

BULLYING PREVENTION AND INTERVENTION

Whittier Regional Vocational Technical School prohibits all forms of bullying in school or at school-sponsored events/activities, whether on or off campus. All forms of bullying at school will be subject to disciplinary actions, which may include suspension. Off campus bullying which causes a disruption within the school setting may be grounds for disciplinary action.

Relevant sections of the law (M.G.L. c. 71, § 37O) are described below.

Definitions

Perpetrator is a student or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor or an extracurricular activity or para- professional who engages in bullying, cyberbullying, or retaliation.

Bullying is the repeated use by one or more students or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor of an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Bullying includes cyberbullying.

Cyberbullying is bullying through the use of technology or any electronic devices such as telephones, cell phones, computers,

and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings.

Hostile environment is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

Target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Prohibition Against Bullying

Bullying is prohibited:

- on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds,
- at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school,
- through the use of technology or an electronic device that is owned, leased, or used by a school district or school (for example on a computer or over the Internet),
- at any program or location that is not school-related, or through the use of personal technology or electronic devices, if the bullying creates a hostile environment at school, or material and substantially disrupts the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is prohibited.

Reporting Bullying

Anyone, including a parent or guardian, student, or school staff member, can report bullying or retaliation. Reports can be made in writing or orally to the Principal or another staff member, or reports may be made anonymously. Please call the Principal of Whittier Regional Vocational Technical High School, at 978-373-4101 ext. 216 or email principalsoffice@whittiertech.org to report issues of Bullying.

School staff members must report immediately to the Principal or his/her designee if they witness or become aware of bullying or retaliation. Staff members include, but are not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity or paraprofessionals.

When the school Principal or his/her designee receives a report, he or she shall promptly conduct an investigation. If the school Principal or designee determines that bullying or retaliation has occurred, he or she shall (i) notify the parents or guardians of the target, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; (ii) notify the parents or guardians of an aggressor; (iii) take appropriate disciplinary action; and (iv) notify the local law enforcement agency if the school Principal or designee believes that criminal charges may be pursued against the aggressor.

Professional Development

Schools and districts must provide ongoing professional development to increase the skills of all staff members to prevent, identify, and respond to bullying.

The content of such professional development is to include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between

and among an aggressor, target, and witnesses to the bullying; (iv) research findings on bullying, including information about specific categories of students who have been shown to be

particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyberbullying; and (vi) Internet safety issues as they relate to cyberbullying.

Complaint Procedures

Any student who wishes to file a complaint as a result of hazing, sexual harassment, bullying or discriminatory practices should report incidents to the Assistant Principals' Office or to a member of the Guidance Department. Students may file complaints regarding sexual harassment to the Title IX coordinator see **Appendix B, C**. Other complaints will be addressed via grievance procedures set out in **Appendix L**.

Appendix B

GRIEVANCE PROCEDURES IN COMPLIANCE WITH TITLE IX

TITLE IX NOTICE AND PROCEDURES

Title IX of the Education Amendments of 1972 states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. 20 USC §1681.

Sexual harassment, including sexual violence, is unlawful sex discrimination. As required by Title IX and in compliance with Title IX, the Whittier Regional Vocational Technical High School does not discriminate on the basis of sex in its education programs or activities including in its admission or employment practices. Inquiries regarding the application of Title IX to the Whittier Regional Vocational Technical High School education program and activities are directed to the Title IX Coordinator.

The following conduct constitutes sexual harassment:

- ● A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);

- ● Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or

- - Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

How to Report Sex Discrimination, including Sexual Harassment

Any person may report sex discrimination, including [sexual harassment](#) in person, by mail, by telephone, or by electronic mail, to the [Title IX](#) Coordinator, or by any other means that results in the [Title IX](#) Coordinator receiving the person's verbal or written report. Reports may be made at any time by using the telephone number or electronic mail address, or by mail to the office address, listed for the [Title IX](#) Coordinators.

Kristine Morrison

Title IX Coordinator

Director of Pupil Personnel Services Whittier Regional Vocational Technical High School 115 Amesbury Line Road Haverhill, MA 01830

978-373-4101 ext. 213 kmorrison@whittiertech.org

Appendix C

How to File a **Formal Complaint of Sexual Harassment**

A complainant may file a formal complaint with the Title IX Coordinator by mail, email, telephone or

in person.

The Title IX Coordinator may also initiate a formal complaint.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Whittier Regional Vocational Technical High School investigate the allegation.

How Whittier Regional Vocational Technical High School will respond:

The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Supportive measures are offered whether or not the complainant files a formal complaint and are designed to restore or preserve equal access to the education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The Title IX Coordinator will consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must treat complainants and respondents equitably and offer supportive measures to the complainant and respondent.

The Whittier Regional Vocational Technical High School may remove a respondent from school or an activity on an emergency basis, provided that an individualized safety and risk analysis determines that there is an immediate threat to the physical health or safety of any student or other individual. Respondents removed on an emergency basis will receive notice and an opportunity to challenge the decision immediately following the removal. This provision may not modify any rights for students with disabilities.

Appendix L

Grievance Process:

In response to a [formal complaint](#), Whittier Regional Vocational Technical High School will adhere to the following grievance process.

Written Notice:

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice to the parties who are known. The written notice shall include:

- Notice of the grievance process, including notice of an informal resolution process;
- Notice of the allegations that includes sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- Notice that the parties may have an advisor of their choice and may inspect and review evidence; and
- Notice that the Whittier Regional Vocational Technical High School code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If any new allegations arise during the grievance process, the Title IX Coordinator will provide written notice of the additional allegations to the parties whose identities are known.

Investigation:

The Whittier Regional Vocational Technical High School will investigate the allegations in the formal complaint. WRVTHS will use trained personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party.

The WHITTIER TECH may dismiss the formal complaint if:

- The conduct alleged would not constitute sexual harassment even if proved, did not occur in a Whittier Regional Vocational Technical High School education program or activity, or did not occur in the United States.

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint of any of the allegations in the formal complaint, or if the respondent is no longer enrolled or employed by the Whittier Regional Vocational Technical High School; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint.

Upon a dismissal, the Title IX Coordinator will promptly send written notice for the dismissal and reason(s) therefore simultaneously to the parties.

When investigating a formal complaint and throughout the grievance process, the Whittier Regional Vocational Technical High School will:

- Apply a presumption of innocence, and ensure that the burden of proof and the burden of gathering evidence rests on the Whittier Regional Vocational Technical High School and not on the parties;
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological or similar treatment records during the grievance process;
- Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney;
- Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint;

- Prior to the completion of an investigative report, send to each party and the party's advisor, the evidence subject to inspection and review and provide the parties at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

- Create an investigative report that fairly summarizes relevant evidence for their review and written response. The investigator shall strive to complete investigations within thirty (30) school days of the filing of the formal complaint. Although the District's goal is to complete investigations generally within thirty (30) school days, the time may be extended for good cause upon written notice to the complainant and respondent. Additionally, the timeline for investigation may be suspended during any informal resolution procedure or meeting.

Determination Regarding Responsibility:

- The decision-maker, who shall not be the investigator or the Title IX Coordinator, will provide each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Complainants may not be asked inappropriate questions about prior sexual history. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

- The decision-maker must issue a written determination regarding responsibility. To reach this determination, the decision maker shall apply a preponderance of the evidence standard.

Preponderance of the evidence means that it is more likely than not that the alleged conduct occurred.

- The decision maker shall review all of the evidence and issue a written determination within fifteen (15) school days of receipt of the matter from the investigator, absent extenuating circumstances.

- The Title IX Coordinator is responsible for effective implementation of any remedies.

Appeals:

Either party may appeal the determination regarding responsibility (or from a dismissal) on the following grounds:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against the complainant or respondents generally or the individual that affected the outcome of the matter.

Appeals must be submitted to the Title IX Coordinator within five (5) school days of receipt of the written determination and contain a written statement in support or challenge of the outcome. In the event of an appeal, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

Informal Resolution:

An informal resolution process is available when a formal complaint is filed. An informal resolution process is available without a full investigation and nothing in the informal process shall preclude the parties from resuming a formal complaint process. Participation is voluntary and written consent is required. An informal resolution process is not permitted to resolve allegations that an employee sexually harassed a student.

Record Keeping

The Whittier Regional Vocational Technical High School will maintain records regarding sexual harassment reports and complaints for a period of seven years.

Retaliation Prohibited

Retaliation is prohibited against any individual, including complainants, respondents, and witnesses for reporting sexual harassment, participating (or refusing to participate) in any investigation/grievance process. Individuals may report retaliation to the Title IX Coordinator who will investigate and take measures to protect individuals from retaliation.

Complaints of Discrimination and/or Harassment on the basis of sex may also be reported to:

The Office for Civil Rights, US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150
Electronic Mail: OCR.Boston@ed.gov