

Superintendent/Headmaster Primer

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- 1. DUTY - ADOPT/UPDATE School Policies and Procedures:** School Boards are charged to “develop, adopt, ensure the enforcement of, and make available ...harassment, hazing and bullying prevention policies that are at least as stringent as model policies developed by the Secretary of the Agency of Education.” Legal Authority: 16 V.S.A. §570(b).

SUMMER ACTION ITEM: Superintendents/Headmasters shall work with School Administrators and Boards annually, prior to the commencement of the school year to:

- (1) Adopt current and up to date policies and procedures.

***Tip:** Adoption of AOE Model Policies and Procedures will satisfy this requirement. Adoption of May 2015 Revised Policies and Procedures is strongly recommended.*

Note: Vermont AOE takes the position that as soon as updated model policies and procedures are released, Schools are held to the standard and requirements imposed by them regardless of whether or not the school has acted to formally adopt them.

***Tip:** Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.*

- 2. DUTY- PUBLICATION of Policies and Procedures:** School Boards shall ensure complete copies of policies and procedures on harassment, hazing, and bullying are included in any publication that sets forth the comprehensive rules, procedures, and standards of conduct for the school. Legal Authority: 16 V.S.A. §570(c); 16 V.S.A. §1161a.

SUMMER ACTION ITEM: Superintendents/Headmasters shall work with School Administrators and Boards annually, prior to the commencement of the school year to:

- (1) Confirm that updated and current versions of policies and procedures on harassment, hazing and bullying are contained in the School Student Handbook and all related school publications. It is recommended that both policies and procedures also be made available online at the school or SU/District website.

***Tip:** Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.*

3. **DUTY- DISTRIBUTION and NOTIFICATION of Students and Parents of Policies and Procedures:** School Boards are charged annually, and prior to the commencement of curricular and co-curricular activities, with providing notice of the harassment, hazing and bullying policies and procedures to students/custodial parents or guardians of students, with reference to the consequences of misbehavior for violations. **Notice must be in age appropriate language and include examples of harassment, hazing and bullying.** 16 V.S.A. §570(c); 16 V.S.A. §1161a; 2015 Vermont AOE Model Procedures, VIII.A.

SUMMER ACTION ITEM: Superintendents/Headmasters shall work with School Administrators and Boards annually, prior to the commencement of the school year to:

- (1) Confirm copies of the school’s policies and procedures with reference to possible disciplinary penalties for violations are mailed to all school families before the commencement of curricular and co-curricular activities.

***Tip:** The District may choose to instead announce via an August mailing the weblink address parents may use to access policies and procedures online (i.e. commensurate with the school’s Annual Notice regarding FERPA obligations and other start of the year information forwarded to the community in late July/early August). In this case, however, it is recommended that that same notice inform parents that they retain the right to seek - free of charge - a hard copy upon request (in order to accommodate families without reliable internet access).*

***Tip:** Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.*

4. **DUTY- NOTIFICATION AND DISTRIBUTION to Faculty and Staff Policies and Procedures:** School Boards are charged annually, and prior to the commencement of curricular and co-curricular activities, with providing notice of harassment, hazing and bullying policies and procedures to faculty and staff. 16 V.S.A. §570(c); 2015 Vermont AOE Model Procedures, VIII.A.

SUMMER ACTION ITEM: Superintendents/Headmasters shall work with School Administrators and Boards annually, prior to the commencement of the school year to:

- (1) Confirm distribution of updated policies and procedures to school faculty and staff before the commencement of curricular and co-curricular activities.

***Tip:** Be sure to maintain copies of documentation to demonstrate this occurred.*

Tip: Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.

5. **DUTY- TRAIN teachers and staff:** To arrange for teachers and staff to receive training in preventing, recognizing and responding to harassment, hazing and bullying. 2015 Vermont AOE Model Procedures, VIII.C.

SUMMER ACTION ITEM: Superintendents/Headmasters shall work with School Administrators -and confirm to School Boards - annually prior to the commencement of the school year to:

- (1) Schedule training of teachers and staff regarding HHB policies and procedures before the commencement of curricular and co-curricular activities.
- (2) Update School Boards on status of these efforts.

Tip: Be sure to maintain copies of documentation to demonstrate this occurred.

Tip: Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.

6. **DUTY- EDUCATE Students On Harassment, Hazing and Bullying Prevention and on Policies and Procedure Content:** School Boards are asked to use their discretion in developing and initiating age-appropriate programs to inform students about the substance of the policy and procedures in order to help prevent harassment, hazing, bullying and retaliation. School boards are encouraged to foster opportunities for conversations between and among students regarding tolerance and respect. Source: 16 V.S.A. §570(c) 2015 Vermont AOE Model Procedures, VIII.B.

SUMMER ACTION ITEM: Superintendents/Headmasters should work with School Administrators - and be prepared to update School Boards annually - prior to the commencement of the school year about:

- (1) Their specific SU/School-wide plan of age appropriate student instruction on both the policies and the procedures and the expectations around harassment, hazing, bullying and retaliation; and
- (2) Their ongoing efforts to create a school climate of tolerance and respect throughout the school year.
- (3) Communicating to School Boards the status of these efforts.

Tip: Be sure to maintain copies of meeting minutes reflecting these efforts.

Tip: Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.

- 7. DUTY- DESIGNATE 2 or More School Employees Per School Campus to Receive Complaints on Harassment/Hazing/Bullying:** School boards/Superintendents are required to designate annually two or more persons per school campus with the responsibility of receiving and investigating complaints on harassment/hazing/bullying. Source: 16 V.S.A. §570a(a)(7); §570b(7); §570c(7); 2015 Vermont AOE Model Policy, II.2.

LATE SPRING/SUMMER ACTION ITEM: Superintendents/Headmasters should work with School Administrators-and be prepared to update School Boards—annually, prior to the commencement of the school year, about:

- (1) the designation of at least two or more employees with the task of receiving and investigating complaints on harassment/hazing/bullying;
- (2) publication of those assignments to students and families; and
- (3) the arrangements made to train designees in the performance of their duties, preferably prior to the commencement of the school year.

Tip: Documentation of these efforts must be maintained.

Tip: Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.

8. **DUTY- DESIGNATE an Equity Coordinator:** Superintendents are required to designate an Equity Coordinator to oversee all aspects of the implementation of the HHB Policy as it relates to the obligations imposed by federal law regarding discrimination. This role may also be assigned to one or both of the Designated Employees. 2015 Vermont AOE Model Policy, II.3.

ACTION ITEM LATE SPRING/SUMMER: Superintendents and/or Headmasters should work with School Administrators - and be prepared to update School Boards - annually, prior to the commencement of the school year about:

- (1) the designation of an Equity Coordinator with the task of overseeing all aspects of implementation of the HHB Policy as it relates to the obligations imposed by federal law regarding discrimination;
- (2) publication of the assignment to students and families; and
- (3) the arrangements made to train Coordinators in the performance of their duties preferably prior to the commencement of the school year.

Tip: Documentation of these efforts must be maintained.

Tip: Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.

9. **DUTY- Conduct Internal Reviews of School Designee Harassment Determinations That Harassment Has Not Occurred:** A complainant or parent of a complainant may request an internal review of [an] initial determination (following investigation) **that harassment has not occurred** via written request submitted to the District Superintendent (or Headmaster). 2015 AOE Model Procedures, V.(A) (5/29/2015).

SUMMER ACTION ITEM: Superintendents/Headmasters should be prepared prior to the start of the school year to conduct internal reviews of initial designee harassment determinations by:

- (1) Understanding Process and Scope of Review (Guidance Memo, Page 7-8);
- (2) Preparing draft acknowledgement letters to respond to parent requests for such reviews (See SAMPLE, Page 9);
- (3) Preparing draft letters to parents to announce final decision and appeal remedies (See SAMPLE, Page 10).

Tip: Please note that this right is specific to harassment determinations only. Schools MAY but are not required to provide complainant students/parents of complaining students the right to an internal review of hazing or bullying determinations under the Model Policy. Schools MAY choose to provide for such a review in cases of hazing or bullying either as an explicit matter of school policy or on a case-by-case basis.

GUIDANCE MEMO

SUPERINTENDENT INTERNAL REVIEW OF INITIAL DETERMINATIONS THAT NO VIOLATION OF HARASSMENT POLICY OCCURRED

Q: What triggers the right to an internal review by a Complaining Student/Parent?

A: Complaining Students/Parents may seek an internal review ONLY of an initial determination that the harassment policy was NOT violated. Determinations related to hazing and/or bullying are not subject to this review unless explicitly provided for by school policy or on a case by case basis. Additionally, complaints about the sufficiency of the remedies (discipline or otherwise) instituted following a determination that conduct constitutes harassment are not subject to an internal review. **It should be emphasized that the complainant/parent may concurrently seek an independent review, or go immediately to an independent review request and is not required to seek an internal review prior to seeking an independent review.**

Q: How does a Student/Parent seek such a review?

A: The 2015 Model Procedures are silent. It may reasonably be assumed that in the absence of an individual school's procedure providing guidance on this point that either an oral or written request by a parent to a Superintendent would be acceptable. It is suggested that individual schools state explicitly in their HHB procedures that receipt of a written request be required in order to have the ability to confirm the receipt of such a request and timeliness of review (see next item).

Q: Is there a time limit to a Student/Parent right to seek such a review?

A: Again, the 2015 Model Procedures are silent. It can reasonably be assumed that imposing a time limitation similar to that imposed by the Model Procedures for "Independent Reviews" – 30 days – would be appropriate. It is therefore advised that individual schools state explicitly in their procedures that receipt of a written request is required within a certain time frame in order to provide timely review and closure.

Q: Who conducts the internal review?

A: The 2015 Model Procedures speak of a request being submitted to the Superintendent but do not state explicitly whether the review must be done personally by the Superintendent, only that it is an "internal" review. It is advised that individual schools state explicitly in their procedures that internal reviews shall be conducted by the Superintendent or his/her designee, but in no case shall be performed by the original designee/investigator in that case.

Q: What is the scope of this review? What factors are to be considered?

A: Again, the 2015 Model Procedures are silent. It is therefore advised that individual schools amend their procedures (Model Procedure V.A.) to state explicitly that scope of the internal review will be a "consideration of the school's initial determination that harassment did not occur in light of: (1) an assessment of the investigator's compliance with the current policies

and procedures for investigation of harassment; and (2) a review of the evidence collected and reviewed by the investigator in support of his/her determination that harassment did not occur.” It should note that such review will not include or collect “new evidence, nor re-interviews of witnesses.” Rather the purpose is to determine whether or not the Designee’s initial determination of no harassment is reasonably supported by a review of the process followed and information originally collected.

Q: When does the review need to be completed by?

A: **The 2015 Model Procedures state the review must be completed within thirty days of the request for the review, unless special circumstances are present and documented.** If this deadline is not going to be met, it is advised that the Superintendent contact the Complaining Student/Parent in writing in advance of that deadline to state that it will not be met, the reasons for the delay, and the anticipated completion date.

Q: Is there a form we can follow for conducting an internal review?

A: **There is no official form.** However, a “model outline” has been prepared and is attached to the end of these materials, starting at page 26.

SAMPLE LETTER INTERNAL REVIEW REQUEST

TO: Complainant/Targeted Student/Parent(s)

RE: Acknowledging Receipt of Request for Internal Review

I am writing to acknowledge receipt on [INSERT DATE] of your written request for an internal review of the school's initial determination that your son/daughter was not the target of conduct which violated the harassment policy. Thank you for your letter.

Please be advised that the review will consider the sufficiency of both the investigation and its conclusions - based on a review of the school's harassment policies and procedures, and the written materials collected and reviewed by the designee. The review may involve oral discussions with the investigator. The review will not, however, involve re-interviews of any students or other staff, or perform any independent fact finding regarding the allegations themselves. The review will consider whether or not the school's initial determination is reasonably supported by a review of the process followed and information originally collected.

I will report to the final determination no later than thirty days after receipt of your request for this review. Please be advised that you continue to have the right to seek an Independent Review, conducted by a qualified investigator selected by the school from a list maintained by the Vermont Agency of Education should you so choose. This request must be made within thirty days of my final determination.

Finally, please additionally be advised that you are entitled to refer harassment issues either to the Vermont Human Rights Commission or to the U.S. Department of Education Office of Civil Rights for review. The contact information for these organizations is contained in the policies attached.

Please let me know if you have any questions.

Sincerely,

Superintendent/Headmaster

Enc: School HHB Policies and Procedures

Bcc: School investigative file

SAMPLE LETTER ANNOUNCING FINAL DETERMINATION

TO: Complainant Student/Parent(s)

RE: Final Determination Announcement Following Initial Review of Determination of No Harassment Policy Violation

I am writing to report my final determination regarding the school's initial determination that your son/daughter was not the target of conduct which violated the harassment policy. My review considered the sufficiency of both the investigation and its conclusions - based on the school's harassment policies and procedures. I have concluded that the initial determination that there was no violation of the harassment policy is [choose either SUPPORTED/UNSUPPORTED (and complete the letter as indicated below)] by my review.

[IF SUPPORTED]. Please be advised that you may still seek an Independent Review. If you would like to pursue this option please notify me in writing no later than [INSERT DATE that is thirty days from the date of this letter].

[IF UNSUPPORTED]. Although federal privacy law prevents me from discussing any specific disciplinary action taken consistent with this finding with respect to other students, I can tell you we are required to take reasonable steps to prevent a reoccurrence of the offending conduct and to remedy its effects on victims and will take steps consistent with this finding and obligation, subject to the outcome of any appeal the student(s) may choose to exercise. Should you feel the actions taken are inadequate to correct the problem, you may seek an Independent Review. Again, if you would like to pursue this option please notify me in writing no later than [INSERT DATE thirty days from the date of this letter].

[IN EITHER CASE add as appropriate any additional information regarding supports offered to their child, offers to meet with the parents to discuss ongoing concerns, etc.]

[IN EITHER CASE] Finally, please additionally be advised that you are entitled to refer harassment issues either to the Vermont Human Rights Commission or to the U.S. Department of Education Office of Civil Rights for review. The contact information for these organizations is contained in the policies attached.

I encourage you to contact me directly with any remaining questions or concerns you may have.

Sincerely,

Superintendent/Headmaster

Enc. School HHB Policies and Procedures

Bcc: School investigative file

10. Duty to Receive Requests for Independent Reviews of Final Harassment

Determinations by Complainant, and to facilitate same: A Complainant or parent of a complainant may request an independent review within thirty (30) days of a final determination if s/he is either: (1) dissatisfied with the final determination as to whether harassment occurred; OR (2) believes that although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem. 2015 AOE Model Procedures, V.B (5/29/2015).

SUMMER ACTION ITEM: Superintendents/Headmasters annually and prior to the start of the school year should:

- (1) Review the Guidance Memorandum (p. 11) so they are familiar and prepared to receive, promptly respond to and cooperate with Independent Review requests.
- (2) Prepare draft letters to respond to parent requests for Independent Reviews and to update them on the status of those requests (p.14-15).

GUIDANCE MEMO

INDEPENDENT REVIEWS

Q: How is an Independent Review Triggered?

A: A complainant (or parent of complainant parent) shall make such a request in writing to the superintendent of schools within thirty (30) days of a final determination as to whether harassment occurred. 2015 AOE Model Procedures, V.B (5/29/2015).

Q: What is a “Final Determination”?

A: A “final determination” is either a school decision resulting following an internal review of a finding of no harassment, or a finding of no harassment that was not subject to any internal review.

Q: Can a School Request an Independent Review - or is it only for students?

A: The District may request an independent review at any stage of the process. 2015 AOE Model Procedures, V.B (5/29/2015).

Q: What must a Superintendent/Headmaster do upon receipt of an Independent Review request?

A: Upon such request, the superintendent/headmaster shall promptly initiate an independent review by a neutral person selected from a list developed jointly by the Secretary of Education and the Human Rights Commission and maintained by the Secretary. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience”. 16 V.S.A. § 570a(b)(1). Accordingly, as *soon as reasonably possible* upon receipt of a request for an Independent Review the superintendent/headmaster shall contact AOE for a list of reviewers.

Q: What SHOULD a Superintendent/Headmaster do upon receipt of an Independent Review request?

A: Although not required by the Model Procedures, it is best practice upon such request to make contact with AOE seeking a list of reviewers in writing (email is sufficient) in order to demonstrate the timeliness of the request, and to maintain hard copies for the file of same.

Q: What SHOULD a Superintendent/Headmaster do to communicate with a complainant student/parent of a complainant student who requests an Independent Review?

A: Although not required by the Model Procedures, it is best practice to acknowledge in writing the Complainant Student/Parent about receipt of the request for the Independent Review and the progress of the independent reviewer selection process to assure them that the review is proceeding. See SAMPLES at 14-15.

Q: What records should a Superintendent/Headmaster maintain about the Independent Review process?

A: It is best practice to maintain copies of the following: (1) the Complainant/Parent of Complainant Student’s request for the independent review; (2) all written contacts with AOE

regarding the independent reviewer selection process; (3) all written contacts with the Complainant/Parent of Complainant Student regarding the independent review process; (4) all written contacts with the Independent Reviewer.

Q: What must a Superintendent/Headmaster do with respect to the Independent Reviewer?

A: The Superintendent/Headmaster MUST cooperate with the independent reviewer so that s/he may proceed expeditiously. 2015 AOE Model Procedures, V.B (5/29/2015).

Q: What is the scope of the Independent Review?

A: The review shall consist of an interview of the complainant and relevant school officials and a review of the written materials from the school's investigation. 2015 AOE Model Procedures, V.B (5/29/2015).

Q: What can the Independent Reviewer see of the school's files?

A: The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records. 2015 AOE Model Procedures, V.B (5/29/2015).

Q: What results from the Independent Review are shared?

A: Upon completion of the independent review, the reviewer shall advise the complainant and school officials in writing: (1) as to the sufficiency of the school's investigation, its determination, and/or the steps taken by the school to correct any harassment found to have occurred, and (2) of recommendations of any steps the school make take to prevent further harassment from occurring. 2015 AOE Model Procedures, V.B (5/29/2015).

Q: What happens to the Independent Reviewer's Report?

A: A copy of the independent review report shall be sent to the Secretary of Education. 2015 AOE Model Procedures, V.B (5/29/2015).

Q: What remedies remain to a complainant/parent of a complainant who remains dissatisfied after the conclusion of the Independent Review process?

A: The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution. 2015 AOE Model Procedures, V.B (5/29/2015).

Q: Who pays for the Independent Review?

A: The costs of the independent review shall be borne by the District. 2015 AOE Model Procedures, V.B (5/29/2015).

SAMPLE LETTER ACKNOWLEDGING RECEIPT OF REQUEST FOR INDEPENDENT REVIEW

TO: Harassment Complainant Student/Parent of Harassment Complainant Student
FR: Superintendent/Headmaster

Dear Student/Parent:

I am writing to acknowledge receipt of your request for an Independent Review of the school's [INSERT THE APPROPRIATE PHRASE, EITHER: "*final determination as to whether harassment occurred*" OR "*response to a finding that harassment occurred*"] dated [INSERT DATE OF COMPLAINANT STUDENT/PARENT OF COMPLAINANT STUDENT'S REQUEST].

Please note that under our policy I shall, as Superintendent/Headmaster, contact the Vermont Agency of Education to request a list of current reviewers. Upon receipt of that list I will promptly select a reviewer, and cooperate with the reviewer to allow the review to proceed expeditiously. The process may involve interviews by the reviewer of your child, as well as relevant school officials and a review of the written materials from the school's investigation.

I will keep you updated as to the progress of this process. In the meantime, please do not hesitate to contact me with any questions you may have.

Sincerely,

SUPERINTENDENT / HEADMASTER

Cc: Investigation File

SAMPLE LETTER ANNOUNCING SELECTION OF REVIEWER FOR INDEPENDENT REVIEW

TO: Harassment Complainant Student/Parent of Harassment Complainant Student
FR: Superintendent/Headmaster

Dear Student/Parent:

I am writing to update you regarding the status of the Independent Review of the school's [INSERT THE APPROPRIATE PHRASE, EITHER: "*final determination as to whether harassment occurred*" OR "*response to a finding that harassment occurred*"] dated [INSERT DATE OF COMPLAINANT STUDENT/PARENT OF COMPLAINANT STUDENT'S REQUEST].

We have selected [INSERT REVIEWER NAME] to conduct the Independent Review. The process may involve interviews by the reviewer of your child, as well as relevant school officials and a review of the written materials from the school's investigation. You can expect to hear directly from the reviewer should an interview of your child be required. You can also expect from this point forward the reviewer will contact you directly to keep you updated as to the progress of this process.

In the meantime, please do not hesitate to contact me with any questions you may have.

Sincerely,

SUPERINTENDENT / HEADMASTER

Cc: Investigation File

11. Duty to Facilitate Board Level Appeals of HHB Policy Violation Determinations and Related Discipline Matters: Any person determined to have engaged in act(s) of harassment, hazing and/or bullying **may appeal** the determination and/or any related disciplinary action(s), directly **to the school board of the school district**. Source: 2015 AOE Model Procedures (V) (Rights of Accused Students).

SUMMER ACTION ITEM: Superintendents/Headmasters, annually and prior to the start of the school year, should work with their School Boards to:

- (1) Review the Guidance Memorandum (pages 17-19) with all Boards so that they are familiar with and prepared to conduct the Board level reviews.
- (2) Prepare draft letters to respond to parent requests for Board level appeals (SEE SAMPLE at 20) and to announce outcomes of those appeals (SEE SAMPLE at 21-22).
- (3) Work with School Administrators to respond to request by Accused Student/Family requests for Access to Investigative Reports/Findings.
- (4) Ensure Boards schedule Appeal hearings in a timely manner.
- (5) Arrange, when appropriate, for additional legal training and guidance of Boards on the conduct of these hearings.

GUIDANCE MEMO

BOARD APPEAL OF POLICY VIOLATION DETERMINATIONS AND RELATED DISCIPLINE

Q: When is a student/parent of a student entitled to an appeal to the board under the HHB Procedures?

A: Board level appeals, as provided for under the Model Procedures on the Prevention of Harassment, Hazing and Bullying of Students are limited to student(s) who have been “determined to have engaged in an act(s) of harassment, hazing and/or bullying.” Source: 2015 Model Procedures (V) (Rights of Accused Students).

Q: Are students/parents of students only entitled to appeal if their child has been disciplined under the HHB policy?

A: No. The right to an appeal does not require, in fact, **any discipline** to have been imposed by the school against the student, rather only that the student was “determined to have engaged in an act(s) of harassment, hazing and/or bullying.” Source: 2015 Model Procedures (V) (Rights of Accused Students).

Q: Are students/parents of students entitled to an appeal to the board under the HHB Procedures if the student has been determined to have engaged in an act of retaliation as prohibited under the Policy on the Prevention of Harassment, Hazing and Bullying of Students?

A: According to the text of the Model Procedures, No. Those procedures, as issued in 2015 by the Vermont Agency of Education speak only of “determination(s) of act(s) of harassment, hazing and/or bullying.” Source: 2015 Model Procedures (V) (Rights of Accused Students). There is nothing which would prevent a School District or Supervisory Union, however, from extending this right of appeal by amending its procedures to include those persons found to have engaged in act(s) of retaliation.

Q: Is the Board level appeal limited only to students/parents of students who are determined to engage in act(s) of harassment, hazing and/or bullying? Put another way, could it apply to teachers or school employees?

A: Yes. As currently drafted in 2015, the Model procedures provide the right to “**any person**” found to have engaged in harassment, hazing and/or bullying. The policy definitions of Harassment and Retaliation as provided for by the Model Procedures capture harassing and retaliatory conduct directed against students by both students AND adult employees. As noted above the right of board review does not yet explicitly provide for review in cases of retaliation. Accordingly, as currently written the Model Procedures **provide a right of review to the board for school employee adults (teachers/staff/coaches) who engage in harassment, and potentially non-employee third parties who are determined to have engaged in an act(s) of harassment.**

Q: How Will The Session Be Conducted?

A: In executive session as it relates to a student discipline matter and is therefore confidential.

Q: Will The Board Hear Evidence From Witnesses?

A: No. The Board will only review the written record created by the Designee and/or Superintendent of the investigation and decisions taken at the school level. (AOE Guidance Memo 5/29/15). Accordingly, the Board will neither require, nor have the power to require, an alleged victim or his/her Parents to attend the Hearing.

Q: Can the Accused/Accused Parents See the Full Documentary Record Before the Hearing?

A: Maybe. Parents seeking a board appeal are entitled to request production to them of any relevant information, documents, materials related to the investigation and related findings they are challenging, and those must be produced to them by the School to the extent they can be redacted and de-identified in compliance with Family Education Rights and Privacy Act. If a document may not be redacted in compliance with FERPA, the school administrator may choose to seek written, dated and signed consent of the alleged victim's family in order to disclose the requested information. Confidentiality of students, including the complaining student, shall be maintained throughout the appeal process. Source: 2015 Model Procedures (V) (Rights of Accused Students).

Q: MUST the school seek consent of the alleged victim's family in order to disclose information otherwise protected by FERPA if an appellant asks the school to do so?

A: No. The school MAY seek consent, but is not required to do so. Source: 2015 Model Procedures (V) (Rights of Accused Students).

Q: May the Parent or School Present Arguments?

A: Yes. Either side may present arguments as to whether the findings and decisions taken at the school level constituted an **abuse of discretion**.

Q: How Does the Board make its Decision? Does the Board Give Deference to School's Action Below?

A: Yes. The school's original administrative level findings are to be given great weight and school boards are not to "retry" the case. (AOE Guidance Memo 5/29/15). This is again consistent with federal courts when applying the "abuse of discretion" standard. The Board is not to engage in its own independent "fact finding." The Board should also consider that where Student conduct constitutes a violation of the HHB Policy, a school is required by law to take steps "reasonably calculated to prevent" any reoccurrence and to remedy its effects on the victim(s). Finally, the Board must keep in mind that while a school conducts its initial investigation, it may in some cases be obligated to take interim measures to protect the safety of a student from serious physical or emotional harm.

Q: How Should the Board Announce any Decision?

A: The Board should announce any decision reached in writing to the Appellant in all cases (See Sample Announcement Letter, p.21). The Board should also announce in writing to the Complainant Student/Parent of Complainant Student in such cases the Board has reversed a “determination of an act(s) of harassment, hazing and/or bullying” and in cases of alleged harassment those announcements should be sure to provide notice to that family of their ongoing rights of review consistent with the Model Procedures and Vermont and Federal Law. (See Sample Announcement Letter, p.22).

SAMPLE ACKNOWLEDGEMENT LETTER

TO: Accused Student / Appellant Student/Parent(s)

**RE: Request for Board Level Appeal of Determination of Harassment, Hazing,
and/or Bullying and/or Related Discipline**

On behalf of the Board I am writing to acknowledge receipt on [*INSERT DATE*] of your written request for a board level review of a determination that your son/daughter violated the school's [*choose one*] harassment/hazing/bullying policies and/or any discipline imposed as a consequence.

Please be advised that the purpose of our review will be to ascertain whether or not the decisions reached about a policy violation and/or discipline constituted an abuse of discretion by the school level fact finder. While you will be permitted to present any relevant arguments as to whether the school abused its discretion, the Board will not take any evidence or hear the testimony of witnesses. Rather, the Board will review the record of the investigation and adjudication as performed at the school level.

The Board has set this matter for review on [*INSERT DATE that is as soon as practicable, but no later than 30 days from receipt of parent's letter*], and will be held at [*INSERT time and location of that hearing*].

Please be reminded that this remains a confidential matter and all students involved are entitled to remain free from retaliation for their participation and/or cooperation in any aspect of this investigation.

Sincerely,

Board Chair/Superintendent/HEADMASTER

Enc. School HHB Policy and Procedures

Bcc: School Investigative File

SAMPLE ANNOUNCEMENT OF BOARD DECISION LETTER

TO: Accused/Appellant Student/Parent(s)

RE: Announcing Board Level Decision Following Appeal of Determination of Harassment, Hazing and/or Bullying and/or related discipline

I am writing to announce the decision of the (SCHOOL NAME) Board's (DATE OF HEARING) decision following your appeal of the School's determination that your son/daughter engaged in an act of harassment, hazing and/or bullying and/or related discipline imposed consistent with that finding.

The Board has concluded that the School:

- (1) [(CHOOSE **ONE**) Abused/Did not abuse its discretion by concluding that harassment/hazing/bullying (CHOOSE **ONE**) occurred; and
- (2) [(CHOOSE **ONE**) Abused/Did Not Abuse its discretion] by imposing discipline with respect to the finding that harassment/hazing/bullying (CHOOSE **ONE**) occurred.

Please be advised that the Complainant Student may retain rights of review under Vermont law beyond the school level which may require further action as outlined in the attached HHB Procedures.

This remains a confidential matter and all students involved are entitled to remain free from retaliation for their participation and/or cooperation in any aspect of this investigation.

Sincerely,

BOARD CHAIR/SUPERINTENDENT/HEADMASTER

Enc. School HHB Policy and Procedures

Bcc: School Investigative File

SAMPLE ANNOUNCEMENT OF BOARD DECISION LETTER

To be sent to complaining students only when a finding that they were a target of HHB is reversed. Board decisions related to discipline only are FERPA protected and should not be announced to Complainant student.

TO: Complaining/Targeted Student/Parents

RE: Announcing Board Level Decision Reversing Administration Determination of Harassment, Hazing and/or Bullying

I am writing to announce the decision of the (SCHOOL NAME) Board's (DATE OF HEARING) overturning the School's determination that your son/daughter was the target of student on student conduct which constituted harassment, hazing, and/or bullying. The Board has concluded that the School abused its discretion by concluding that harassment/hazing/bullying (CHOOSE ONE) occurred in this case.

[IN A CASE OF ALLEGED HARASSMENT ONLY: Please be advised that should you be dissatisfied with the Board's action you may attempt to seek an Independent Review. If you would like to pursue this option please notify me/the Superintendent in writing no later than [INSERT DATE that is thirty days from the date of this letter]. Additionally be advised that you are entitled at any time to refer harassment issues either to the Vermont Human Rights Commission or to the U.S. Department of Education Office of Civil Rights for review. The contact information for these organizations is contained in the policies attached.]

In any case, we will continue to work to provide a safe, respectful and accessible school environment for your son/daughter. [Offer to meet on next steps, if/where appropriate]. Please contact me with any questions you may have.

This remains a confidential matter and all students involved are entitled to remain free from retaliation for their participation and/or cooperation in any aspect of this investigation.

Sincerely,

BOARD CHAIR/SUPERINTENDENT/HEADMASTER

Enc. School HHB Policy and Procedures

Bcc: School Investigative File

12. Duty to Maintain Copies of Investigation Files and Related Materials and

Correspondence: The Superintendent/Headmaster and/or school administrator shall assure that a record of any complaint, its investigation and disposition as well as any disciplinary or remedial action taken following completion of the investigation, is maintained by the District in a confidential file accessible only to authorized persons. All investigation records including but not limited to the complaint form interview notes, additional evidence, and the investigative report, shall be kept by the Equity Coordinator, Designated Employees and District/Supervisory Union Central Office for at least six years after the investigation is completed. 2015 Vermont AOE Model Procedures (“Confidentiality and Record Keeping”).

ACTION ITEM/ONGOING: Superintendents/Headmasters must work with their school administrators annually to:

- (1) Ensure that Designated Employees and Equity Coordinators maintain copies of all investigation records, and all related correspondence and other documentation, including disciplinary and other evidence of remedial action taken following the completion of an investigation, **for at least six years;**
- (2) To forward at the conclusion of **each school year** full and complete copies of those records maintained by the Designated Employees and Coordinators on to the Central Office, and that the **Central Office maintains those records for at least six years.**

13. Duty to Report to Department for Children and Families: When a complaint of harassment, hazing and/or bullying is made pursuant to the District’s policies, 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. 2015 Vermont AOE Model Procedures “Reporting to Other Agencies”).

ACTION ITEM: Superintendents/Headmasters must work with their administrators annually to:

- (1) Confirm training for teachers and administrators on the ongoing and separate independent duty to report behaviors to DCF that may also violate the school’s Harassment, Hazing and/or Bullying Policies.
- (2) Confirm training for staff, teachers and administrators that the involvement of and/or reports to DCF do not relieve staff, teachers and administrators of their obligations to timely pursue and complete an investigation upon receipt of notice which may constitute harassment, hazing and/or bullying.

Tip: *Be sure to maintain copies of documentation to demonstrate this occurred.*

Tip: Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.

14. Duty to Report to Vermont Agency of Education: When a complaint of harassment, hazing and/or bullying is made pursuant to the District’s policies, which includes allegations regarding a licensed educator that might be grounds under Vermont law for licensing action in accordance with 16 V.S.A. §1698, the principal shall report the alleged conduct to the Superintendent/Headmasters, and the Superintendent/Headmaster shall report the alleged conduct to the Secretary. 2015 Vermont AOE Model Procedures “Reporting to Other Agencies”).

SUMMER ACTION ITEM: Superintendents/Headmasters must work with their school administrators annually to:

- (1) Confirm training for school administrators on the ongoing and separate independent duty to report to the Superintendent/Headmaster behaviors of licensed educators that while they may also violate the school’s Harassment, Hazing and/or Bullying Policies (either by conduct directed at a student, or failure to act consistent with duties imposed by these policies to respond or investigate policy violations), may be grounds under Vermont law for licensing action by the Agency of Education.

Tip: Be sure to maintain copies of documentation to demonstrate this occurred.

Tip: Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled “(SCHOOL YEAR) HHB Compliance Efforts.” This should be maintained throughout the year and submitted at years’ end to Central Office.

15. Duty to Report Incidents to the Police Consistent with FERPA: Information obtained and documented by the school administration regarding the *school’s response* to notice of student conduct that may constitute harassment, hazing and/or bullying may constitute an “educational record” regarding the student or student(s) involved as defined by the Family Education Rights and Privacy Act. Accordingly, such information may not be disclosed without prior parent approval to local law enforcement except in response to a lawfully issued subpoena, or in connection with an emergency if disclosure is necessary to protect the health or safety of the student or other individuals. 2015 Vermont AOE Model Procedures “Reporting to Other Agencies”).

ACTION ITEM: Superintendents/Headmasters must work with their administrators annually to:

- (1) Confirm training for teachers and school administrators on the ongoing and separately independent duty to maintain Student rights to confidentiality where behaviors may also violate the school's Harassment, Hazing and/or Bullying Policies, such that they can distinguish "educational records" privacy compliance vs. cooperating with a police investigation (eye witness reporting vs. turning over 'educational records' in violation of FERPA).
- (2) Confirm training for staff, teachers and school administrators that the involvement and/or reports made to the local police do not relieve staff, teachers and administrators of their obligations to timely pursue and complete an investigation upon receipt of notice which may constitute harassment, hazing and/or bullying.

Tip: *Be sure to maintain copies of documentation to demonstrate this occurred.*

Tip: *Documentation of all Compliance efforts should be maintained (copies of emails, mailings, meeting minutes) in a FOLDER labelled "(SCHOOL YEAR) HHB Compliance Efforts." This should be maintained throughout the year and submitted at years' end to Central Office.*

MODEL INTERNAL REVIEW FORM: VERSION OCTOBER 2016

RE: [STUDENT INITIALS] INTERNAL REVIEW REPORT DATED [INSERT]

REVIEW REQUESTED BY: Insert Date/Time/Email/Letter/Parent Name

DEADLINE FOR COMPLETION: Insert date 30 days from request (statutory deadline for internal reviews in cases of harassment); or other deadline set forth in school policies in cases other than harassment.

INTERNAL REVIEW SCOPE:

Review of investigation documentation¹ to confirm:

- (1) HHB PROCEDURAL COMPLIANCE (deadlines/paperwork/mandatory notifications);
- (2) INVESTIGATION SCOPE/PROCESS/CONCLUSIONS: Whether allegations were properly explored (scope); procedural due process was afforded to relevant students; and whether investigative conclusions reached as to facts and policy were reasonably supported by the evidence collected.
- (3)

NAME OF INTERNAL REVIEWER: [INSERT]

All documents reviewed in the course of the internal review should be separately stamped as INTERNAL REVIEW/STUDENT INITIALS/DATE/01... and attached to the internal review report for future reference. A copy of the written request seeking the internal review should also be attached.

¹ Internal Reviews are provided for by statute for harassment cases only. Schools may at their discretion provide for them in hazing, or bullying or retaliation cases as well. The statute provides no guidance as to the scope of the review, or the sources of information to be examined in the course of the review (i.e. documents only or interviews of school staff and/or students?) This template contemplates a desk review/document review ONLY. The scope may, however, presumably be expanded at the discretion of the school.

PROCEDURAL CHECKLIST

- **1. Duty of Staff/Employee to immediately report information or conduct they reasonably believe MAY constitute harassment, hazing, bullying and/or retaliation to designee and to fill out Student Conduct Form.** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS I.B.

(Applicable only in cases where staff/employee first witnesses/learns/receives report of incident).

Student Conduct Form Filled out by Staff Reporter? _____ Date of Form: _____

Comments:

- **2. Duty of Designee to reduce oral information they reasonably believe MAY constitute harassment, hazing, bullying and/or retaliation to writing / Student Conduct Form.** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS II.A.i.

(Applicable when information comes to Designee before School Administrator).

Student Conduct Form (SCF) Filled out by Designee? _____ Date of Form: _____

Comments:

- **3. Duty of Designee to “promptly” inform school administrator of the information received.** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS II.A.ii.

(Applicable where Designated Employee and School Administrator are different individuals).

Student Conduct Form Filled out by School Administrator? ____ Date of Form: _____

Comments:

- **4. Duty of School Administrator to timely initiate** or cause to be initiated investigation within 1 school day of “Notice” to Designee where, in judgment of school administrator, information alleges conduct which may constitute harassment, hazing or bullying, except where special circumstances exist and are documented.**
Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS II.A.iii; III.A.

***If Not Timely Initiated “Delay in Initiation Letter” Should Be Sent (See #7)*

Comments:

- **5. Duty of School Administrator to timely and properly assign investigator** (No person who is subject of a complaint shall conduct such an investigation). Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS III.B.

Comments:

- **6. Duty of Designated Employee to inform in writing parents/guardian of complainant/targeted student and accused/perpetrator student of initiation of investigation and copy of HHB Policies and Procedures.** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS II.B.i.

Letter to Complainant/Targeted Student/Parent Sent? _____ Date: _____

Letter to Accused/Perpetrator(S) Student/Parent Sent? _____ Date: _____

Letters cover mandatory topic areas

Investigation has been initiated: ___ Yes ___ No

Retaliation is prohibited: ___ Yes ___ No

All parties have certain confidentiality rights: ___ Yes ___ No

Parties will be informed of outcome of investigation in writing: ___ Yes ___ No

Comments:

- **7. Task of Designated Employee to where appropriate, provide written notification of delay in initiation of investigation where special circumstances are present and documented. (Recommended only, not procedurally nor legally required).** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS III.A

Special Circumstances Present and DOCUMENTED: ___ Yes ___ No

Letter to Complainant/Targeted Student/Parent Sent? _____ Date: _____

Letter to Accused/Perpetrator(S) Student/Parent Sent? _____ Date: _____

Comments:

- **8. Duty to take interim measures:** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS III.C.

In any case where student has suffered physical harm (sexual assault or severe physical violence) OR is known to be expressing suicidal ideation, Safety Plans MUST be created.

Written Safety Plan Created?: ___ Yes ___ No _____ Not Applicable _____

In any case where student is known to have difficulty accessing the educational programs at school as a result of the inappropriate behavior the creation of a Safety Plan SHOULD be considered.

Safety Plan Created (If applicable): ___ Yes ___ No _____ Not Applicable _____

Comments:

- **9. Duty of Investigator to prepare written report.** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS III.G.

Includes statement as to whether allegations have been substantiated: ___ Yes ___ No

Includes statement as to whether alleged conduct constitutes HHB: ___ Yes ___ No

Comments:

- **10. Duty of Investigator to submit - no later than five school days** from the filing of the complaint with the Designated Employee, unless special circumstances are present and documented, - a written initial determination to the school administrator as to whether the HHB policy was violated by the student’s conduct.** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS III.F.

Initial Determination Reached W/in 5 School Days of Notice to DE: ___ Yes ___ No

***If not timely submitted, delay letter to Parents should be sent, (See #11).*

Comments:

- **11. Task of Designee to where appropriate, provide written notification of delay in completion of investigation/written initial determination to school administrator as to whether the HHB policy was violated within five school days from filing of complaint with designated employee where special circumstances are present and documented. (Recommended only, not procedurally nor legally required).** See: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS III.F.

Special Circumstances Present and DOCUMENTED: ___ Yes ___ No

Letter to Complainant/Targeted Student/Parent Sent? _____ Date: _____

Letter to Accused/Perpetrator(S) Student/Parent Sent? _____ Date: _____

Comments:

- **12. Duty of Designated Employee to provide written notification to students/parents/guardians within five school days of the “conclusion of the investigation.”** Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS III.H.I-III.

Letter to Complainant/Targeted Student/Parent Sent? _____ Date: _____

Letter to Accused/Perpetrator(S) Student/Parent Sent? _____ Date: _____

Letters provided mandatory written notice of the following areas:

Investigation is completed: ___ Yes ___ No

Whether Policy violation occurred (and which policy violated): ___ Yes ___ No

Federal privacy prevents disclosure of discipline: ___ Yes ___ No

Comments:

Letter to Complainant/Targeted Student/Parent/Guardian informs them additionally:

For alleged harassment (or where school policy chooses to provide in cases of bullying/hazing), of their right to an internal review: ___ Yes ___ No

For alleged harassment, of their right to an Independent Review: ___ Yes ___ No

For alleged harassment, of their right to file complaint with HRC: ___ Yes ___ No

For alleged harassment, of their right to file complaint with USDOE/OCR: ___ Yes ___ No

Comments:

Letter to Accused/Perpetrator Student/Parent/Guardian informs them additionally:

In cases where investigation determined they engaged in act of HHB to appeal that determination and/or any related disciplinary action(s) directly to the school board.

___ Yes ___ No (If applicable)

In such cases, the notice explains such appeal shall be initiated by written request to the School Board, care of Superintendent's Office, or to School Board directly, within ten calendar days of receiving determination that an act of HHB occurred and/or any announced discipline.

___ Yes ___ No (If applicable)

13. **Where Appropriate, Duty to Report to DCF.** When a complaint made pursuant to the HHB policy includes allegations of child abuse, any person responsible for reporting suspected child abuse must report the allegation to the Commissioner of DCF. Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS VII.A.

___ Yes ___ No (If applicable)

Comments:

14. **Where Appropriate, Duty to Report to Vermont Agency of Education.** If a harassment complaint is made in a public school about conduct of a licensed educator that might be grounds under Vermont law for licensing action, the principal shall report the alleged conduct to the Superintendent and the Superintendent shall report the alleged conduct to the Commissioner.

___ Yes ___ No (If applicable)

Comments:

INVESTIGATION SCOPE/CONCLUSIONS

- I. **APPROPRIATE SCOPE OF INQUIRY-** Assessment of: (1) determination of the scope of the complaint/concerns raised at the outset of the investigation; (2) determination as to whether scope properly expanded in the course of the investigation in response to additional information obtained/concerns raised. While the scope of the policy violation (i.e. harassment, hazing, bullying or retaliation) being considered should remain flexible and open as new information becomes available, it should be clear by the end of the investigation as to what policy violation(s) were the focus of the investigation.

REVIEWERS FINDINGS: **[INSERT HERE]**

- II. **TARGETED STUDENT/ACCUSED STUDENT INTERVIEW PROCESS RIGHTS-** Assessment of due process rights of both accused and targeted students, whether each were: (1) given an opportunity to provide their “side of the story” (2) given an opportunity to name witnesses in support of their version of events; (3) interviewed in private [with appropriate support personnel available where appropriate and/or necessary (i.e. student is a student with a disability case manager is present to ensure opportunity was meaningful and effective, or school counselor present in cases of particular sensitivity).

REVIEWERS FINDINGS: **[INSERT HERE]**

- III. **INFORMATION/DATA SOURCE/SCOPE** - Whether or not, given the allegations and information obtained in the course of the inquiry, the investigator properly obtained relevant information in order to weigh/examine/prove/disprove: (1) conduct alleged; (2) relevant surrounding facts and circumstances; (3) perpetrator/student's intent/motive relevant to the policy violation alleged; (4) educational access/performance impact(s) on targeted student relevant to policy violation alleged; (5) creation of hostile environment (where relevant). [Depending upon the facts and allegations of the case this may require discussion as to whether relevant eye witnesses (student/teacher) were interviewed; relevant teachers interviewed to assess educational access/performance impacts on targeted student; whether grade or progress reports/attendance records were properly reviewed; whether discipline records were properly reviewed; whether IEP/504 records were reviewed and/or case managers interviewed.]

REVIEWERS FINDINGS: [INSERT HERE]

- IV. **FACTUAL CONCLUSIONS REACHED** - Consideration as to whether the report clearly explains what essential facts the investigator found more likely than not to have been true. "Essential facts" vary case to case but will typically be defined by consideration of the policy violation alleged, including but not limited to: (1) the alleged conduct/behaviors; (2) the motive/intent of the acting student; (3) the educational performance/access impact(s) of the challenged conduct on the targeted student(s); (4) whether a hostile environment was created by the challenged conduct (where relevant); (5) any other surrounding facts and circumstances of particular relevance to reaching policy conclusions in the case.

REVIEWERS FINDINGS: [INSERT HERE]

- V. **POLICY CONCLUSIONS REACHED** - The reviewer should consider whether the investigator’s report clearly explains the basis for the investigator’s conclusion(s) as to whether the HHB policy WAS or WAS NOT violated, with clear reference to the facts found more likely than not to be true in support of the policy conclusion(s) reached.

REVIEWERS FINDINGS: [INSERT HERE]

- VI. **SUBSEQUENT REMEDIAL ACTION** - The reviewer should consider in cases of substantiated HHB Policy violations² whether (1) the subsequent remedial actions taken were clearly reflected and documented within the report; (2) and whether those actions (i.e., discipline, support, remediation) - given the surrounding facts and circumstances of the case - were reasonably calculated to (A) prevent a reoccurrence by the accused student(s); and (B) remedy the effects on the targeted student(s).
Source: PROCEDURES ON THE PREVENTION OF HARASSMENT, HAZING AND BULLYING OF STUDENTS IV.A.

REVIEWERS FINDINGS: [INSERT HERE]

² **In cases where HHB was NOT substantiated**, consideration of the above may still be appropriate in order for the reviewer to determine whether or not the school - despite having concluded no violation of HHB policy occurred - nevertheless took actions which would have flowed from a finding of an HHB policy violation, thus potentially “curing” any flaw in policy interpretation and/or investigation.