

REGULATION

Harmony Township School District

Section: Pupils

5512. REPORTING PROCEDURE - HAZING AND/OR HARASSMENT, INTIMIDATION OR BULLYING (M)

Date Created: May, 2011

Date Edited: May, 2011

5512. REPORTING PROCEDURE - HAZING AND/OR HARASSMENT, INTIMIDATION OR BULLYING (M)

M

The Board of Education recognizes the need for a procedure to be in place for persons to report and investigate allegations of hazing and/or harassment, intimidation, or bullying behavior. For the purposes of this Regulation, "behavior" shall mean acts, or planned acts, of hazing as defined in Policy 5512 and/or acts of harassment, intimidation, or bullying as defined in Policy 5512.01. Unless otherwise noted, "Building Principal" means the Principal and/or designee, of the school building.

The following complaint procedures shall be used for an allegation(s) of hazing and/or harassment, intimidation, or bullying behavior:

1. Reporting Hazing and/or Harassment, Intimidation, or Bullying Behavior
 - a. Any person with any information regarding actual and/or planned hazing and/or information regarding acts of harassment, intimidation, or bullying of a pupil by any school employee or other pupils must report the information to the Building Principal.
 - (1) If the Building Principal deems it appropriate, he/she may immediately notify the parents/legal guardians of the alleged pupil(s) who may be, or was, the victim of this behavior and the accused pupil(s) who may have done or did this behavior.
 - (2) The Building Principal will not disclose the name(s) of the person(s) accused or alleged victim(s) to the other party prior to completing a preliminary investigation.
 - (3) The Building Principal will notify the district's Affirmative Action Officer of the report prior to conducting a preliminary investigation.

Nothing in Policies 5512 and 5512.01 or in this Regulation prohibits the school district's Affirmative Action Officer from

complying with the requirements of the district's Affirmative Action Program as outlined in Policy 1550. In the event the Affirmative Action Officer believes an affirmative action plan violation may be present, the Affirmative Action Officer may conduct an investigation in accordance with Policy 1550.

- b. The school district can learn of this behavior through other means such as from a witness to an incident, an anonymous letter or telephone call, web-based reporting systems, and/or locked boxes throughout the school where a report can be submitted without fear of being observed. Formal disciplinary action may not be taken solely on the basis of an anonymous report.
- c. Nothing in Policies 5512 and 5512.01 and this Regulation shall preclude the Building Principal and/or designee, from complying with the provisions of Policy No. 5600 - Pupil Discipline in order to maintain the health, safety and welfare of staff and/or pupils.
- d. In the event the Building Principal determines, after a preliminary investigation, that hazing and/or harassment, intimidation, or bullying behavior may have been present, the Building Principal shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.

2. Building Principal's In-depth Investigation

- a. The Building Principal will begin an immediate in-depth investigation in the event he/she believes, after the preliminary investigation, prohibited behavior may have been present. The Building Principal, at his/her discretion, may request the Affirmative Action Officer assist in the investigation. The Building Principal will promptly investigate all alleged complaints, whether or not a formal complaint is filed, and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed by the Building Principal no more than ten working days after receiving notice.
- b. When a pupil or the parent/legal guardian of a pupil provides information or complains about hazing and/or harassing, intimidating, or bullying behavior of a pupil, the Building Principal will initially discuss what actions the pupil or parent(s) or legal guardian(s) is seeking in response to the behavior.
- c. The Building Principal's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged behavior, interviews with any pupils who may have been hazed and/or

harassed, intimidated, or bullied by any school employee or other pupils and any other reasonable methods to determine if this behavior existed.

- d. The Building Principal will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine if the behavior existed.
- e. The Building Principal will provide a copy of the Board Policies and the Regulation on Hazing and Harassment, Intimidation, and Bullying to all persons who are interviewed with potential knowledge and to any other person the Building Principal feels would be served by a copy of such documents.
- f. The Building Principal will explain the avenues for formal and informal action, including a description of the complaint procedure that is available for hazing and/or harassment, intimidation, or bullying complaints and an explanation on how the procedure works.
- g. Any person interviewed by the Building Principal may be provided an opportunity to present witnesses and other evidence.
- h. The Building Principal and/or Chief School Administrator may contact law enforcement agencies if there is potential criminal conduct by any party.
- i. The school district administration may take interim measures during a Building Principal's investigation of a complaint in order to alleviate any conditions that prohibits the pupil from assisting in the investigation.

If there is a dispute about whether behavior occurred the following types of information may be helpful in resolving the dispute:

- (1) Statements made by any witnesses to the alleged incident.
- (2) Evidence about the relative credibility of the alleged accused or alleged victim.
- (3) Evidence that the alleged accused has been found to have hazed and/or harassed, intimidated or bullied others may support the credibility of the pupil claiming the behavior.
- (4) Evidence of the alleged victim's reaction or behavior after the alleged behavior.
- (5) Evidence about whether the pupil claiming behavior against them filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.

j. The scope of a reasonable response also may depend upon whether a pupil or parent/legal guardian reporting the behavior asks that the pupil's name not be disclosed to the accused or that nothing be done about the behavior. The Building Principal:

- (1) Will provide an overview of the Harassment, Intimidation, and Bullying Policy and the Hazing Policy to the pupil, parent and/or legal guardian. In the event the pupil, parent(s) or legal guardian(s), request the pupil's name remain confidential, the Building Principal will inform the pupil, parent and/or legal guardian that the request may limit the school district's ability to respond.
- (2) Will evaluate the confidentiality request in the context of its responsibility to provide a safe environment for all pupils. The factors to be considered shall be the seriousness of the alleged behavior, the age of the pupils involved, whether there have been any other complaints or reports and the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.
- (3) May use other means available to address the behavior. Steps may be taken to limit the effects of the alleged behavior and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require training at the site where the problem occurred, taking a pupil survey concerning any problems that may exist, or other systematic measures where the alleged behavior occurred.
- (4) By conducting a limited investigation without revealing the name of the victim, the Building Principal may be able to learn about or confirm a pattern of behavior based on claims of different pupils that were hazed and/or harassed, intimidated, or bullied by the same individual. The Building Principal may place an individual on notice of allegation of behavior and counsel appropriately without revealing, even indirectly, the identity of the pupil who notified the school district.

3. Investigation Results

- a. Upon the conclusion of the investigation, but not later than ten working days after reported, the Building Principal will prepare a summary of findings to the parties. At the least, this shall include the person(s) providing notice to the school district, the pupil(s) who was alleged to be the victim of hazing and/or harassing, intimidating, or bullying behavior, and the Affirmative Action Officer.

- b. The Building Principal shall make a determination whether hazing and/or harassing, intimidating, or bullying behavior was present.
 - c. If the Building Principal concludes the behavior was not, or is not present, the investigation is concluded.
 - d. If the Building Principal determines the behavior has occurred, the school district administrators shall implement procedures that ensure both the appropriate consequences and remedial responses for pupils who have committed one or more acts of hazing or harassment, intimidation, or bullying are consistent with the code of pupil conduct and Policy 5512.01.
 - e. The school district administrators will take steps to avoid any further hazing and/or harassment, intimidation, or bullying behavior and to prevent any retaliation against the pupil who made the complaint, was the subject of the behavior, or against those who provided the information or were witnesses. The Building Principal will inform the victim pupil and his/her parent(s) or legal guardian(s) how to report any subsequent problems and make follow-up inquiries to see if there has been any new incidents or retaliation.
 - f. All grievances and accompanied investigation notes will be maintained in a confidential file by the Building Principal.
4. Building Principal's Investigation Appeal Process
- a. Any person found by the Building Principal's investigation to be guilty of hazing and/or harassment, intimidation, or bullying behavior, or any pupil who believes they were hazed and/or harassed, intimidated, or bullied, but not supported by the Building Principal's investigation, may appeal to the Chief School Administrator. The Chief School Administrator will review the Building Principal's report and any other information he/she deems appropriate to make a determination. The Chief School Administrator will make his/her determination within ten working days of receiving the appeal.
 - b. Any person who is not satisfied with the Chief School Administrator's determination may appeal to the Board. The Board will review the Building Principal's report and the Chief School Administrator's determination, along with any other information the Board deems appropriate to make a Board determination. The Board will make its determination within forty-five calendar days of receiving an appeal from the Chief School Administrator's determination.

Office Of Civil Rights (OCR) Case Resolution

Parents or pupils not satisfied with the resolution by the school district officials or the Board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

Issued: 2 May 2011

© 2013 Strauss Esmay Associates, LLP
1886 Hinds Road, Suite 1, Toms River, NJ 08753
ph: (732)255-1500 fax: (732)255-1502