



The Birches Academy of Academics and Art Anti-Bullying Policy

I. Introduction

Bullying is prohibited at The Birches Academy of Academics and Art in accordance with New Hampshire statute RSA 193-F. It will not be tolerated during the school day; at school-sponsored activities or off of school grounds in a way that takes school problems home or affects school with issues from home. Bullying is the antithesis of the fundamental community environment we encourage at The Birches Academy. Bullying destroys self-esteem and strips the student of a safe and caring learning environment.

II. Scope of Policy

The bullying policy at The Birches Academy is to be applied to all grades. Its purpose is solely to address bullying and in no way replaces any policies that deal with individual student misconduct.

III. Definitions of Bullying and Cyberbullying

(a) "Bullying" is broadly defined by the New Hampshire State Legislature as any 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 pupil which:

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

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

(c) "Cyberbullying" applies to conduct defined above undertaken through the use of electronic devices. Electronic devices include, but are not limited to: telephones, cell phones, computers, pagers, electronic mail, instant messaging, text messaging and websites.

(d) Bullying is more than misconduct. In *evaluating whether conduct constitutes bullying*, special attentions should be paid to the words chosen and/or the actions taken; whether such conduct occurred in front of others or was communicated to others, how the perpetrator



interacted with the victim; as well as the motivation, either admitted or appropriately inferred, of the alleged perpetrator.

(e) A determination that conduct does not constitute bullying under state law or school policy, however, does not restrict the right of the administration to impose appropriate disciplinary consequences for student misconduct.

(f) The Birches Academy reserves the right to address bullying and/or cyberbullying, and impose discipline for bullying and/or cyberbullying that:

- occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property; or
- occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a pupil's educational opportunities or substantially disrupts the orderly operations of the school or school-sponsored activity or event.

IV. Staff Responsibilities and Intervention

Any staff member who witnesses bullying as defined above shall promptly notify the Dean of School of the events observed, and they shall promptly file a written incident report concerning the events witnessed. The Birches Academy staff members are encouraged to address the issue of bullying in interactions with our students. Ad hoc discussions, both in and outside of the classroom, about bullying behavior as well as the reinforcement of socially appropriate behavior will go a long way in helping to prevent bullying at The Birches Academy. All staff members should be proactive; intervening whenever student misconduct appears, even if such conduct does not meet the formal definition of "bullying".

V. Complaint Process

Formal Complaints

Students and/or their parents or guardians may file written reports of conduct they consider to be bullying. These written reports must be reasonably specific as to the actions giving rise to the suspicion of bullying; including time and place of the conduct alleged; the number of such incidents; the target of the suspected bullying; the alleged perpetrator as well as the names of any potential student or staff witnesses. These complaints can be filed with any teacher, who will forward them to the Dean of School, or directly to the Dean of School, for review and action.

Informal Complaints

Students may make informal complaints of conduct that they consider to be bullying by verbal report to a teacher or administrator. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of bullying, including time and place of the conduct



alleged, the number of such incidents, the target of the suspected bullying, and the names of any potential student or staff witnesses. The individual who receives the informal complaint shall promptly forward a written complaint, including the information provided to the Dean of School for review and action.

Anonymous Complaints

Students who make an informal complaint as set forth above may request that their name be maintained in confidence by the teacher(s), administrator(s) who receive the complaint. Should anonymity be requested, the Dean of School shall meet with the student to review the request for anonymity and the impact that maintaining anonymity of the complaint may have on the investigation of the complaint and/or possible remedial action. At such meeting, the student shall be given the choice as to whether to maintain the anonymity of the complaint. Anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the complaint and is consistent with the due process rights of the student(s) alleged to have committed acts of bullying.

VI. Investigation of Complaint

Once a complaint has been reported to the Dean of School, appropriate measures will be taken to investigate the complaint within **five days**, although if necessary, an additional seven days may be granted to determine whether bullying has occurred, including the following:

- The Dean of School may review student records; interview students and staff witnesses; interview both perpetrator and victim.
- Both parents of the alleged perpetrator as well as the victim will be made aware of the investigation and notified within 48 hours of the written complaint according to the Family Educational Rights and Privacy Act. This requirement may be waived should the Dean of School deem it vital to the best interest of either the perpetrator or the victim.
- Upon completion of the investigation written communications will be furnished to parents/guardians of both parties; detailing the outcome of the investigation, including any necessary remedies and/or assistance. This communication shall occur within ten days of completion of the investigation.

VI. Consequences of Actions

After the investigation is complete, the responsibility of determining consequences lies with the Dean of School. Consequences will be determined for the individual(s) on a case-by-case, age appropriate basis. Bullying takes on many forms and can vary dramatically, depending on the nature of the bullying, recidivism of the perpetrator as well as the impact on the victim. There is no “one size fits all” solution. Conduct that reaches the level of “bullying” will most often lead to



disciplinary action against the perpetrator; however, whether and to what level of disciplinary action is subject solely to the discretion of the Dean of School. It is the goal of The Birches

Academy to have the student achieve redemption; learn from his/her mistakes and to stop bullying. The following are possible consequences/interventions that may be considered to enforce the prohibition of bullying:

Non-disciplinary Intervention

(a) When confirmed acts of bullying have been identified early and when such acts do not require disciplinary action; students may be counseled as to the definition of bullying, state and school policies on bullying and their responsibility to refrain from participating in any act(s) that could be considered bullying.

(b) Non-disciplinary remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim, and take corrective action for documented systematic problems related to bullying. Examples of non-disciplinary remedial measures include but are not limited to making a written apology to the victim, completing hours of community service, or receiving behavioral strategies.

Disciplinary Interventions/Consequences

When a determination has been made that bullying has occurred and a disciplinary response is warranted, students are subject to a wide-array of disciplinary consequences including, but not limited to, the following:

- Making amends with the victim
- Restitution and Restoration
- Transformative Conferencing/Restorative Justice
- Peer Support Groups
- Behavioral Management Plan
- In-School Community Service
- Loss of Recess or other privileges
- Detention
- In-School Suspension
- Out-of- School Suspension
- Expulsion

VII. State Reporting Obligations

In accordance with NH RSA 193-F:6 The Birches Academy “shall annually report all substantiated incidents of bullying or cyberbullying to the 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 pertaining to any pupil.”