



JICK - BULLYING

The Principal and Teachers are encouraged to assist the prevention of bullying by promoting positive behaviors in reference to the Academy Virtues and instructive examples in the Academy curriculum.

This policy is intended to comply with New Hampshire RSA 193-F:4. The Executive Director shall ensure that this policy is implemented.

Definitions

"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 a another scholar which:

1. Physically harms a scholar or damages the scholar's property;
2. Causes emotional distress to a scholar;
3. Interferes with a scholar's educational opportunities;
4. Creates a hostile educational environment; or
5. Substantially disrupts the orderly operation of the Academy.

"Bullying" shall include actions motivated by an imbalance of power based on a scholar's actual or perceived personal characteristics, behaviors, or beliefs, or motivated by the scholar's association with another person and based on the other person's characteristics, behaviors, or beliefs.

"Cyberbullying" means bullying, as defined in this policy, undertaken 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.

"Perpetrator" means a person who engages in bullying or cyberbullying.

"Academy property" means all real property and all physical plant and equipment used for Academy purposes, including school buses or vans. The Academy's property includes its computer systems, communication systems, email systems, website, social media page(s) and any other technology under the control of the Academy.

"Victim" means a person against whom bullying or cyberbullying has been perpetrated.

Prohibition of Bullying

The Academy hereby prohibits bullying. All references in this policy to “bullying” include “cyberbullying”. As allowed by New Hampshire law, the Academy reserves the right to investigate alleged bullying that: occurs on, or is delivered to, Academy property or an Academy-sponsored activity or event on or off Academy property; or, occurs off of Academy property or outside of an Academy-sponsored activity or event, if the conduct interferes with a scholar’s educational opportunities or substantially disrupts the orderly operations of the Academy or Academy-sponsored activity or event, including bus transportation.

Consequences of Bullying

The Academy shall impose consequences to remediate substantiated incidents of bullying. These consequences will range from positive behavioral interventions to expulsion of scholars, dismissal of employees, and exclusion of volunteers.

Prohibition of Retaliation

The Academy hereby prohibits retaliation against a victim, witness, or anyone else who in good faith provides information about an act of bullying. If a victim or witness, or a parent of a victim or witness, expresses to a staff member a belief that there may be retaliation, the Principal or the Principal’s designee shall develop and implement a plan to reduce the risk of retaliation. Each plan may be developed on a case-by-case basis. Possible elements of the plan may include, without limitation, minimizing contact and warning against retaliation.

Prohibition of False Accusations

A scholar, employee, or volunteer found to have falsely and intentionally accused a person of bullying, whether as a first instance or as an act of retaliation, will be subject to the same range of remedial consequences as perpetrators of bullying.

Protection of All Scholars

This policy protects all scholars regardless of their status under the law. This protection includes students of other schools who are on or in the vicinity of Academy grounds, or participating in an Academy-sponsored activity or event, or riding a school bus transporting Academy scholars. The Academy shall afford due process and equal protection of the law to all persons involved in alleged cases of bullying.

Notice of this Policy

At a minimum, the Academy administration shall distribute this policy annually to Academy employees, regular Academy volunteers, scholars, parents, and contractors, in the form of the family handbook and the employee handbook.

Procedure to Allege Bullying

Any scholar who is the victim or a witness of bullying should inform an Academy employee—preferably the Principal—of the alleged acts immediately. Any Academy employee, volunteer, or contractor who witnesses or receives an allegation of bullying shall inform the Principal as soon as possible. All good-faith reports are encouraged. However, hearsay and anonymous reports will not suffice to impose disciplinary action. If the Principal is directly and personally a subject of the allegations, the Executive Director shall perform the Principal’s duties related to the alleged incident.

Parental Notification of Allegations

Within 48 hours of receiving an allegation of bullying, the Principal or the Principal’s designee shall notify the parents of the alleged victim and the alleged perpetrator, and the Executive Director. Parental notification may be made by telephone, in writing, or in-person conference. The date, time, location, and medium of communication will be noted and included in the final report. All notifications will comply with the Family Educational Rights and Privacy Act (“FERPA”, 20 USC 1232g). As required by RSA 193-F:4 II(i), the Executive Director may, within the 48-hour notification period, grant the Principal or Principal’s designee a waiver from the notification requirement if the Executive Director deems such waiver to be in the best interest of the victim or perpetrator. Any such waiver granted will be in writing. Granting of a waiver will not negate the Academy’s other responsibilities in this policy.

Investigation of Allegations

Within 5 school days of being informed of allegations, but not before completing the parental notification of allegations, the Principal shall initiate an investigation by designating an Investigator of the allegations, and specifying the manner in which the investigation will be documented and the time within which it will be completed. The Principal may serve as the Investigator. In the conduct of the investigation, the Investigator shall consider this policy’s definitions, which reproduce state law.

The investigation may include documented interviews with the alleged victim, the alleged perpetrator, and any witnesses. Each individual will be interviewed separately and at no time will the alleged victim and alleged perpetrator be interviewed together during the investigation. Consistent with applicable law, the Academy may neither require nor request that a scholar or scholar’s family disclose or provide to the Academy the scholar’s username, password, or other authenticating information for any personal electronic communication account of the scholar. If the alleged bullying was in whole or in part cyberbullying, the Investigator may ask any person in possession of information to provide the Academy with printed copies of relevant electronic communications.

The Executive Director may grant in writing an extension of the time period for the investigation and documentation of reports for up to an additional 7 school days, if necessary. The Executive Director or designee shall notify in writing all parties involved of the granting of an extension.

The Investigator shall generate an investigation report, including enumerated findings of fact. Among the findings of fact should be references to specific elements of the definitions in this policy. If the Investigator is the Principal's designee, the Investigator shall submit the report to the Principal. The Principal shall provide a copy of the report to the Executive Director.

Remediation of Substantiated Incidents

The Principal shall decide how to remediate substantiated incidents of bullying, retaliation, or false accusation. Remedial measures may include, without limitation, one or more of the following:

1. Positive behavioral intervention;
2. Imposition of disciplinary consequences up to and including expulsion;
3. Offered assistance to the victim or perpetrator;
4. Measures designed to further prevent bullying, retaliation, or false accusation.

The Principal shall put the remedial measures in writing and provide a copy to the Executive Director. Any suspension or expulsion must comply with RSA 193:13 and the Academy's policy on Due Process (Policy JIA).

Reporting of Investigations and Remediations

Within 10 school days of completion of the investigation—and within the boundaries and satisfying the requirements of applicable state and federal law including FERPA—the Principal shall notify, via telephone and in writing, the parents of the alleged or substantiated victim and perpetrator of the findings of the investigation.

On the next school day after notifying the parents, the Principal shall meet—in person, separately, privately, and confidentially—with each involved scholar to notify them of the findings.

Appeals

A parent who is aggrieved by the outcome of the Academy's investigation or remedial measures may use the Academy's Grievance Process (Policy ACG) to appeal for review of the investigation and remedial measures.

Training and Assessment

For the purpose of preventing, identifying, responding to, and reporting incidents of bullying, the Academy shall provide:

1. Annual training on this policy for Academy employees, regular volunteers, and contractors who have significant contact with scholars;
2. Educational programs for scholars and parents. Any such program for scholars will be written and presented in age appropriate language.

Reporting

Annually, the Academy shall report substantiated incidents of bullying to the New Hampshire Department of Education. Pursuant to the Family Educational Rights and Privacy Act (20 U.S.C. 1232g) such reports shall not contain any personally identifiable information of any scholar.

References:

- Ed 318.16 (b)(3)
- New Hampshire RSA 193-F Sections 3, 4, 5, 6, and 7, and RSA 193:13
- Family Educational Rights and Privacy Act (20 USC 1232g)

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