

## Pupil Safety and Violence Prevention - Bullying

The Portsmouth School Board believes students are entitled to learn in a safe and secure school environment. Students are expected to conduct themselves with respect for others in accordance with this and other School Board policies and school rules governing student conduct. The Board will take reasonable steps to protect all students from the harmful effects of bullying and cyberbullying that occurs at school and/or that interferes with student learning and orderly school operations.

The Superintendent is responsible for implementing this policy, but may delegate specific responsibilities to administrators and others as he/she deems appropriate.

### Prohibited Conduct:

Students are prohibited from bullying and cyberbullying actions or communications directed toward other students which:

- Occur on, or are delivered to, school property or a school-sponsored activity or event on or off school property; or
- Occur off school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

Students are further prohibited from retaliating against or making false accusations against a victim, witness, or anyone else who, in good faith, provides information about an alleged act of bullying or cyberbullying.

### Protection of all Students:

This policy shall apply to all students on Portsmouth School Department grounds and participating in School Department functions, regardless of their status under the law.

### Definitions:

For the purposes of this policy, the following definitions shall apply:

"Bullying" means a single, significant incident or a pattern of incidents involving a written, verbal or electronic communication, or a physical act or gesture, or any combination thereof, directed at another which:

- a. Physically harms a student or damages the student's property;
- b. Causes emotional distress to a student;
- c. Interferes with a student's educational opportunities;
- d. Creates a hostile educational environment; or
- e. Substantially disrupts the orderly operation of the school.

"Bullying" shall also include actions motivated by an imbalance of power based on a student's actual or perceived personal characteristics, behaviors or beliefs, or motivated by the student's association with another person, and based on the other person's characteristics, behaviors, or beliefs, if those actions cause one or more of the results in items (a) through (e) above.

Bullying or cyberbullying of a student on the basis of sex, sexual orientation, race, color, ancestry, national origin, religion, age, marital status, familial status, pregnancy, physical, or mental disability may constitute illegal discrimination under federal and/or state laws. Complaints regarding such conduct may be processed through the Harassment Complaint Procedure.

“Cyberbullying” means conduct defined in Paragraph B (1) that takes place through the use of electronic devices.

“Electronic devices” include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging and websites.

“Emotional distress” means distress that materially impairs the student’s participation in academic or other school-sponsored activities. The term “emotional distress” does not include the unpleasantness or discomfort that accompanies a differing viewpoint.

“Perpetrator” means a student who engages in bullying or cyberbullying.

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

“Victim” means a student against whom bullying or cyberbullying has been perpetrated.

#### Disciplinary Consequences and Intervention Programs:

Administrators, in consultation with the Superintendent, have the discretion to determine appropriate disciplinary consequences and/or interventions for violations of this policy based upon the relevant facts and circumstances in a particular case, including, but not limited to, the age and maturity of the students involved; the type and frequency of the behavior; a student’s willingness to cooperate in the investigation and correct behavior; and the student’s prior disciplinary record.

Disciplinary consequences may include detention, suspension, or expulsion from school. In addition, students may be required to participate in education programs, mediation, counseling, and/or other programs and/or activities to address and prevent recurrence of bullying and cyberbullying behavior.

#### Reporting Bullying and Cyberbullying:

Students who are subjected to bullying or cyberbullying, or who observe bullying/cyberbullying by or against other students are strongly encouraged to report it to the Building Administrator, guidance counselor, and/or teacher.

School staff and volunteers are required to report incidents of bullying or cyberbullying to the Building Administrator as soon as practicable. Parents and other adults are also encouraged to report any concerns about possible bullying or cyberbullying of students to the Building Administrator.

#### Forms for Reporting Incidents:

The School Department will make available forms for reporting incidents of bullying or cyberbullying and shall encourage the use of these forms. Such forms shall be available in the Building Administrator’s office and the Superintendent’s office. (Portsmouth School Department Student Safety and Violence Prevention Bullying Report Form)

#### Report Handling and Investigation:

The Building Administrator shall notify the parents/guardians of the alleged victim(s) and perpetrator(s) that a bullying/cyberbullying report has been made within 48 hours of the report and in accordance with applicable privacy laws. However, the Building Administrator and/or Designee may request a waiver of this parent notification requirement from the Superintendent. The Superintendent may waive parent/guardian notification at this stage of the procedure if he/she determines this to be in the best interest of the victim(s) and/or the perpetrator(s). Any such waiver of the parent notification requirement shall be made in writing.

An investigation of the bullying/cyberbullying report will be initiated by the Building Administrator as soon as possible, but not longer than 5 school days.

The alleged perpetrator(s), and victim if the report was initiated from a third party, will be provided the opportunity to be heard as part of the investigation.

Privacy rights of all parties shall be maintained in accordance with applicable laws.

The Building Administrator shall keep a written record of the investigation process.

The Building Administrator may take interim remedial measures to reduce the risk of further bullying/cyberbullying, retaliation, and/or to provide assistance to the alleged victim while the investigation is pending.

The Building Administrator shall consult with the Superintendent as appropriate concerning the investigation and any remedial measures or assistance provided.

The investigation shall be completed within 10 school days of receipt of the report, if practicable. The Superintendent may grant in writing an extension of time to complete the investigation of up to 7 additional school days if necessary. The Superintendent shall notify all parties involved of any such extension.

If the Building Administrator substantiates the bullying/cyberbullying report, he/she shall, in consultation with the Superintendent determine what remedial and/or disciplinary actions should be taken against the perpetrator(s) and determine what further assistance should be provided the victim(s), if any.

The Building Administrator shall inform the victim(s), the perpetrator(s), and their parents/guardians in writing of the results of the investigation and any remedies and/or assistance provided by the school, including strategies for protecting students from retaliation. Such written communication shall be provided as soon as possible, but no longer than 10 (ten) school days upon completion of investigation and shall be in compliance with applicable privacy laws.

#### Appeals:

The procedures under RSA 193:13, Ed 317, and School Board policies establish the due process and appeal rights for students disciplined for acts of bullying.

#### Training:

The Building Administration shall provide appropriate training on this policy for School Department employees, regular school volunteers, and any employees of companies contracted to provide services directly to students. The purpose of the training is to prevent bullying/cyberbullying, if possible, and to educate staff on how to properly identify, respond to, and report incidents of bullying/cyberbullying.

The school administration shall provide age-appropriate education programs for students and parents regarding this policy, bullying/cyberbullying prevention, how to identify, respond to, and report bullying/cyberbullying.

All training and education programs shall be initially approved by the Superintendent. Building Administrators are responsible for scheduling the required training and education programs each year.

Annual Report to New Hampshire Department of Education:

The Superintendent shall prepare and submit an annual report of substantiated bullying/cyberbullying incidents on the form provided by the New Hampshire Department of Education. Such reports shall not contain personally identifiable information regarding students.

Immunity:

Any employee of the Portsmouth School Department or contracted service provider company, regular school volunteer, student, or parent/guardian shall be immune from civil liability for good faith conduct arising out of or pertaining to the reporting, investigation, findings, and the development or implementation of any recommended response under this policy.

Policy Dissemination:

This policy shall be posted on the School Department website and included in student and employee handbooks. It shall also be provided to employees of any company contracted to provide services directly to students. The policy may also be disseminated by other means as determined by the Superintendent.

**Legal References:**     *NH RSA 193-F*

*Cross References:*     *AC – Nondiscrimination/Equal Opportunity*