

I. GENERAL STATEMENT OF POLICY

It is the policy of the Virtual Learning Academy Charter School (VLACS) that its students have an educational experience that is safe, secure, peaceful, and free from student harassment, also known as bullying or cyberbullying. VLACS will not tolerate unlawful harassment of any type and conduct that constitutes bullying or cyberbullying as defined herein even if it occurs outside of students' academic interaction with VLACS 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. The Chief Executive Officer 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;
- (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, 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 any other electronic device. The Board of Trustees recognizes that this definition may not be all-inclusive. Therefore, VLACS reserves the right to impose discipline for actions that may fall outside this definition but are still within the general purposes of this Policy.

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.

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 he/she has been a victim of bullying or cyberbullying shall report the alleged act to the Director of Guidance and Student Services or her/his designee. If a student is more comfortable reporting the alleged act to a person other than the Director of Guidance and Student Services, the student may contact any VLACS employee. VLACS will respect the confidentiality of the victim and the perpetrator(s) as much as possible, consistent with VLACS'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 who has witnessed or has reliable information that a student has been subjected to bullying or cyberbullying shall report the incident to the Director of Guidance and Student Services. "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 VLACS'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 VLACS's Bullying/Cyberbullying Reporting Form, the school employee who receives the oral report will promptly fill out VLACS'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. The Director of Guidance and Student Services or her/his designee 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 VLACS'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.

5. The Chief Executive Officer may, within the forty-eight (48) hour time period in paragraph 5 of this Section, grant the Director of Guidance and Student Services or her/his designee a written waiver from the notification requirement if the Chief Executive Officer 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.

6. For students not enrolled full time in VLACS, VLACS will report any allegations of bullying or cyberbullying to officials at the student's primary school of enrollment and VLACS will coordinate an appropriate response with a student's primary school of enrollment to any allegation of bullying or cyberbullying.

#### IV. INVESTIGATION AND REMEDIAL ACTION

1. The Director of Guidance and Student Services or her/his designee shall begin an investigation of the alleged acts of bullying or cyberbullying within five (5) school days of receiving VLACS'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.

2. The Director of Guidance and Student Services or her/his designee will complete the investigation within seven (7) business days of receiving the VLACS's Bullying/Cyberbullying Reporting Form, except in cases where the Chief Executive Officer grants a written extension. The Chief Executive Officer, if necessary, may grant an extension of the time periods for the completion of the investigation for up to an additional seven (7) business days. The Chief Executive Officer shall notify all parties in writing of the granting of an extension. The Director of Guidance and Student Services or her/his designee will expedite the investigation of any claim involving physical violence or serious threats of harm.

3. To end bullying or cyberbullying and prevent its recurrence, the Director of Guidance and Student Services or her/his designee will take such disciplinary action deemed necessary and appropriate, including but not limited to suspension from VLACS courses or referral to the Chief Executive Officer to consider long-term suspension or expulsion, and/or referral to law enforcement.

4. Besides initiating disciplinary action, the Director of Guidance and Student Services or her/his 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.

5. At the time a bullying or cyberbullying report is made, the Director of Guidance and Student Services or her his designee in consultation with the Chief Executive Officer, shall develop a strategy to protect all students from any kind of retaliation.

6. The Director of Guidance and Student Services or her/his designee must document his/her 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 Director of Guidance and Student Services or her/his designee investigation report shall also include 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 Director of Guidance and Student Services or her/his 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 Director of Guidance and Student Services or her/his designee shall specify the school rules or policies violated and make appropriate recommendations to address the violations.

7. The Director of Guidance and Student Services or her/his designee shall notify the Chief Executive Officer of all substantiated instances of bullying or cyberbullying.

8. Within ten (10) business days of completion of the investigation, the Director of Guidance and Student Services or her/his designee shall notify the parents of the victim and perpetrator of the school's remedial action. In accordance with FERPA, VLACS 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.

9. Since bullying or cyberbullying may begin again after several weeks or months have lapsed, the perpetrator in substantiated cases should be closely supervised. The victim should be encouraged to report any new problems to the Director of Guidance and Student Services or her/his designee. The Director of Guidance and Student Services or her/his designee should interview the victim regularly to make sure that there is no recurrence of bullying, cyberbullying, or retaliation. The Director of Guidance and Student Services or her/his designee shall document all follow-up with the victim.

## V. FILE RETENTION

The Chief Executive Officer will maintain in a separate confidential file the original completed VLACS'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.

## VI. APPEAL

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the perpetrator and victim shall have the right to appeal the Director of Guidance

and Student Services or her/his designee' decision regarding their student to the Chief Executive Officer in writing within five (5) business days. The Chief Executive Officer shall review the Director of Guidance and Student Services or her/his designee's decision and issue a written decision within ten (10) business days.

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

## 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. VLACS 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 person makes a complaint or report that is not made in good faith, VLACS will take such disciplinary action deemed necessary and appropriate including but not limited to suspension, expulsion, or dismissal.

## VIII. POLICY NOTIFICATION

1. Copies of this Policy shall be given to all employees, students and parents annually. Whenever new VLACS employees or students begin during the school year, they shall receive a copy before commencing work or school attendance. The Director of Guidance and Student Services or her/his designee shall also make all volunteers, and contractors who have contact with students aware of this Policy.

2. VLACS will post this Policy and a summary of the Policy on VLACS's website.

Law Reference: RSA 193-F

Appendix Reference:

Date Adopted: September 17, 2009

Revision Dates: September 6, 2013

Last Review Date: September 6, 2013

## IX. TRAINING OF STAFF AND EDUCATING PARENTS AND STUDENTS

1. The Director of Guidance and Student Services or her/his designee 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.

2. The Director of Guidance and Student Services or her/his designee 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. DISCRIMINATION, HARASSMENT AND OTHER CONDUCT POLICIES

The school has established separate discrimination, harassment and/or other conduct policies that include categories of pupils, and nothing in this policy shall prevent the remediation of any misconduct covered by such policies.

## XI. IMMUNITY

A school administrative unit employee, school district employee, chartered public school employee, school volunteer, student, parent, legal guardian, or employee of a company under contract to a school district, school administrative unit, or chartered public school, shall be immune from civil liability for good faith conduct arising from or pertaining to the reporting, investigation, findings, recommended response, or implementation of a recommended response under RSA 193-F.

## Bullying/Cyberbullying Reporting Form

(To Be Given to the Director of Guidance and Student Services)

Today's date \_\_\_/\_\_\_/\_\_\_ School \_\_\_\_\_

### Person Reporting Incident

Name \_\_\_\_\_

Telephone: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Email \_\_\_\_\_

Place an  in the appropriate box:

Student    Student (witness/bystander)    Parent/Guardian    Close Adult relative    School Employee, volunteer, contractor

1. Name of student victim \_\_\_\_\_

Age \_\_\_\_\_  
(Please Print)

2. Name(s) of alleged perpetrator(s) (if known): (Please print)	Age	School (if known)	Is he/she a student?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Name(s) of witnesses or other involved parties: (Please print)	Age	School (if known)	Is he/she a student?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

4. On what date(s) did the incident happen? \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_    \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Mo/ Day/ Year                      Mo/ Day/ Year

5. Where did the incident happen (choose all that apply)?

On school property    At a school-sponsored activity or event off school property  
 On a school bus    Off school property or outside a school-sponsored event or activity

6. Place an  next to the statement(s) that best describes what happened (choose all that apply):

Bullying or cyberbullying that involves physical harm  
 Getting another person to hit or harm the student  
 Teasing, name-calling, making critical remarks, or threatening, in person or by other means

- Demeaning and making the victim the subject of jokes
- Excluding the student and encouraging others to do so
- Spreading harmful rumors or gossip
- Stalking
- Electronic communications (specify and attach copies)
- Other (specify)
- Writing/Graffiti
- Damaging/taking property
- Making rude and/or threatening gestures
- Intimidating, extorting, or exploiting

7. Was the conduct related to any of the student victim's following personal characteristics, behaviors or beliefs or the student victim's association with someone with the following personal characteristics, behaviors or beliefs? (choose all that apply)

- Race
- Sex/Sexual Orientation
- Religion
- National Origin
- Physical Characteristics
- Behaviors
- Other (specify)

8. Describe in detail what the alleged perpetrator(s) said and did including the location(s) of the incident(s) and the names of any witnesses. (Attach a separate sheet if necessary)

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9. Why, if you know, did the incident(s) occur? (Attach a separate sheet if necessary)

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10. Did a physical injury result from this incident? Place an  next to one of the following:

No  Yes, but it did not require medical attention  Yes, and it required medical attention

(If yes, describe the injury) \_\_\_\_\_

11. If there was a physical injury, do you think there will be permanent effects?  Yes  No

12. Was the student victim absent from school as a result of the incident?  Yes  No

13. Did emotional distress result from this incident? Place an  next to one of the following:

No  Yes, but no services or treatment has been sought  Yes, and services and

treatment have been sought

If yes, describe the injury: \_\_\_\_\_

14. Is there any additional information you would like to provide?

(Attach a separate sheet if necessary)

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date