

# **BULLYING, CYBERBULLYING AND HARASSMENT**

## **I. GENERAL STATEMENT OF POLICY**

It is the policy of GSAA that its students have an educational experience that is safe, secure, peaceful, and free from student harassment, also known as bullying or cyber bullying. GSAA will not tolerate unlawful harassment of any type and conduct that constitutes bullying or cyber bullying as defined herein even if it occurs outside of students' academic interaction with GSAA is prohibited. Retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyber bullying is prohibited. All students are protected regardless of their status under the law. Any person violating this Policy may be subject to disciplinary action up to and including expulsion. The Head of School of School is responsible for the implementation of this Policy.

## **II. BULLYING AND CYBERBULLYING DEFINED**

1. "Bullying" is 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 student 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" includes 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.

2. "Cyber bullying" is any conduct defined in paragraph 1 of this Section undertaken through the use of electronic devices which include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. Cyber bullying includes, but is not limited to, the following actions: harassing, teasing, intimidation, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs or any other electronic device. The Board of Trustees recognizes that this definition may not be all-inclusive. Therefore, GSAA reserves the right to impose discipline for actions that

may fall outside this definition but are still within the general purposes of this Policy.

3. Bullying or cyber bullying occurs when an action or communication defined in paragraphs 1 or 2 of this Section:

(a) Occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or

(b) Occurs off of 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.

4. "Parent" means parent, parents, or legal guardians.

5. "Perpetrator" is a student who engages in bullying or cyber bullying.

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

7. "Victim" is a student against whom bullying or cyber bullying has been perpetrated.

8. Bullying in violation of this Policy need not rise to the level of unlawful harassment under Title IX of the Education Acts of 1972, the Americans With Disabilities Act, Title VI, or the Rehabilitation Act of 1974.

### III. REPORTING PROCEDURE

1. Any student who believes he/she has been a victim of bullying or cyber bullying shall report the alleged act to the GSAA Head of School or her/his designee. If a student is more comfortable reporting the alleged act to a person other than the Head of School, the student may contact any GSAA employee. GSAA will respect the confidentiality of the victim and the perpetrator(s) as much as possible, consistent with GSAA's legal obligations and the necessity to investigate allegations of alleged bullying and cyber bullying and to take appropriate remedial disciplinary action when such conduct has been substantiated. However, no disciplinary action can be taken against a perpetrator solely on the basis of a confidential report.

2. Any school employee, volunteer, or employee of a company under contract with the school who has witnessed or has reliable information that a student has been subjected to bullying or cyber bullying shall report the incident to the GSAA Head of School. "Reliable information" shall include a parent or student's claim that a student is the victim of bullying or cyber bullying.

3. All reports must be documented on the GSAA's Bullying/Cyber bullying Reporting Form. The victim or reporter shall provide copies of documents relating to the bullying or cyber bullying and/or save those documents so that the documents can be provided to the investigator. If a victim or reporter is either unwilling or unable to complete GSAA's Bullying/Cyber bullying Reporting Form, the school employee who receives the oral report will promptly fill out GSAA's Bullying/Cyber bullying Reporting Form, using, to the extent practicable, the reporter's or victim's own words to describe the alleged bullying or cyber bullying.

4. The GSAA Head of School or her/his designee shall by telephone and in writing by first-class mail, notify the parent of the victim and perpetrator within forty-eight (48) hours of receiving GSAA's Bullying/Cyber bullying Reporting Form that a report of alleged bullying or cyber bullying was received and is being investigated in accordance with this Policy. The content of the notice shall comply with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g.

5. The Chair of the Board of Trustees may, within the forty-eight (48) hour time period in paragraph 4 of this Section, grant the GSAA Head of School or her/his designee a written waiver from the notification requirement if the Chair of the Board of Trustees deems such waiver to be in the best interest of the victim or perpetrator. The waiver shall not negate the school's responsibilities to comply with the remainder of this Policy.

#### IV. INVESTIGATION AND REMEDIAL ACTION

1. The GSAA Head of School or her/his designee shall begin an investigation of the alleged acts of bullying or cyber bullying within five (5) school days of receiving GSAA's Bullying/Cyber bullying Reporting Form. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations, to determine whether bullying or cyber bullying occurred, and to identify the student(s) responsible for the acts. These procedures are intended to protect the rights of a victim and perpetrator.

2. The GSAA Head of School or her/his designee will complete the investigation within seven (7) business days of receiving the GSAA's Bullying/Cyber bullying Reporting Form, except in cases where the Chief Executive Officer grants a written extension. The Chair of the Board of Trustees, if necessary, may grant an extension of the time periods for the completion of the investigation for up to an additional seven (7) business days. The Chair of the Board of Trustees shall notify all parties in writing of the granting of an extension. The GSAA Head of School or her/his designee will expedite the investigation of any claim involving physical violence or serious threats of harm.

3. To end bullying or cyber bullying and prevent its recurrence, the GSAA Head of School or her/his designee will take such disciplinary action deemed necessary

and appropriate, including but not limited to suspension from GSAA courses or referral to consider long-term suspension or expulsion, and/or referral to law enforcement.

4. Besides initiating disciplinary action, the GSAA Head of School or her/his designee may also take other remedial action deemed necessary and appropriate to end bullying or cyber bullying and prevent its recurrence including but not limited to requiring participation in peer mentoring, or other life skills groups; reassigning student's classes, lunch periods or transportation; and/or offering appropriate assistance to the victim or perpetrator.

5. At the time a bullying or cyber bullying report is made, the GSAA Head of School or her/his designee shall develop a strategy to protect all students from any kind of retaliation.

6. The GSAA Head of School or her/his designee must document his/her investigation results in a written report. The investigation report shall include documentation of the statements/interviews of the victim, perpetrator, and witnesses. Copies of any documents or other evidence (e.g., electronic communications) obtained during the investigation shall be attached to the report. The GSAA Head of School's, or her/his designee, investigation report shall also include findings of whether the report of bullying or cyber bullying was substantiated and the reasons why the report was or was not substantiated. If the report is substantiated, the GSAA Head of School or her/his designee shall include in the investigation report recommendations for remediating the bullying or cyber bullying and shall, when appropriate, recommend a strategy to protect students from retaliation. If the report is not substantiated as bullying or cyber bullying but the conduct violates school rules or policies, the GSAA Head of School or her/his designee shall specify the school rules or policies violated and make appropriate recommendations to address the violations.

7. The GSAA Head of School or her/his designee shall notify the Chair of the Board of Trustees of all substantiated instances of bullying or cyber bullying.

8. Within ten (10) business days of completion of the investigation, the GSAA Head of School or her/his designee shall notify the parents of the victim and perpetrator of the school's remedial action. In accordance with FERPA, GSAA may not disclose to the parents of victims the educational records of perpetrators, which include but are not limited to the discipline and remedial action assigned to the perpetrators.

9. Since bullying or cyber bullying may begin again after several weeks or months have lapsed, the perpetrator in substantiated cases should be closely supervised. The victim should be encouraged to report any new problems to the GSAA Head of School or her/his designee. The GSAA Head of School or her/his designee should interview the victim regularly to make sure that there is no recurrence of bullying, cyber bullying, or retaliation. The GSAA Head of School or her/his designee shall document all follow-up with the victim.

## V. FILE RETENTION

GSAA will maintain in a separate confidential file the original completed GSAA's Bullying/Cyber bullying Reporting Form, investigatory interview notes and reports, findings made, the investigation report, including any decision for action, and other relevant investigatory materials, and maintain a copy of the file in the perpetrator's education record.

## VI. APPEAL

1. For non-disciplinary remedial actions where no other review procedures govern, the parents of the perpetrator and victim shall have the right to appeal the Head of School or her/his designee' decision regarding their student to the Board of Trustees in writing within five (5) business days. The Chair of the Board of Trustees shall review the Head of School or her/his designee's decision and issue a written decision within ten (10) business days.

2. The procedures in RSA 193:13, Ed 317, and GSAA's discipline policies establish the due process and appeal rights for students disciplined for acts of bullying, cyber bullying, or retaliation.

## VII. RETALIATION OR FALSE ACCUSATIONS

No person shall retaliate or make false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyber bullying. GSAA will discipline any individual who retaliates or makes a false accusation or encourages others to retaliate or make a false accusation against a victim, witness, or anyone else who in good faith provides information, testifies, assists, or participates in an investigation, proceeding or hearing relating to an act of bullying or cyber bullying.

If a person makes a complaint or report that is not made in good faith, GSAA will take such disciplinary action deemed necessary and appropriate including but not limited to suspension, expulsion, or dismissal.

## VIII. POLICY NOTIFICATION

1. Copies of this Policy shall be given to all employees, students and parents annually. Whenever new GSAA employees or students begin during the school year, they shall receive a copy before commencing work or school attendance. The GSAA Head of School or her/his designee shall also make all volunteers, and contractors who have contact with students aware of this Policy.

2. GSAA will post this Policy and a summary of the Policy on GSAA website.