

# GREENBURGH-NORTH CASTLE UNION FREE SCHOOL DISTRICT

## ADMINISTRATIVE REGULATIONS

### STUDENT BULLYING PREVENTION AND INTERVENTION GUIDANCE FOR INVESTIGATIONS AND REMEDIATION

#### **Reporting and Investigating**

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of bullying, including all staff members, report such behavior immediately to the building principal/Building Dignity Act (DA) Coordinator as soon as possible after the incident so that it may be effectively investigated and resolved. The District will promptly investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the harassment, hazing, bullying as soon as it occurs and with as much detail as possible including: the nature of incident(s); dates, times, places it has occurred; name of perpetrator(s); witness to the incident(s); and the victim's response to the incident.

If, after appropriate investigation, the district finds that a student, an employee or third party has violated this policy, prompt corrective action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, district policy and state law. If the reported behavior constitutes a violation of any other anti-discrimination policy (e.g. Title Vi, Title IX, Section 504/ Title II ADA, etc.), the investigation under this policy shall be coordinated with such other investigation.

#### **Confidentiality**

It is district policy to respect the privacy of all parties and witnesses to complaints of bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complainant is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigation complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. The request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. The district will attempt to prevent any retaliation; and
4. The district will take strong responsive action if retaliation occurs

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complainant consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

### **Investigation and Resolution Procedure**

#### **A. Initial (Building-level) Procedure**

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the principal or other administrator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying and obtain a prompt equitable resolution to a complaint.

As soon as possible but no later than three working days following receipt of a complaint, the principal/Building DA Coordinator shall begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s)
- Conducting separate interviews of the victims(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately and that the individual may be subject to discipline

Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. Discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop
- b. Suggesting counseling, skill building activities and/or sensitivity training
- c. Conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior
- d. Separating the parties

Appropriate disciplinary action shall be recommended and imposed in accordance with the District's Code of Conduct.

The principal/Building DA Coordinator shall report back to both the victim and the accused, notifying them in writing and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint, to the extent allowed by student privacy rights. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

In addition, where the principal/Building DA Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she shall immediately report the same to the police and the Superintendent. A written report of the same shall be filed with the Superintendent within one day.

Any party who is not satisfied with the outcome of the initial investigation by the principal/Building DA Coordinator may request a district-level appeal by submitting a written appeals document to the Superintendent within 30 days from the receipt of the report by the principal or Building DA Coordinator.

## **B. District-level Procedure**

The superintendent or his/her designee shall promptly review appeals regarding complaints that are referred to him/her following an initial investigation by a principal/Building DA Coordinator. In the event the complaint involves the Superintendent, the appeal of the complaint shall be filed with the Board of Education for its review.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, in writing, of the outcome of the Appeal. If additional time is needed to take appropriate action, the Superintendent or Board will provide all parties with a written status report within 30 days following receipt of the appeal

### **Retaliation Prohibited**

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted or participated in any manner in a n investigation, proceeding or hearing or a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

### **Discipline/Penalties**

Any student who violates this policy by engaging in prohibited bullying/discrimination to any employee or volunteer who fails to respond to known events of bullying or discrimination will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

**Students:** Discipline may range from a loss of privileges up to and including suspension from school, to be imposed consistent with the student Code of Conduct and discipline policy and applicable law.

**Employees:** Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contract and statutory rights.

**Volunteers:** Penalties may range from a warning up to and including loss of volunteer assignments.

### **Training**

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school.

All employees shall receive information about this policy and regulation at least once a year. Administrative employees and other staff, such as counselors or social workers, who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of bullying on the victim and bystanders.

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, in curriculum and will be considered in the budget process.