PUPIL SAFETY & VIOLENCE PREVENTION

It is the policy of the Salem School District that its students have an educational setting that is safe, secure, peaceful, and free from student harassment. The Salem School District will not tolerate unlawful harassment of any type. The Board is committed to providing all pupils 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. The Superintendent of Schools is responsible for ensuring that this policy is implemented.

I. Definitions

1. Bullying. Bullying is hereby defined as 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:
   - Physically harms a pupil or damages the pupil’s property;
   - Causes emotional distress to a pupil;
   - Interferes with a pupil’s educational opportunities;
   - Creates a hostile educational environment; or
   - Substantially disrupts the orderly operation of the school.

   Bullying shall also 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. Cyberbullying is defined as any 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. Electronic devices include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites.

4. School property. School property means all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.

5. Victim. Victim means a pupil against whom bullying or cyberbullying has been perpetrated.

6. Perpetrator. Perpetrator means a pupil who engages in bullying or cyberbullying.

Any reference in this policy to “parent” shall include parents or legal guardians.

II. Statement Prohibiting Bullying or Cyberbullying of a Pupil

Bullying or cyberbullying occurs when an action or communication meeting the definition of bullying or cyberbullying:

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 pupil’s educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

The District prohibits bullying or cyberbullying and, if necessary, may impose discipline to address bullying or cyberbullying.

**III. Statement Prohibiting Retaliation or False Accusations**

**False Reporting**
A student found to have intentionally falsely 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 intentionally falsely accused a student of bullying shall face discipline or other consequences to be determined in accordance with applicable law, District policies, procedures and collective bargaining agreements.

**Reprisal or Retaliation**
The District 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 Principal after consideration of the nature, severity and circumstances of the act, in accordance with law, Board policies and any applicable collective bargaining agreements.

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, 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 or employees of a company under contract to the District 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 Pupils From Retaliation**
If the alleged victim or any witness expresses to the Principal or other staff member that he/she believes he/she may be retaliated against, the Principal, or a designee, shall develop a process or 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 schedules to minimize their contact, stern warnings to alleged perpetrators, temporary removal of privileges, or other means necessary to protect against possible retaliation.
IV. Protection of all Pupils

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

V. Disciplinary Consequences For Violations of This Policy

The District 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 School District staff to seek alternatives to traditional discipline, including but not limited to early intervention measures, alternative dispute resolution, conflict resolution and other similar measures. However, if intervention measures are unsuccessful and acts of bullying are repeated, in accordance with progressive discipline measures, disciplinary consequences will be more severe.

VI. Distribution and Notice of This Policy

Staff, Contracted Employees, and Designated Volunteers

All staff, employees of a company under contract to the District, and designated volunteers (as defined in Policy IJOC) will be provided with a copy of this policy annually. The Superintendent may determine the method of providing the policy (employee handbook, hard copy, etc.)

The Superintendent will ensure that all school employees, employees of a company under contract to the District and designated volunteers (as defined in Policy IJOC) receive annual training on bullying and related District policies.

Students

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

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

The Superintendent, in consultation with staff, may incorporate student anti-bullying training and education into the District’s curriculum, but shall not be required to do so.

Parents

All parents will be provided with an abridged copy of this policy annually. The Superintendent may determine the method of providing the policy (parent handbook, mailing, etc.). Parents will be informed of the program and the means for students to report bullying acts toward 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.

**Additional Notice and School District Programs**

The Board may, from time to time, host or schedule public forums in which it will address the anti-bullying policy, discuss bullying in the schools, and consult with a variety of individuals including teachers, administrators, guidance counselors, school psychologists and other interested persons.

**VII. Procedure for Reporting Bullying**

At each school, the Principal shall be responsible for receiving complaints of alleged violations of this policy.

**Student Reporting**

1. Any student who believes he or she has been the victim of bullying should report the alleged acts immediately to the Principal. If the student is more comfortable reporting the alleged act to a person other than the Principal, the student may tell any School District employee, employee of a company under contract to the District, or volunteer about the alleged bullying.

2. The District will develop a system or method for receiving anonymous reports of bullying. Although students, parents, volunteers and visitors may report anonymously, formal disciplinary action may not be based solely on an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.

3. The District will develop student reporting forms to assist students and staff in filing such reports. An investigation shall still proceed even if a student is reluctant to fill out the designated form and chooses not to do so.

4. Upon receipt of a report of bullying, the Principal, or a designee, shall commence an investigation consistent with the provisions of Section XI of this policy.

**Staff, Contracted Employees, and Designated Volunteers Reporting**

1. An important duty of all District employees, designated volunteers, or employees of a company under contract with the District is to report acts or behavior that they witness that appears to constitute bullying.

2. All District employees, employees of a company under contract with the District, and designated volunteers shall encourage students to tell them about acts that may constitute bullying. For young students, staff members, designated volunteers or employees of a company under contract with the District will provide direct assistance to the student to assist them in reporting the bullying.
3. Any District employee, employees of a company under contract with the District or designated volunteer who witnesses, receives a report of, or has knowledge or belief that bullying may have occurred shall inform the Principal as soon as possible, but no later than the end of that school day.

4. Upon receipt of a report of bullying, the Principal, or a designee, shall commence an investigation consistent with the provisions of Section XI of this policy.

VIII. Procedure for Internal Reporting Requirements

In order to satisfy the reporting requirements of RSA 193-F:6, the Principal or designee shall be responsible for completing any available New Hampshire Department of Education forms and reporting documents of substantiated incidents of bullying. Said forms shall be completed within ten (10) school days of any substantiated incident. Upon completion of such forms, the Principal or designee shall retain a copy and shall forward one copy to the Superintendent. The Superintendent shall maintain said forms in a safe and secure location.

IX. Notifying Parents of Alleged Bullying

The Principal, or a designee 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 provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

X. Waiver of Notification Requirement

The Superintendent may, within a 48 hour time period, grant the Principal a waiver from the requirement that the parents of the alleged victim and the alleged perpetrator be notified of the filing of a report. A waiver may only be granted if the Superintendent deems such a waiver to be in the best interest of the victim or perpetrator. Any waiver granted shall be in writing.

XI. Investigative Procedures

1. Upon receipt of a report of bullying, the Principal, or designee, shall, within 5 school days, initiate an investigation into the alleged act. If the Principal is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Superintendent shall direct another District 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, unless deemed appropriate by the investigating school official, during the investigation.

3. If the alleged bullying was in whole or in part cyberbullying, the Principal may ask students and/or parents to provide the District with printed copies of e-mails, text messages, website pages, or other similar electronic communications.
4. A maximum of 10 school days shall be the limit for the documentation of the results and completion of the investigation except as provided for in paragraph 6 below.

5. Factors the Principal or other investigator may consider during the course of the investigation, are including but not limited to:

- Description of incident, including the nature of the behavior;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The characteristics of parties involved, (name, grade, age, etc.);
- The identity and number of individuals who participated in bullying behavior;
- Where the alleged incident(s) occurred;
- Whether the conduct adversely affected the student’s education or educational environment;
- Whether or not the conduct substantially disrupted the orderly operation of the school; and
- Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident.

6. The Principal shall complete the investigation within 10 school days of receiving the initial report. If the Principal needs more than 10 school days to complete the investigation, the Superintendent may grant an extension of up to 7 school days. In the event such extension is granted, the Principal shall notify in writing all parties involved of the granting of the extension.

7. Students who are found to have violated this policy may face discipline in accordance with other applicable Board policies, up to and including suspension and expulsion. Students facing discipline will be afforded all due process required by law.

**XII. Response to RemEDIATE Substantiated Instances of Bullying**

Consequences and appropriate remedial actions for a student or staff member, designated volunteer, or employees of a company under a contract with the District who commits one or more acts of bullying or retaliation may range from positive behavioral interventions up to and including suspension or expulsion of students, dismissal from employment for staff members, and exclusion from school grounds of designated volunteers or employees of a company under contract with the District.

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. Salem High School and Woodbury School officials will notify and confer with Salem police officials to determine whether or not a formal report and police involvement is necessary. Elementary school administrators will notify police officials when the behavior results in suspension from school.

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

- Admonishment
- Temporary removal from classroom
- Deprivation of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension
- Out-of-school suspension
  - Notification of authorities
- 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
  - In-school counseling if practical
  - Out-of-school counseling if appropriate
- Parent conferences
- Referral to legal authorities

In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Board encourages the Superintendent to work collaboratively with all staff members to develop responses other than traditional discipline as a way to remediate substantiated instances of bullying.

**XIII. Reporting of Substantiated Incidents to the Superintendent**

The Principal shall forward all substantiated reports of bullying to the Superintendent upon completion of the Principal’s investigation.

**XIV. Communication With Parents Upon Completion of Investigation**

1. Within two school days of completing an investigation, the Principal, or a designee, will notify the students involved in person of his/her findings and the result of the investigation.

2. The Principal, or a designee, will notify via telephone the parents of the alleged victim and alleged perpetrator of the results of the investigation. The Principal 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 Principal, or a designee, shall schedule a meeting with them to further explain his/her findings and reasons for his/her actions.

4. In accordance with the Family Educational Rights and Privacy Act and other law concerning student privacy, the District will not disclose educational records of students including the discipline and remedial action assigned to those students to the parents of other students involved in a bullying incident.
XV. 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 Principal’s decision to the Superintendent in writing within five (5) school days. The Superintendent shall review the Principal’s decision and issue a written decision within ten (10) school days. If the aggrieved party is still not satisfied with the outcome, the aggrieved party may file a written request for review by the School Board within ten (10) school days of the Superintendent’s decision.

2. The procedures under RSA 193:13, Ed 317, and District 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 New Hampshire State Board of Education.

XVI. Capture of Audio Recordings on School Buses

Pursuant to RSA 570-A:2, notice is hereby given that the Board authorizes audio recordings to be made in conjunction with video recordings of the interior of school buses while students are being transported to and from school or school activities. The Superintendent shall ensure that there is a sign informing the occupants of school buses that such recordings are occurring.

XVII. Sexual Harassment

Bullying or cyberbullying may constitute sexual harassment in which case it shall be subject to and be handled in accordance with the School District's Sexual Harassment and Sexual Violence Policy (GBAA), not this Policy.

XVIII. 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 the 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.

Legal References:
- RSA 193-F:3, Pupil Safety and Violence Prevention Act
- RSA 570-A:2, Capture of Audio Recordings on School Buses Allowed
- NH Code of Administrative Rules, Section Ed 306.04(a)(8), Student Harassment