

SCHOOL EMPLOYEE/TEACHER/STAFF PRIMER

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NOTE

It is advised that any and all steps taken under the above obligations by individual staff members be documented, and that any paperwork generated in the achievement of these aims be maintained by staff in their own records such as a “HHB Compliance Binder.”

1. **Duty to Participate in Staff/School Employee Training:** Pursuant to AOE Model Procedures the “board or its designee shall ensure that teachers and other staff receive training in preventing, recognizing and responding to harassment, hazing and bullying.” (MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION VIII.C (2015).

ACTION ITEM: Staff/employees/teachers should attend any and all training sessions arranged by school administrators regarding their duties to implement their school’s Policy for the Prevention of Harassment, Hazing and Bullying of Students.

***Tip:** It is good practice to maintain a copy of any training materials received and notes taken during those trainings, and to record the date and time and length of the training within your “HHB Compliance Binder.”*

2. **Duty to implement student training and education as assigned:** “The school administrator shall use his/her discretion in developing age-appropriate methods of discussing the meaning and substance of this policy with students to help prevent harassment, hazing and bullying.” (MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION VIII.B (2015).

ACTION ITEM: Teachers and staff should implement as assigned age appropriate curriculum and instruction focused on: student behavioral expectations; responding to inappropriate student conduct which may constitute harassment, hazing and bullying; as well as familiarizing students with the school’s policy to prevent those behaviors and its procedures to respond to and investigate potential policy violations.

***Tip:** It is advised that any and all steps taken under this obligation are documented, and that any paperwork generated in the achievement of these aims is maintained in your personal “HHB Compliance Binder.”*

3. **Duty to implement “interim measures” as assigned:** While a school has a duty to implement measures at the conclusion of an investigation into potential harassment, hazing and bullying, a school is additionally required to take *immediate* measures upon the initiation of an investigation when:

- (a) physical harm has resulted: and/or,
- (b) the targeted student is known to be expressing suicidal ideation; and/or,
- (c) the targeted student is experiencing serious emotional harm.

In all such cases a safety plan must be immediately developed and implemented.

In addition, in cases where the targeted student is known to have difficulty accessing the educational programs at the school as a result of the inappropriate behavior, a safety plan should also be considered. (MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION III.C (2015).

School employees may be tasked with assisting in the development and implementation of all or part of any such safety plans.

***Tip:** It is advised that any and all steps taken under this obligation are documented, and that this along with any paperwork generated in the achievement of these aims be collected and forwarded by the staff member to the investigator assigned for the particular case.*

4. **Duty to implement disciplinary/remedial actions reasonably calculated to stop the harassment, hazing and/or bullying and prevent any recurrence of harassment, hazing and/or bullying...** At the conclusion of a school’s investigation into a potential violation of the school’s policy against harassment, hazing or bullying, and where it has been determined that a policy violation in fact occurred, the school is required to take:

- (a) “Prompt and appropriate disciplinary and/or remedial actions reasonably calculated to stop the (offending behavior) and to prevent any recurrence...” (MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION IV.A (2015).
- (b) Such “remedial action” may include but not be limited to an age appropriate warning, reprimand, education, training and counseling, transfer, suspension, and/or expulsion of a student and warning, reprimand, education, training and counseling, transfer, suspension and/or termination of an employee. (MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION IV.A.I.(2015).

School employees may be tasked with implementing all or part of such remedial actions.

***Tip:** It is advised that any and all steps taken under this obligation are documented, and that this along with any paperwork generated in the achievement of these aims be collected and forwarded by the staff member to the investigator assigned for the particular case.*

5. **Duty to implement remedial actions reasonably calculated to remedy the effects of policy violations on the victim(s):** At the conclusion of a school’s investigation into a potential violation of the school’s policy against harassment, hazing or bullying, and where it has been determined that a policy violation in fact occurred, the school is required to take:

- (a) “Prompt and appropriate ...remedial action reasonably calculated to...remedy (the) effects (of harassment, hazing and/or bullying) on the victim(s). (MODEL)

PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION IV.A (2015).

- (b) In so doing, “the District will also take efforts to support victim’s access to the District’s program, services and activities, consider and implement school-wide remedies, where appropriate. . . . For example, if a female student has been subjected to harassment/bullying by a group of other students in a class, the school may need to deliver special training or other interventions for that class to repair the educational environment. . . .” (MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION IV.A.II (2015) (see procedures for further illustrations and examples).

School employees may be tasked with implementing all or part of such remedial actions.

***Tip:** It is advised that any and all steps taken under this obligation are documented, and that this along with any paperwork generated in the achievement of these aims be collected and forwarded by the staff member to the investigator assigned for the particular case.*

6. **Duty to take reasonable steps to prevent retaliation against students:** Whenever an investigation is initiated under the school’s procedures for the prevention of harassment, hazing and bullying, it must take reasonable steps to prevent, identify and respond to incidents of retaliation.
- (a) “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 the . . . complaint.” (MODEL) POLICY FOR THE PREVENTION OF HARASSMENT, HAZING AND BULLYING, IV.L. (2015).
- (b) “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.” (MODEL) POLICY FOR THE PREVENTION OF HARASSMENT, HAZING AND BULLYING, IV.L. (2015).
- (c) “Retaliation may also include conduct by a student directed at another student in the form of further harassment, intimidation, and reprisal.” (MODEL) POLICY FOR THE PREVENTION OF HARASSMENT, HAZING AND BULLYING, IV.L. (2015).
- (d) The District will take reasonable steps to prevent any retaliation against the student who made the complaint (or was the subject of the inappropriate (conduct)), against the person who filed a complaint on behalf of a student, or against those who provided information as witnesses. At a minimum, this includes making sure that the students and their parents, and those witnesses involved in the school’s investigation, know how to report any subsequent problems and making follow-up inquiries to see if there have been any new incidents or any

retaliation. (MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION IV.B (2015).

School employees should understand the prohibitions against retaliation by employees and students.

School employees may be tasked with educating students on what retaliation is and in supervising student interactions in order to detect, intervene and report such behaviors.

***Tip:** It is advised that any and all steps taken under this obligation are documented, and that this along with any paperwork generated in the achievement of these aims be collected and forwarded by the staff member to the investigator assigned for the particular case.*

7. **Duty to immediately report conduct witnessed that employee reasonably believes might constitute harassment, hazing and/or bullying and to take reasonable action to stop the conduct and prevent its reoccurrence:** School employees who **witness** conduct they reasonably believe might constitute harassment, hazing and/or bullying are required to do the following:

- (a) Take reasonable action to stop the conduct;
- (b) Take reasonable action to prevent the recurrence of the offending conduct;
- (c) Immediately report the conduct to a designated employee;
- (d) Immediately complete a Student Conduct Form (page 8). (MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION I.B. (2015).

School employees should have an understanding of the definitions of harassment, hazing and bullying (pages 9-10), and refer to the school policies when filling out the Student Conduct Form (page 8) and otherwise fulfilling their obligations under this section.

8. **Duty for any school employee who overhears or directly receives information about conduct that might constitute harassment, hazing and/or bullying to immediately report the information to a designated employee and immediately complete a Student Conduct Form:** School employees who **overhear or directly receive** information that might constitute harassment, hazing and/or bullying are required to do the following:

- (a) Immediately complete a Student Conduct Form (page 8);
- (b) Immediately report the information to a Designated Employee.

(MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION I.B. (2015).

School employees should have an understanding of the definitions of harassment, hazing and bullying (pages 9-10), and refer to the school policies when filling out the Student Conduct Form (Page 8) and otherwise fulfilling their obligations under this section.

9. **Duty to Maintain Confidentiality of Student Matters:** “The privacy of the complainant, the accused individual, and the witnesses shall be maintained consistent with the District’s obligations to investigate, to take appropriate action, and to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.”

(MODEL) PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS, SECTION VI.A. (2015).

School employees should understand their obligation to maintain the confidentiality of student matters - including those under investigation pursuant to the Model Procedures for the prevention of harassment, hazing and bullying.

10. **Duty to Report to DCF:** When a complaint made pursuant to the school’s policy for the prevention of harassment, hazing, and/or bullying is made which includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4911, et seq. must report the allegation to the Commissioner of DCF.

- (a) **If the victim is over the age of 18** and a report of abuse is warranted, the report shall be made to Adult Protective Services in accordance with 33 V.S.A. §6901 et seq.

School employees should understand their obligation to report to DCF is **not** met by reporting student behaviors that are potentially harassment/hazing/bullying matters to designees or filling out Student Conduct Forms (page 8). **The obligation to report to DCF remains and is separate and distinct from the reporting/investigation obligations created for harassment/hazing/bullying matters.** Likewise, reports to DCF do **not** obviate the need to report matters to designees or to fill out Student Conduct Forms (page 8).

STUDENT CONDUCT FORM (TO BE COMPLETED BY STAFF)

DISTRICT EMPLOYEE AUTHOR:

(Direct witness? Y N).

OR - STUDENT/ADULT REPORTER: _____

IDENTITY OF ALLEGED STUDENT OFFENDER: _____

DATE OF INCIDENT WITNESSED: Date: _____ Time: _____

DATE OF REPORT BY STUDENT or THIRD PARTY: Date: _____ Time: _____

DESCRIPTION OF CONDUCT REPORTED: _____

STUDENT WITNESSES (if any): _____

DISTRICT EMPLOYEE WITNESSES (IF ANY): _____

STUDENTS INTERVIEWED BY EMPLOYEE AUTHOR (if any): _____

INITIAL ACTIONS BY EMPLOYEE AUTHOR IF WITNESS TO EVENTS;

NEXT STEPS TO BE TAKEN BY EMPLOYEE AUTHOR: _____

INCIDENT REPORTED TO DESIGNATED EMPLOYEE? YES NO

If no, explain in detail WHY not reported to DE:

IF REPORTED TO DE/DATE & TIME INCIDENT WAS REPORTED TO C-1 DESIGNEE: DATE _____ TIME _____

Signature of Designee acknowledging receipt: _____

2015 MODEL POLICY DEFINITIONS

Bullying: means any 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
 - 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.

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:

- (a) **Sexual harassment**, 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.

- (a) **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.

- (b) 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.

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

- (a) 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:

- (a) The goals are approved by the educational institution; and
- (b) 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 an 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.