

Southwest Vermont Regional Technical School District	Prevention of Harassment, Hazing and Bullying of Students	5004C Required
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I. Statement of Policy

The Southwest Vermont Regional Technical 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 and bullying of students. Conduct which constitutes hazing may be subject to civil penalties.

The District shall address all complaints of harassment, hazing and bullying 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, or hazing 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 and/or harassment 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.

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

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

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

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

19 20 **III. Constitutionally Protected Speech**

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

29 30 **IV. Definitions**

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

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35 A. **"Bullying"** means any overt act or combination of acts, including an act conducted by
36 electronic means, directed against a student by another student or group of students and which:

37 a. Is repeated over time;

38 b. Is intended to ridicule, humiliate, or intimidate the student; and

39 c. (i) occurs during the school day on school property, on a school bus, or at a school-
40 sponsored activity, or before or after the school day on a school bus or at a school
41 sponsored activity; or

42 (ii) does not occur during the school day on school property, on a school bus or at a
43 school sponsored activity and can be shown to pose a clear and substantial interference
44 with another student's right to access educational programs.

1 B. **“Complaint”** means an oral or written report information provided by a student or any person
2 to an employee alleging that a student has been subjected to conduct that may rise to the level of
3 hazing, harassment or bullying.
4

5 C. **“Complainant”** means a student who has provided oral or written information about conduct
6 that may rise to the level of hazing, harassment or bullying, or a student who is the target of
7 alleged hazing, harassment or bullying.
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9 D. **“Designated employee”** means an employee who has been designated by the school to
10 receive complaints of hazing, harassment and bullying pursuant to subdivision 16 V.S.A.
11 §570a(a)(7). The designated employees for each school building are identified in Appendix A of
12 this policy.
13

14 E. **“Employee”** includes any person employed directly by or retained through a contract with the
15 District, an agent of the school, a school board member, a student teacher, an intern or a school
16 volunteer. For purposes of this policy, “agent of the school” includes supervisory union staff.
17

18 F. **“Equity Coordinator”** is the person responsible for implementation of Title IX (regarding
19 sex-based discrimination) and Title VI (regarding race-based discrimination) for the District and
20 for coordinating the District’s compliance with Title IX and Title VI in all areas covered by the
21 implementing regulations. The Equity Coordinator is also responsible for overseeing
22 implementation of the District’s Preventing and Responding to Harassment of Students and
23 Harassment of Employees policies. This role may also be assigned to Designated Employees.
24

25 G. **“Harassment”** means an incident or incidents of verbal, written, visual, or physical conduct,
26 including any incident conducted by electronic means, based on or motivated by a student’s or a
27 student’s family member’s actual or perceived race, creed, color, national origin, marital status
28 disability, sex, sexual orientation, or gender identity, that has the purpose or effect of objectively
29 and substantially undermining and detracting from or interfering with a student’s educational
30 performance or access to school resources or creating an objectively intimidating hostile, or
31 offensive environment. Harassment includes conduct as defined above and may also constitute
32 one or more of the following:
33

34 (1) Sexual harassment, which means unwelcome conduct of a sexual nature, that includes sexual
35 violence/sexual assault, sexual advances, requests for sexual favors, and other verbal, written,
36 visual or physical conduct of a sexual nature, and includes situations when one or both of the
37 following occur:

- 38 (i) Submission to that conduct is made either explicitly or implicitly a term or condition
39 of a student’s education, academic status, or progress; or
- 40 (ii) Submission to or rejection of such conduct by a student is used as a component of the
41 basis for decisions affecting that student.
42

43 Sexual harassment may also include student-on-student conduct or conduct of a non-employee
44 third party that creates a hostile environment. A hostile environment exists where the harassing
45 conduct is severe, persistent or pervasive so as to deny or limit the student’s ability to participate
46 in or benefit from the educational program on the basis of sex.

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

7
8 (3) Harassment of members of other protected categories, means conduct directed at the
9 characteristics of a student’s or a student’s family member’s actual or perceived creed, national
10 origin, marital status, disability, sex, sexual orientation, or gender identity and includes the use of
11 epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti,
12 display, or circulation of written or visual material, taunts on manner of speech, and negative
13 references to customs related to any of these protected categories.

14
15 H. **“Hazing”** means any intentional, knowing or reckless act committed by a student, whether
16 individually or in concert with others, against another student: In connection with pledging,
17 being initiated into, affiliating with, holding office in, or maintaining membership in any
18 organization which is affiliated with the educational institution; and which is intended to have
19 the effect of, or should reasonably be expected to have the effect of, endangering the mental or
20 physical health of the student.

21
22 Hazing shall not include any activity or conduct that furthers legitimate curricular, extra-
23 curricular, or military training program goals, provided that:

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

28
29 With respect to Hazing, **“Student”** means any person who:

- 30 (A) is registered in or in attendance at an educational institution;
31 (B) has been accepted for admission at the educational institution where the hazing incident
32 occurs; or
33 (C) intends to attend an educational institution during any of its regular sessions after an official
34 academic break.

35
36 I. **“Notice”** means a written complaint or oral information that hazing, harassment or bullying
37 may have occurred which has been provided to a designated employee from another employee,
38 the student allegedly subjected to the hazing, harassment or bullying, another student, a parent or
39 guardian, or any other individual who has reasonable cause to believe the alleged conduct may
40 have occurred. If the school learns of possible hazing, harassment or bullying through other
41 means, for example, if information about hazing, harassment or bullying is received from a third
42 party (such as from a witness to an incident or an anonymous letter or telephone call), different
43 factors will affect the school’s response. These factors include the source and nature of the
44 information; the seriousness of the alleged incident; the specificity of the information; the
45 objectivity and credibility of the source of the report; whether any individuals can be identified
46 who were subjected to the alleged harassment; and whether those individuals want to pursue the

1 matter. In addition, for purposes of violations of federal anti-discrimination laws, notice may
2 occur when an employee of the district, including any individual who a student could reasonably
3 believe has this authority or responsibility, knows or in the exercise of reasonable care should
4 have known about potential unlawful harassment or bullying.

5
6 J. **“Organization”** means a fraternity, sorority, athletic team, association, corporation, order,
7 society, corps, cooperative, club, or other similar group, whose members primarily are students
8 at an educational institution, and which is affiliated with the educational institution.

9
10 K. **“Pledging”** means any action or activity related to becoming a member of an organization.

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12 L. **“Retaliation”** is any adverse action by any person against a person who has filed a complaint
13 of harassment, hazing or bullying or against a person who assists or participates in an
14 investigation, proceeding or hearing related to the harassment complaint. Such adverse action
15 may include conduct by a school employee directed at a student in the form of intimidation or
16 reprisal such as diminishment of grades, suspension, expulsion, change in educational
17 conditions, loss of privileges or benefits, or other unwarranted disciplinary action. Retaliation
18 may also include conduct by a student directed at another student in the form of further
19 harassment, intimidation, and reprisal.

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21 M. **“School administrator”** means a superintendent, principal or his/her designee assistant
22 principal//technical center director or his/her designee and/or the District’s Equity Coordinator.

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

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	Date Warned	Date Adopted	Replaces Policies:
Southwest Vermont Regional Technical School District	9/21/15	10/19/15	5002C, 5003C 5088C

APPENDIX A

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Designated Employees:

The following employees of the Southwest Vermont Regional Technical School District have been designated by the 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: _____

Title: _____

Contact Information: _____

Name: _____

Title: _____

Contact Information: _____