To end bullying or cyberbullying and prevent its recurrence, the Principal or designee will take such disciplinary action deemed necessary and appropriate, including but not limited to detention, in-house suspension, out-of-school suspension or referral to the Superintendent to consider long-term suspension or expulsion, and/or referral to law enforcement. Any discipline imposed will be in accordance with and consistent with the School Board's policies on student discipline.
4. Administrators have the discretion within the requirements of district policies on student discipline, to determine appropriate disciplinary consequences and/or interventions for violations of this policy based upon the relevant facts and circumstances in a particular case, including but not limited to the age and maturity of the students involved; the type and frequency of the behavior; a student's willingness to cooperate in the investigation and correct behavior; and the student's prior disciplinary record.
5. Besides initiating disciplinary action, the Principal or designee may also take other remedial action deemed necessary and appropriate to end bullying or cyberbullying and prevent its recurrence including but not limited to requiring participation in peer mentoring, or other life skills groups; reassigning student's classes, lunch periods or transportation; and/or offering appropriate assistance to the victim or perpetrator.
6. At the time a bullying or cyberbullying report is made, the Principal or their designee in consultation with the Superintendent, shall develop a strategy to protect all students from any kind of retaliation.
7. The Principal or designee must document their investigation results in a written report. The investigation report shall include documentation of the statements/interviews of the victim, perpetrator, and witnesses. Copies of any documents or other evidence (e.g., electronic communications) obtained during the investigation shall be attached to the report. The Principal or designee's investigation report shall also include the Principal or designee's findings of whether the report of bullying or cyberbullying was substantiated and the reasons why the report was or was not substantiated. If the report is substantiated, the Principal or designee shall include in the investigation report recommendations for remediating the bullying or cyberbullying and shall, when appropriate, recommend a strategy to protect students from retaliation. If the report is not substantiated as bullying or cyberbullying but the conduct violates school rules or policies, the Principal or designee shall specify the school rules or policies violated and make appropriate recommendations to address the violations.

#### V. FILE RETENTION

The Principal will maintain in a separate confidential file the original completed School District's Bullying/Cyberbullying Reporting Form, investigatory interview notes and reports, findings made, the investigation report, including any decision for action, and other relevant investigatory materials, and maintain a copy of the file in the perpetrator's education record. The Principal shall also provide a copy of the file to the Superintendent or designee.

#### VI. APPEAL

The procedures in RSA 193:13, Ed 317, and the School District's discipline policies establish the due process and appeal rights for students disciplined for acts of bullying, cyberbullying, or retaliation.

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VII. RETALIATION OR FALSE ACCUSATIONS

No person shall retaliate or make false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying. The School District will discipline any individual who retaliates or makes a false accusation or encourages others to retaliate or make a false accusation against a victim, witness, or anyone else who in good faith provides information, testifies, assists, or participates in an investigation, proceeding or hearing relating to an act of bullying or cyberbullying.

If a complaint or report is not made in good faith, the School District will take such disciplinary action deemed necessary and appropriate including but not limited to suspension, expulsion, or dismissal.

VIII. POLICY NOTIFICATION/DISSEMINATION

1. Copies of this Policy shall be given to all employees, students and parents annually by publishing in the applicable handbook. Whenever new School District employees or students begin during the school year, they shall receive a copy of the appropriate handbook before commencing work or school attendance. The Superintendent or designee shall also make all volunteers, and contractors who have contact with students and chartered public schools aware of this Policy.
2. The School District will post this Policy and a summary of the Policy on the School District's website and conspicuously in each school building in areas easily accessible to students and staff.

IX. TRAINING OF STAFF AND EDUCATING PARENTS AND STUDENTS

1. The School Administration shall develop age-appropriate methods of discussing the meaning, substance, and application of this Policy with parents and students in order to minimize the occurrence of bullying and cyberbullying and to identify, respond to, and report incidents of bullying or cyberbullying. In support of this policy, the Board promotes preventative educational measures to promote greater awareness of aggressive behavior, including bullying.
2. The School Administration shall provide training annually for employees, school volunteers, and contractors who have contact with students for the purpose of preventing, identifying, responding to, reporting incidents of bullying or cyberbullying, and implementing this Policy.

X. RECORDINGS IN STUDENT DISCIPLINE MATTERS

Use of Recordings. The District reserves the right to use audio/video recording devices on District property to ensure the health, safety and welfare of all staff, students and visitors. Placement and location of such devices will be established by the District

XI. ANNUAL REPORT

The Superintendent shall prepare and submit an annual report of substantiated bullying/cyberbullying incidents on the form provided by the New Hampshire Department of Education. Such reports shall not contain personally identifiable information regarding students.

Cross Reference: JRB: Confidential Student Information