AOE Model Policy for Investigation and Response to Harassment, Hazing, and Bullying of Students[1]

A. Introduction

This model policy document specifically addresses school response to incidents of harassment, hazing, and bullying (HHB) in accordance with state law. The provisions of this revised model policy and accompanying procedures will become effective upon school board adoption or December 15, 2026, whichever occurs first.

HHB prevention efforts fall within the domain of safe and healthy schools following a comprehensive system or school-wide school climate approach. Questions around HHB prevention-related resources, tools, and strategies can be directed to SafeandHealthySchools@vermont.gov.

B. Purpose

It is the responsibility of LNSU to provide a safe, orderly, respectful, and positive learning environment for all students. Harassment, hazing, and bullying have no place and will not be tolerated in any Vermont school. No student should feel threatened or be discriminated against while attending school. One mechanism to prevent harassment, hazing, and bullying is an effective and rigorous response to allegations or notice of harassment, hazing, or bullying, as well as restoration following an incident. Therefore, schools will have a consistent, predictable process to evaluate claims of harassment, hazing, and bullying that impact the school environment.

As required by Title 16, Chapter 9, Subchapter 5, each LNSU District school board shall develop, adopt a policy and procedures that will ensure the enforcement of harassment, hazing, and bullying response and prevention. The LNSU District school board must adopt a policy that is at least as stringent as this model policy

[1] Adoption of this policy by a school board or governing body of an independent school satisfies the school district's or independent school's obligation under 16 V.S.A. §§ 570(b), 570a(a), 570b, and 570c, until any subsequent policy for the prevention of harassment, hazing, and bullying is developed by the Agency.

[2] Throughout this model policy and the related procedures, the District or independent school should substitute anything in brackets with the appropriate term. E.g., where it states [INSERT District school board OR governing body of the independent school], the placeholder should be replaced with either "District school board" or by describing the type of governing body of the independent school. Where language suggests a "District" will act, it refers to the actions of the superintendent, the head of school, the headmaster, or their designee.

developed by the Secretary of Education. Any LNSU District school board that fails to adopt such a policy shall be presumed to have adopted the most current model policy published by the Secretary.

C. Statement of Policy

LNSU (hereinafter "District") is committed to providing all its students with a safe and supportive school environment in which all members of the school community are treated with respect.

It is the District's policy to prevent and prohibit the unlawful harassment of students based on race, creed, color, national origin, citizenship, immigration status,[3] marital status, sex, sexual orientation, gender identity, or disability. Harassment may also constitute a violation of Vermont's Public Accommodations Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and/or Title IX of the federal Education Amendments Act of 1972 ("Title IX").

It is also the District's policy to prevent and prohibit hazing and bullying of students. Conduct which constitutes hazing may be subject to civil penalties.

The District shall address all reports of harassment, hazing, and bullying of students according to the procedures accompanying this policy and shall take appropriate action in response to any violation of this policy. The District shall have separate policies regarding compliance with Title IX law and regulations and school behavioral threat assessment in compliance with 16 V.S.A.
§ 1485.

In instances in which inappropriate conduct has occurred that does not meet the definitions of harassment, hazing, or bullying, the District will take appropriate action targeted to address the conduct and discourage students from continuing any conduct that may lead to harassment, hazing, or bullying. Appropriate action in response to such conduct may include providing students with explicit

[3] Citizenship and immigration status have been added to the Vermont Public Accommodations Act, prohibiting discrimination in places of public accommodation, per Act 69 (2025). Harassment on these bases could constitute discrimination and is therefore addressed through this HHB Investigation Policy and Procedures.
[4] For an independent school, Title IX likely applies to the program if the program is the recipient of any Federal financial assistance, directly or indirectly. If Title IX does not apply to the particular independent school, the school must follow the HHB Investigation Policy and Procedures with respect to all incidents that fall under the HHB Investigation Policy and Procedures. The guidance of an independent school's legal counsel is suggested to advise on whether the school is subject to Title IX requirements.

instruction regarding conduct and/or harassment, hazing, and bullying; or implementing classroom-wide or school-wide positive behavioral interventions and supports; or taking disciplinary action in line with the code of conduct, among other things.

D. Implementation

The Superintendent or designee will:

1. Establish procedures directing staff, parents and guardians, and students how to report violations of this policy under this policy. At minimum, the procedures will be consistent with those provided in the Model Procedures on Harassment, Hazing, and Bullying Investigations and Response ("Model HHB Investigation Procedures").
2. Annually, select two or more Designated Employees to receive reports of harassment, hazing, and/or bullying at each school campus and publicize their availability in any publication of the District that sets forth the comprehensive rules, procedures, and/or standards of conduct.
3. Ensure that an individual respondent's alleged behavior, rather than their demographic or personal characteristics, will serve as the basis for initiating an HHB investigation and determination.
4. Respond to Notice of Possible Violations of this policy (as that term is defined in this Policy) to promptly and effectively address all reports of harassment, hazing, and/or bullying.
5. Take action on substantiated harassment, hazing, and/or bullying that is reasonably calculated to, at a minimum:

    - Stop the harassment, hazing, and/or bullying;
    - Prevent recurrence of harassment, hazing, or bullying;
    - Remedy the effects on the complainant(s); and
    - Restore the complainant's access to the education program or activity.

    There may be a wide range of responses to substantiated harassment, hazing, or bullying that are appropriate to serve these goals. For employees, discipline for substantiated harassment may include termination. For students, serious discipline in response to substantiated harassment, hazing, or bullying may include expulsion or removal from school property. For organizations and individuals who are found to have engaged in substantiated hazing, penalties, loss of privileges, or sanctions may be assessed. Revocation or suspension of an organization's permission to operate or exist within the District's purview may also be considered if that organization knowingly permits, authorizes or condones hazing.

6. Disseminate information about the HHB Investigation Policy and Procedures to students, parents/guardians, and staff members as outlined in the Model HHB Investigation Procedures.

7. Determine HHB data reporting processes including the collection and submission of HHB incident data as directed by the Secretary of Education.
8. Ensure staff receive annual training in preventing, recognizing, and responding to harassment, hazing, and bullying.
9. Ensure designated employees and any employees who may conduct or support in HHB investigations, receive annual training in requirements and best practices for HHB investigation and bias training.

E. Constitutionally Protected Speech

It is the District's intent to apply and enforce this policy and the model HHB Investigation Procedures in a manner that is consistent with individuals' rights to free expression under the First Amendment of the U.S. Constitution. These legal issues can be complex, and the guidance of legal counsel is suggested.[5]

F. Definitions

For this policy and the HHB Investigation Procedures, the following definitions apply:

"Allegation" means an assertion that someone has engaged in harassment, hazing, or bullying.

"Bullying" means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and that:

1) Is repeated over time;
2) Is intended to ridicule, humiliate, or intimidate the student; and
3) Either:
    a) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or
    b) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs.

[5] Legal counsel may wish to explore case law regarding First Amendment limitations, including but not limited to the following: *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969); *Mahanoy Area School District v. B.L.*, 594 U.S. 18 (2021).

Any type of off-campus or online activity can constitute bullying if it poses a clear and substantial interference with another student's right to access educational programs. This can include what is often referred to as "cyber-bullying" - conduct on social media, texting, or other online activity.

"Complainant" means a student who is the alleged victim or target of harassment, hazing, or bullying. An individual does not need to have made a report or referral under this policy to be considered a Complainant.

"Designated Employee" means an employee who has been designated by the school to receive reports and/or referrals of harassment, hazing, and bullying pursuant to subdivision 16 V.S.A. § 570a(a)(7). The designated employees for each school building are identified in Appendix A of this Policy. Each school building must have two or more people designated to receive reports and/or referrals of harassment, hazing, and bullying.

"**Employee"** includes any person employed directly by or retained through a contract with the District, an agent of the school, a school board member, a member of the governing body of an independent school, a student teacher, an intern, or a school volunteer. For purposes of this policy, the "agent of the school" includes supervisory district and supervisory union staff.

"Final Decision" refers to the decision issued after the District has conducted an internal review – at complainant's request – of the school's initial determination as to whether harassment occurred.

"Harassment" means an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, citizenship, immigration status,[6] marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment.

Harassment includes conduct that as described above and also constitutes one or more of the following:

[6] Citizenship and immigration status have been added to the Vermont Public Accommodations Act, prohibiting discrimination in places of public accommodation, per Act 69 (2025). Harassment on these bases could constitute discrimination, and is therefore addressed through this HHB Investigation Policy and Procedures.

1) **"Sexual harassment"** refers to a particular form of sex-based harassment, which manifests through sexualized conduct (for example, unwelcome sexual advances, requests for sexual favors, other verbal, written, visual, physical conduct of a sexual nature, sexual violence, sexual assault, or non-consensual sexual touching) where either:
    a) The general definition of harassment above is met; or
    b) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education, academic status, or progress; or
    c) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.
2) **"Racial harassment"**, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived race or color, and includes the use of epithets, stereotypes, racial slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, and taunts on manner of speech and negative references to cultural customs.
3) **"Harassment of members of other protected categories"**, which means conduct directed at the characteristics of a student's or a student's family member's actual or perceived creed, national origin, citizenship, immigration status, marital status, sex, sexual orientation, gender identity, or disability and includes the use of epithets, stereotypes, slurs, comments, insults, derogatory remarks, gestures, threats, graffiti, display, or circulation of written or visual material, taunts on manner of speech, and negative references to customs related to any of these protected categories.

The definition above can include any type of off-campus or online activity. This can include what is often referred to as "cyber-harassment" - conduct on social media, texting, or other online activity.

"Hazing" means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization that is affiliated with an educational institution; and that is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating, or demeaning the student or endangering the mental or physical health of a student.

Hazing also includes soliciting, directing, aiding, or otherwise participating in these acts.

Hazing may occur on or off the campus of an educational institution. Hazing can include any type of off-campus or online activity. This can include conduct on social media, texting, or other online activities.

Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:

1) the goals are approved by the educational institution; and
2) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

With respect to hazing, **"Student"** means any person who:

1) is registered in or in attendance at an educational institution.
2) has been accepted for admission at the educational institution where the hazing incident occurs; or
3) intends to attend an educational institution during any of its regular sessions after an official academic break.

"Independent Review" refers to a review of a harassment investigation conducted by a neutral person selected from a list maintained on the Agency of Education website.

"Interim Measures" are measures designed to ensure that a student is safe at school and has supports they need or request to fully access the school's programs and activities during an investigation. These measures can continue following a completed investigation, regardless of the outcome. Interim measures are available to complainants, respondents, and (if appropriate) witnesses or other impacted individuals. Interim measures should be reevaluated on a periodic basis. Interim measures cannot be disciplinary or punitive to any student. Examples include: access to school counseling, extensions of deadlines or other course-related adjustments, academic support services, modifications of work or class schedules, safety plans, mutual restrictions on contact between the parties, and any other reasonably supportive measure that does not unreasonably burden any other person's access to education. The school must keep confidential any interim measures provided to the complainant or respondent, to the extent that confidentiality does not impair the school's ability to implement the measures.

"Investigator" means the person assigned by the school administrator to investigate pursuant to the HHB Investigation Procedures. This person may not be the subject of the HHB report or referral. The investigator should be unbiased and free from conflicts of interest. The assigned investigator may, but is not required to be, the school administrator or a Designated Employee. The school administrator should consult with

district-level leadership if they require assistance identifying a trained and unbiased investigator.

"Notice of Possible Violation" or **"Notice of Possible HHB Violation"** means that any staff member has received notice of alleged conduct that may constitute harassment, hazing, or bullying. Notice of Possible Violation can include a written complaint or oral information that HHB has occurred. Notice of Possible Violation can come from another employee, the student who was allegedly subjected to the HHB conduct, another student, a parent or guardian, or any other individual who has reasonable cause to believe the alleged conduct may have occurred.

"Organization" means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar groups, whose members primarily are students at an educational institution, and which is affiliated with the educational institution.

"Pledging" means any action or activity related to becoming a member of an organization.

"Referral" means the steps that a school employee must take upon receipt of Notice of Possible Violation. This includes memorializing the information on the Student/Staff Conduct Form and providing it to the Designated Employee, as set out in the HHB Investigation Procedures.

"Report" means information, concerns, or a complaint of alleged harassment, hazing, or bullying reported by students, parents, guardians, or others to a school employee. The report does not need to be in writing to initiate HHB Investigation Procedures.

"Respondent" means the person or persons accused of harassment, hazing, or bullying. For harassment or hazing, the respondent could be a student or students or school employee(s). For bullying, the respondent could be a student or students.

"Retaliation" is any adverse action – such as intimidation, threats, coercion, or discrimination – against an individual for providing information regarding suspected harassment, hazing, or bullying, or participating in any way in an investigation, proceeding, or hearing related to allegations of harassment, hazing, or bullying.

Examples of retaliation include but are not limited to:

1) Conduct by a school employee directed at a student in the form of intimidation or reprisal such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits, or other unwarranted disciplinary action.
2) Disciplinary action for conduct that is not harassment, hazing, or bullying, but which conduct arises out of the same facts or circumstances as an incident that

was or is being investigated under the Model HHB Investigation Procedures. (Note that if a school has a zero-tolerance policy that always imposes the same discipline for such conduct regardless of the circumstances, imposing that discipline would not be considered retaliation.)

3) Conduct by a student or another person directed at another student in the form of harassment, intimidation, bullying, and/or reprisal.

Acts of retaliation for providing information regarding harassment or for participating in any way in an investigation of harassment are unlawful under 9 V.S.A. § 4506.

Retaliation may itself meet the definition of harassment, hazing, or bullying. If an act of retaliation also meets one of those definitions, the HHB Investigation Procedures must be followed. If an act of retaliation does not meet an HHB definition, retaliation may subject a person to appropriate action, including action under the school's code of conduct.

"School administrator" means a superintendent, principal, or assistant principal (if designated by superintendent or principal); technical center director or their designee; the head of school (or equivalent title) of an independent school or their designee.

"Student" means a student enrolled in the school at the time the alleged conduct occurred.

"Student/Staff Conduct Form" is a form used to record information on student or staff conduct that may constitute harassment or retaliation, or to record information on student conduct that may constitute hazing, or bullying.

"Title IX Coordinator" refers to its definition under Title IX regulations.

"Title IX Grievance Procedures" refers to the District's procedures that apply to formal complaints of sexual harassment under Title IX (if Title IX applies to the program).

"Title IX Policy" refers to the District's Title IX policy (if Title IX applies to the program).

AOE Model Procedures on Harassment, Hazing, and Bullying Investigations and Response

Purpose and Generally Applicable Information

Harassment, hazing, and bullying in schools have negative effects on students, including lower academic achievement, increased anxiety, reduced mental wellbeing, feelings of alienation from school, and chronic absenteeism.

It is the policy of the State of Vermont that all Vermont educational settings provide safe, orderly, civil, and positive learning environments. Harassment, hazing, and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

These Procedures on Harassment, Hazing, and Bullying Investigations and Response ("HHB Investigation Procedures") address schools' required response to information regarding harassment, hazing, and bullying, as defined in the Prevention through the Investigation and Response to Harassment, Hazing, and Bullying of Students ("HHB Investigation Policy"). The HHB Investigation Procedures do not address all conduct that may be hateful, bigoted, demeaning, unsafe, or otherwise prohibited under a school's plan for responding to student misbehavior. To the extent that conduct does not meet the definitions of harassment, hazing, or bullying, the [INSERT District OR School] will take appropriate action targeted to address the conduct and discourage students from continuing any conduct that may lead to harassment, hazing, or bullying. Appropriate action may include taking disciplinary action in line with the school's code of conduct.

Information on how to access technical support for HHB matters can be found on the Harassment, Hazing and Bullying Prevention and Response page of the Agency of Education web page.

Section 1: Step-by-Step Procedures

Reporting Incidents

Students, parents, guardians, and others are encouraged to report to a Designated Employee or any other school employee if:

- They think they have been harassed, hazed, and/or bullied; or
- They witness or have knowledge of conduct that they think could be harassment, hazing, and/or bullying.

Reports can be made either in writing or verbally. Students will not be disciplined for reports made in good faith, even if the school later determines that there was no violation of the HHB Investigation Policy. Retaliation against a student for reporting alleged harassment, hazing, and bullying is prohibited and will not be tolerated.

Intake, Referral, and Assessment

School Employee Duty to Engage in Intake and Referral

Any school employee who:

- Is a witness to conduct that may constitute harassment, hazing, and/or bullying; or
- Overhears, receives information, or otherwise has information from any source about conduct that may constitute harassment, hazing, and/or bullying, or otherwise receives Notice of Possible Violation

must first take reasonable action to intervene and stop the conduct (if it is being witnessed).

The school employee **shall not** screen or investigate the credibility of the report through the **intake** and **referral** process OR steps.

Intake: The employee must engage in intake as soon as reasonably practicable, but within the same school day. During intake, the employee will complete a Student/Staff Conduct Form, including as much information as the employee has at the time of form completion. The employee may seek and receive assistance from a Designated Employee in completing this form.

Referral: The employee will then refer the conduct to a Designated Employee by providing the Student/Staff Conduct Form to a Designated Employee as soon as reasonably practicable, but within the same school day, as witnessing or receiving information of harassment, hazing, or bullying. If one of the Designated Employees is a person alleged to be engaged in the conduct, the incident must instead be referred to the other Designated Employee or a school administrator.

Failure to intervene when appropriate or failure to refer such conduct upon receiving Notice of Possible HHB Violation to the Designated Employee or school administrator may result in discipline up to and including dismissal.

If the alleged conduct relates to sexual harassment as defined in HHB or may otherwise trigger Title IX grievance procedures, the employee will refer the conduct to the Title IX

Coordinator without delay.[7] Failure to refer such alleged conduct to the Title IX Coordinator will subject the employee to discipline up to and including dismissal. If the alleged conduct does not trigger Title IX Grievance Procedures, the Title IX Coordinator will refer it back to the school administrator for these HHB Investigation Procedures to be followed.

The obligations under these HHB Investigation Procedures are in addition to any mandatory reporting obligation under state law.

Reporting to Other Agencies

a. Reporting to the Department of Children and Families or to Adult Protective Services

When allegations of harassment, hazing, or bullying (including alleged conduct that triggers Title IX Grievance Procedures) includes allegations of child abuse, any person responsible for reporting suspected child abuse under 33 V.S.A. § 4911, et seq. must report the allegation to the Commissioner of the Division of Children and Families (DCF).

If the alleged victim is over the age of 18 and a report of abuse is warranted, the report shall be made to Adult Protective Services (APS) in accordance with 33 V.S.A. § 6901 et seq.

b. Reporting to the Vermont Agency of Education

If allegations of harassment by a licensed educator in a public school could be grounds under 16 V.S.A. § 1689 for licensing action, the principal must report the alleged conduct to the Superintendent and the Superintendent must submit a written report of the alleged conduct to the Secretary of Education, pursuant to 16 V.S.A. § 1699(a). If allegations of harassment by a licensed educator in an independent school that might be grounds under 16 V.S.A. § 1689 for licensing action, the head of school is encouraged to report the alleged conduct to the Secretary of Education.

c. Reporting Incidents to Law Enforcement

Law enforcement must be contacted immediately in case of imminent danger to individuals or the school community. Nothing in these procedures prohibits a school from reporting a crime witnessed first-hand to law enforcement officials.

FERPA Confidentiality Rights – All documentation created in compliance with these procedures is presumed to constitute an “education record” as defined by the Family

[7] In programs in which Title IX does not apply, this conduct shall be referred to the Designated Employee.

Education Rights and Privacy Act (FERPA). Disclosure of such records, including to law enforcement, is subject to the protections and procedures provided by FERPA.

Hazing Incidents – Unlawful hazing is defined in 16 V.S.A. § 570j as "any intentional, knowing, or reckless act committed by a student, whether individually or in concert with others, against another student:

1. in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization that is affiliated with the educational institution; and
2. that is intended to have the effect of, or should reasonably be expected to have the effect of, endangering the mental or physical health of the student."

It is unlawful to (1) engage in hazing as defined by16 V.S.A. § 570j; (2) solicit direct, aid, or attempt to aid, or abet another person engaged in hazing; or (3) knowingly fail to take reasonable measures within the scope of the person's authority to prevent hazing.

It is not a defense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity. Hazing incidents will be reported to law enforcement in a manner consistent with the FERPA confidentiality rights described in this section.

d. Continuing Obligation to Investigate

Reports made to DCF, Adult Protective Services, the Agency of Education, and/or law enforcement ***do not*** absolve the school administrators of their obligations under this policy and/or the Title IX policy (if applicable). The school may pause its investigation if directed by DCF, Adult Protective Services, AOE, or law enforcement, to avoid negatively impacting their investigation. The school is encouraged to request this direction from the appropriate agency to be documented in writing. If the school pauses its investigation as directed, it should seek to begin its investigation as soon as possible, generally once the other agency has completed witness interviews. If the school pauses its investigation, the delay must be documented in writing (even if not by the other agency), and any delays will be promptly communicated in writing to both parties, with a brief explanation of the delay to the extent FERPA permits, as well as an estimated date of completion and/or further written status update to the parties.

The assigned HHB investigator may ask to sit in on or have recordings of interviews by the investigative agency to avoid duplicative interviews of students, though the other agency is not required to agree to this. If this takes place, the assigned HHB Investigator must make appropriate efforts not to negatively impact the other investigation.

Assessment of Whether to Investigate Possible Harassment, Hazing, or Bullying

Once the Designated Employee receives a report or referral relating to alleged HHB, the following steps will be taken:

- The Designated Employee must promptly (within the same day) provide the Student/Staff Conduct Form to the school administrator.
- The school administrator must review the Student/Staff Conduct Form and assess whether, in their reasonable belief, the information alleges conduct which may constitute harassment, hazing or bullying. This determination must be made as soon as practicable, but within 24 hours of the Designated Employee informing the school administrator of the alleged harassment, hazing, or bullying. This does not apply to conduct reported to the Title IX coordinator, in which case, refer to the Section "**2. Interaction of HHB Investigation Procedures with Title IX** Procedures".
    - If the school administrator's reasonable belief is that the information may allege conduct which may constitute harassment, hazing or bullying, the school administrator will complete the portion of the Student/Staff Conduct Form documenting this determination. An investigation will be launched, and the school administrator or a designee will take the steps outlined below, beginning in the Section "**Investigation**".
    - If the school administrator's reasonable belief is that the information does not allege conduct that constitutes harassment, hazing, or bullying, the school administrator will indicate that on the Student/Staff Conduct Form.
        - ***If the individual who reported the conduct to the school was also the complainant or their parent (i.e., the alleged victim or their parent, if they are under the age of 18), the school will promptly inform them in writing that the school administrator has determined that the information does not allege conduct which may constitute harassment, hazing, or bullying, and that no investigation will be conducted.***

Interim Measures

It may be appropriate for the school to offer and provide Interim Measures during the investigation of a report of HHB to the complainant and respondent. These measures can be provided during the period of investigation and can continue after the end of the investigation, regardless of investigation outcome.

Interim measures cannot include disciplinary action, for any student. If any complainant, respondent, or witness student has an Individualized Education Program (IEP) or 504 plan, the school must ensure that the student's IEP program or 504 plan is implemented while providing interim measures.

The school will make a reasonable effort to avoid disclosing names of any parties involved during the investigation and in the provision of interim measures – the complainant, the witnesses, and the respondent – except to the extent necessary to carry out the investigation or to effectuate a safety plan or other interim measures.

If the alleged harasser is the complainant's teacher, the school shall consider allowing the student to transfer to a different class or placing the teacher on administrative leave or temporary reassignment. The school must provide appropriate accommodations, as needed, to provide the student continued access to their education.

Examples of interim measures include but are not limited to:

- Safety plans with non-disciplinary provisions (refer to the Section "**Safety Plans**" for more information on safety plans);
- Access to counseling;
- Extensions of deadlines or other course-related adjustments;
- Academic support services;
- Modifications of work or class schedules;
- Mutual restrictions on contact between the parties; and
- Any other reasonably supportive measure that does not unreasonably burden any other person's access to education.

Investigation

When the school administrator determines, in their reasonable belief, that the information alleges conduct that may constitute harassment, hazing or bullying, the school administrator will cause an investigation to be initiated into the allegations, following these procedures.

From the time the Designated Employee receives a report or referral regarding alleged harassment, hazing, or bullying, the school must complete the following tasks within five (5) school days:

- Provide a copy of the HHB Investigation Policy and Procedures and the written letter explaining the investigation and rights to the parties (refer to the Section

"**Investigation Step 1: Provide Written Letter Explaining Investigation and Rights"**);

- Assign an investigator (refer to the Section "**Investigation Step 2: Assign an Investigator"**);
- Conduct the investigation and make a determination (refer to the Section "**Investigation Step 3: Conduct the Investigation - Basics** and **Investigation Step 4: Determination**"); and
- Submit determination to the school administrator, along with an investigation report (refer to the Section "Confidentiality of the Investigation Report**Investigation Step 5: Investigation Report "**); and
- The school administrator will make the school determination and issue a written letter explaining the determination to the parties (refer to the Section "**Investigation Step 6: Provide Written Determination Letter to the Complainant and Respondent**").

Each of these steps is explained in more detail, along with maximum timelines associated with each stage. However, given the short timeline, each action must take place as soon as feasible.

Any delays must be documented and justified by extenuating circumstances, and approved by a school administrator. Delays will be promptly communicated in writing to both parties, with a brief explanation of the delay to the extent FERPA permits, as well as an estimated date of completion and/or further written status update to the parties.

If the matter has triggered Title IX Grievance Procedures, documented extenuating circumstances may include the steps required for Title IX grievance procedures, if they cannot reasonably be completed within this timeline.

Investigation Step 1: Provide Written Letter Explaining Investigation and Rights

Once the school administrator has determined that they will open an investigation, the administrator or a designee will provide the following to both the complainant and the respondent (or to the parent/guardian of the complainant and/or respondent if either is under the age of 18):

- The HHB Investigation Policy and Procedures.
- A written letter that includes the following:
    - An HHB investigation has been initiated;

- A summary of the alleged conduct that may constitute harassment, hazing or bullying;
- An investigation is being conducted that will result in a determination as to the conduct that occurred and whether that conduct was substantiated as harassment, hazing, or bullying;
- A brief explanation of the investigation process, timeline, and expected next steps;
- Retaliation is not permitted (and is unlawful in cases of harassment, 9 V.S.A. § 4506), the school will take steps to prevent retaliation, and the school will take action if retaliation occurs;
- Any provision in the school's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during this process;
- All parties have confidentiality rights; and
- The parties will be informed in writing of the outcome of the investigation.
- For a harassment complaint, the letter must include that the complainant also has the right to file reports of harassment with either the Vermont Human Rights Commission and/or the federal Department of Education's Office of Civil Rights.
- For the letter to the Respondent, the letter will also explain any potential discipline the Respondent could face if the conduct is substantiated.

This letter should be issued by email, if possible, and should be issued as soon as feasible after the decision to open an investigation has been made, but within one (1) school day of the administrator's decision to open the investigation.

Written letters regarding harassment, hazing, or bullying are subject to FERPA. This means that the letter may not contain the names of the respondent or complainant unless the parent/guardian or student (if age 18 or older) consents to the release of information in the notice. That written consent must authorize the school to make the disclosure, indicate to whom disclosure may be made, and indicate the reason for the disclosure, before disclosure can be made.

Investigation Step 2: Assign an Investigator

Upon the determination by the school administrator that an investigation will occur, the school administrator will assign an investigator to conduct the investigation. Nothing precludes school administrators from assigning themselves or a Designated Employee

as the investigator. The school administrator will not assign a person who is the subject of a HHB report or referral as the investigator. The investigator must be unbiased and free from conflicts of interest. This does not mean that the investigator cannot know the students involved or have had prior experiences with the students. The school administrator should consult with district-level leadership if they require assistance identifying a trained and unbiased investigator.

Investigation Step 3: Conduct the Investigation - Basics

The investigator will attempt to collect all relevant information and evidence.

The investigator will investigate the following, among other things:

- Surrounding circumstances;
- Nature of the behavior;
- Past incidents or past/continuing patterns of behavior;
- Relationships between the parties involved;
- The context in which the incidents occurred; and
- The negative impact of off-campus conduct on the school environment.

With respect to investigations of sex-based harassment or sexual harassment, the investigator will not investigate the sexual history of a complainant or respondent. However, in limited circumstances, sexual history may be directly relevant to the investigation.

- As to complainants: While the investigator will never assume that a past sexual relationship between the parties means the complainant consented to the specific conduct under investigation, evidence of how the parties communicated consent in past consensual encounters may help the investigator understand whether the respondent reasonably believed consent was given during the encounter under investigation. Further, evidence of specific past sexual encounters may be relevant to whether someone other than the respondent was the source of relevant physical evidence.
- As to respondents: Sexual history of a respondent might be relevant to show a pattern of behavior by the respondent or resolve another issue of importance in the investigation.
- Sexual history evidence that is being proffered to show a party's reputation or character will never be considered relevant on its own.

No information protected by a legal privilege, such as the attorney-client privilege or doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it. The school is not allowed to access an individual's personal records if they are maintained by a physician, psychiatrist, psychologist, or other professional for the purpose of treatment to the party, without the individual's (or their parent's, if the individual is under the age of 18) consent.

The investigation may include conversations or interviews with the complainant, respondent, and/or witnesses. There is no requirement that the complainant or respondent's parent or guardian provides consent before the investigator has a conversation or interview with a student.

Schools must offer appropriate reasonable accommodations and/or other supports to students with disabilities or students with communication needs during interviews. Ensure that one or more members of the student's IEP or 504 team are involved early to help identify appropriate accommodations and support for students with disabilities.

To the extent that information comes to light during the investigation that may constitute additional or different Notice of Possible HHB Violation of harassment, hazing, or bullying, the investigator will inform the Designated Employee and these procedures will be followed as a separate referral. Once opened, the investigations may proceed simultaneously with the intent to avoid unnecessary multiple interviews. To the extent that the investigator identifies other conduct that may constitute a violation of other (non-HHB) school code of conduct, the investigator will refer the conduct to the school administrator for appropriate action.

The investigator will objectively review any complaint or report, any evidence, and any information from witnesses and the parties. They will make determinations of credibility of witnesses and evidence in an objective manner, not relying on stereotypes or the presence of particular traits.

The investigator will inform the school administrator of their determination. The school administrator will make the school's determination.

Investigation Step 4: Determination

Within five (5) school days from the receipt of allegations of harassment, hazing, or bullying by a Designated Employee, the investigator will make their initial determination as to whether the alleged conduct occurred and whether the alleged conduct constituted harassment, hazing, and/or bullying. The investigator will inform the school administrator of their determination.

Investigation Step 5: Investigation Report

The investigator will write and submit an Investigation Report to the school administrator no later than five (5) school days from the receipt of a report of harassment, hazing, or bullying by a Designated Employee, unless there are documented extenuating circumstances. If the matter has triggered Title IX Grievance Procedures, documented extenuating circumstances may include the steps required for Title IX Grievance Procedures, if they cannot reasonably be completed within this timeline.

An Investigation Report will include the following:

- A summary of the relevant evidence;
- A statement of the investigator's findings and determination as to whether the allegations have been substantiated (i.e. whether the alleged conduct occurred); and
- A statement of the investigator's findings and determination as to whether the conduct that occurred constitutes harassment, hazing, or bullying.

Standard

The investigator will use a preponderance of the evidence standard. This means that the investigator must determine whether the alleged facts are more likely than not to be true. The investigator can make their own determinations about the credibility of witnesses and evidence. The investigator must determine a witness's credibility based on objective information available. The investigator **may not** rely on instinct, stereotypes, or the presence of particular traits or protected characteristics in making credibility determinations.

Confidentiality of the Investigation Report

The Investigation Report, when referencing student conduct, is an education record and therefore confidential. It may not be released to the complainant, respondent, or their parents unless they have the written consent of the respective parent or eligible student, or is released in compliance with the process set out in the **Section "b. Appellant (Respondent) Access to Investigation** Reports/Findings". It will be made available in the context of an Independent Review, in accordance with the Section "**b. Independent Reviews of Final Harassment Determinations, Sought** by Complainant" or a review conducted by either Vermont AOE or investigations of harassment conducted by the Vermont Human Rights Commission or U.S. Department of Education Office of Civil Rights.

Investigation Step 6: Provide Written Determination Letter to the Complainant and Respondent

No later than five (5) school days from the receipt of a report of HHB by a Designated Employee[8], the school administrator will provide a written determination letter to the complainant and respondent (or, if either is under 18 years old, their respective parent/guardian) of the following:

- The investigation has been completed;
- A brief, anonymized description of the conduct that was found to have occurred;
- The determination as to whether the alleged conduct occurred;
- The determination as to whether the conduct that occurred constituted harassment, hazing, or bullying; and
- That federal law prevents disclosure of any discipline imposed as a result of the investigation unless the respondent student or their parent/guardian (if the respondent student is under 18 years old) consents to such disclosure, pursuant to 34 C.F.R. § 99.30.

For the complainant in a harassment investigation (or their parent/guardian, if the complainant is under 18 years old), the written determination letter will also include notice of the following rights:

- The complainant has the right to request an internal review by the school of its initial determination as to whether harassment occurred. The internal review and issuance of the Final Decision will be completed within 30 days after the internal review is requested.
- The complainant has the right to request an Independent Review of the school's Final Decision with respect to a harassment investigation. This must be requested within thirty (30) days of the school's Final Decision. An Independent Review is available either because a student is dissatisfied with the Final Decision as to whether harassment occurred or believes that, although a final determination was made that harassment occurred, the school's response to that harassment was inadequate to correct the problem. An Independent Review will be conducted by an investigator to be selected by the superintendent from a list developed by the Agency of Education.

[8] This timeline may be extended due to documented extenuating circumstances, which may include the steps required for Title IX Grievance Procedures, if they cannot reasonably be completed within this timeline.

- The complainant has the right to file reports of harassment with either the Vermont Human Rights Commission and/or the federal Department of Education's Office of Civil Rights.

For the respondent (or their parent/guardian, if the respondent is under 18 years old), the written notice will also include their right to appeal as described in Section "**3. Rights of Student** Respondents" below.

When Title IX Grievance Procedures are also implicated, the District shall follow the Title IX Grievance Procedures with respect to notification of the determination.

Duties Following a Substantiation of Harassment, Hazing, or Bullying

After a substantiation of harassment, hazing, or bullying, the school must take prompt and appropriate action reasonably calculated to:

- stop the harassment, hazing, or bullying;
- prevent any recurrence of harassment, hazing, or bullying;
- remedy its effects on the complainant(s); and
- restore the complainant's access to the education program or activity.

The school's response must be guided by these considerations, as well as age- and developmental appropriateness of the response.

Depending on the facts of the situation, the school may need to take class-wide, grade-wide, school-wide, or broader school community actions, rather than actions individualized to only the complainant and/or respondent. If the initial actions taken are ineffective, the school must consider what additional actions may be appropriate to meet these goals. Examples of responses to substantiated claims may include, but are not limited to, the following:

- Developmentally appropriate warning to student respondent;
- Education, training, and/or counseling for the complainant, respondent, parents of the complainant and/or respondent, witnesses or peers, class, grade, teachers, etc., to ensure that they understand what constitutes harassment, hazing, or bullying, the effects it can have, and to help them address any impact of the incident;
- When all parties voluntarily agree to participate, restorative practices may be explored to address the harms and needs of the respondent and complainant;

- To the extent feasible, attempt to have the respondent and complainant in separate learning environments;
- Create a safety plan;
- When applicable, engage a student's IEP team to consider appropriate strategies in response to behaviors that are a manifestation of the disability that are consistent with harassment, hazing, or bullying;
- Restrictions or loss of privileges;
- Disciplinary action for a student respondent, up to and including suspension and/or expulsion; and
- For an employee respondent, potential actions may include a warning; reprimand; education, training, and/or counseling; or disciplinary action up to and including suspension and/or termination.

The appropriateness of any response taken hinges on whether such response was reasonably calculated to stop and prevent a recurrence of any violative conduct and restore the complainant's access to the education program or activity, given the then-known surrounding facts and circumstances.

Restoring and Supporting School Access and a Positive and Safe Learning Environment

The school will make efforts to support and restore complainants' access to the school's programs, services, and activities, as well as to create a safe and healthy learning environment for students. The school will take effective steps to eliminate any hostile and/or threatening environment that has been created. School-wide, grade, or classroom remedies will be considered, when appropriate.

- For example, if a student has been subjected to harassment or bullying by a group of other students in a class, the school may need to deliver special training or other interventions for that class to repair the educational environment. If the student asks to withdraw from a class in which a hostile environment/bullying occurred, the complainant's preferences should be considered when making program or schedule changes, and the school should ensure that no changes adversely affect the student's academic record. If this class change is requested by the complainant, the school's accommodation of that request will not be viewed as an act of discrimination or retaliation by the District against the Complainant.

- If a hostile environment has affected the entire school or campus, an effective response may need to include the dissemination of information, the issuance of new policy statements, or other steps that are designed to clearly communicate the message that the school does not tolerate harassment, hazing, or bullying and will be responsive to any student who provides information regarding alleged conduct.
- Students may be offered school-based counseling services.

The school should consider whether restorative practices are appropriate in responding to substantiated violations. Restorative practices are ***voluntary*** by all parties. The parties must choose to participate in the practices and choose how they participate in them, so long as their choices do not infringe on someone else's safety or ability to participate. They may not be implemented unless the victim and respondent agree to participate. The school may not expect or require students to participate in these practices in response to substantiated harassment, hazing, or bullying. Restorative practices must maintain the confidentiality of the complainant/victim.

Safety Plans

In all cases in which physical harm has resulted and/or where either student is known to be expressing suicidal ideation, or experiencing serious emotional harm, a written safety plan **will** be put in place.

A safety plan should also be created if:

- A student requests one;
- The complainant expresses fear, danger, or anguish about the learning environment;
- The complainant is known to have difficulty accessing the educational programs at the school because of the alleged conduct.

Safety plans can be created as an interim measure, as a response to substantiated harassment, hazing, or bullying, or in other cases.

A safety plan could include mutual no-contact agreements, placement on separate transportation, or increased monitoring of students' interactions by staff, implementing a check-in/check-out protocol with a trusted adult, among other things. The safety plan should be designed so that all involved students have continued access to their education. The complainant's daily life at school should not be materially disrupted by the safety plan.

If a safety plan is created, the school must ensure that any school staff who may be responsible for implementing or monitoring the safety plan understands their responsibilities related to implementing the safety plan. Parents can provide input into

the creation of the safety plan. In cases of lack of consensus, the school administrator or their delegate will make final decisions on the safety plan. The safety plan will be provided to the parents of all students affected by the safety plan, or directly to the students, if the students are over the age of 18.

The school will ensure that all students covered by the safety plan will be informed of the obligations and limitations set out in the safety plan.

If the safety plan explicitly provides notice that the school reserves the right to impose discipline for a violation of a safety plan, violation of a safety plan by either party may result in disciplinary action. The school may, at its discretion, wait until the conclusion of the HHB investigation to seek to impose such discipline.

The school will monitor its implementation of the safety plan and how the impacted students are responding to the safety plan. The school may revise the safety plan or eliminate the safety plan, if appropriate, to address the ongoing safety and needs of the students.

Potential Disciplinary Actions

Disciplinary action may be taken in line with the school's code of conduct. Disciplinary action should be limited to instances in which:

- The HHB conduct had a measurable negative impact on a student's access or experience in the education program or activity;
- The HHB conduct contributed to a hostile learning environment for a student; or
- The HHB conduct did or had the potential to substantially disrupt the educational learning environment.

Employees: Disciplinary action with respect to an employee respondent for substantiated harassment may include any sanction available for the discipline of employees, up to and including dismissal or non-renewal for any other violation of Board policy, applicable individual or collective bargaining contract, or state or federal laws or regulations. Nothing in this policy prevents the District from placing a non-student employee respondent on administrative leave during the pendency of a harassment investigation and determination process. If employee is subject to a collective bargaining agreement, that agreement will be complied with for any disciplinary action.

Students: Disciplinary action with respect to a student respondent for substantiated harassment, hazing, or bullying may include any available discipline, up to and including suspension or expulsion, to the extent permitted by District policies, rules, procedures, and student code of conduct. Any disciplinary action taken must be consistent with laws and rules regarding school discipline and concepts of due

process. Any disciplinary action must also be targeted improve complainant's access to the educational environment, respond to and address any hostile learning environment, and discourage the respondent from engaging in similar conduct in the future.

If the respondent is a student with a disability, the student must be granted disciplinary protections guaranteed under state and federal law and regulation, including through State Board Rule series 4000, beginning at rule 4300. These include protections for:

- Students with individualized education programs (IEPs)
- Students with 504 plans; and
- Students whom the LEA is "deemed to know" have a disability before the conduct occurred, under State Board rule 4313.5.

If the student responsible for the harassment, hazing, or bullying is under the age of eight, 16 V.S.A. § 1162 applies. The student may not be suspended or expelled from school unless they pose an imminent threat of harm or danger to others in the school.

Hazing Case Considerations

Appropriate penalties or sanctions or both for organizations or individuals who engage in hazing may include revocation or suspension of the organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing.

Section 2: General Information

1. Retaliation Prevention

It is unlawful for any person to retaliate against a person who has made a report or referral of harassment or against a person who assists or participates in an investigation, proceeding, or hearing related to the report of harassment, pursuant to 9 V.S.A. § 4506. A person may violate this anti-retaliation provision regardless of whether the underlying report of harassment is substantiated.

The District will take reasonable steps to prevent any retaliation against anyone who provides information regarding harassment, hazing, or bullying, and/or who participates in any way in an investigation relating to harassment, hazing, or bullying.

Retaliation may itself meet the definition of harassment, hazing, or bullying. If an act of retaliation also meets one of those definitions, the HHB Investigation Procedures must be followed. If retaliation does not meet a definition of harassment, hazing, or bullying, it may nevertheless subject a person who engages in retaliation to appropriate action, which could include disciplinary action.

Anyone who feels they have experienced retaliation because of their role in an HHB investigation is encouraged to report this to a school administrator. Anyone who feels they have experienced retaliation because of their role in a harassment report or investigation can report this to the Vermont Human Rights Commission, https://hrc.vermont.gov/.

2. Interaction of HHB Investigation Procedures with Title IX Procedures[9]

If, at any point during the implementation of these procedures, conduct comes to light that may trigger Title IX grievance procedures for students[10], the information shall immediately be referred to the Title IX Coordinator. Failure to report such alleged conduct to the Title IX Coordinator may subject the employee to discipline up to and including dismissal. If the alleged conduct does not trigger Title IX grievance procedures, the Title IX Coordinator will refer it back to the school administrator for these HHB Investigation Procedures to be followed.

Compliance with Title IX grievance procedures will generally be considered compliant with these HHB Investigation Procedures. Please note the following:

- **Complaint:** Title IX requires a Formal Complaint to trigger the Title IX Grievance Procedures. If there is information about possible sexual harassment that would fall under Title IX Grievance Procedures, but neither the Complainant nor the Title IX Coordinator files a Title IX Formal Complaint, no disciplinary sanctions can be imposed.
- **Supportive Measures/Interim Measures:** Supportive measures under Title IX Grievance Procedures and Interim Measures under these HHB Investigation Procedures must be considered at the same time and should be consistent with one another.
- **Timeline:** The Title IX/HHB investigation must be completed within the HHB timelines, unless that is not feasible due to the more robust Title IX Grievance Procedure requirements. Difficulty meeting the HHB timelines due to the

[9] This section shall be included if Title IX of the Educational Amendments Act of 1972, 20 U.S.C. §§ 1681, et seq. applies to the program. If Title IX does not apply to the program, this section does not need to be included and the HHB Investigation Procedures must be followed for all reports of harassment, hazing, and/or bullying, as defined in the HHB Investigation Policy. However, Title IX likely applies to any public or private educational program if it is the recipient of any Federal financial assistance, direct or indirect. The guidance of an independent school's legal counsel is suggested to advise on whether the school is subject to Title IX requirements.

[10] These HHB Investigation Procedures do not address any harassment, hazing, or bullying of employees. Any Title IX Grievance process that does not involve a student (e.g., if it relates to sexual harassment of an employee) will proceed in accordance with the District's Title IX Grievance Procedures, without reference to these HHB Investigation Procedures.

additional Title IX requirements is a valid extenuating circumstance, justifying an extension to the HHB timelines.

- **Appeal and Review Rights:** Districts and schools must implement internal appeal procedures equally for complainants and respondents in Title IX grievance matters. Therefore, for reports that trigger both Title IX and HHB matters, the Title IX Grievance Procedures must be followed with respect to school and district-level rights to review.
- **Disciplinary Sanctions:** Unless and until Title IX Grievance Procedures have been followed, discipline ***may not*** be issued against a respondent for conduct that triggers both HHB Investigation Procedures and Title IX Grievance Procedures.

If at any point during the Title IX investigation, it is determined that Title IX does not apply to the program or if the conduct falls outside of the Title IX Grievance Procedures but would otherwise be considered "sexual harassment" or any other type of harassment, hazing, or bullying under this policy, these HHB Investigation Procedures must be implemented.

3. Interaction of HHB Investigation Procedures with Behavioral Threat Assessment, Critical Incidents, and Emergency Response

If an HHB incident appears to indicate an imminent act of violence or significant safety concern that requires protective actions (i.e., lockdown, immediate engagement of law enforcement due to a weapon on campus), School Administrators will immediately contact law enforcement and initiate emergency operations procedures.

Following the immediate crisis response, when safe to do so, a behavioral threat assessment must be conducted in accordance with Vermont state regulations for school threat assessment under 16 V.S.A. § 1485.

If alleged conduct meets the definition of harassment, hazing, or bullying, but also constitutes a threat of violence or other alarming behavior, the school must also follow its Behavioral Threat Assessment (BTA) policy and procedures concurrently to this investigation process. The District should screen the case to determine if it is an emergency/imminent safety concern and to determine if a behavioral threat assessment is needed. If a behavioral threat assessment is needed, it should be conducted concurrently with the HHB investigation. If the behavioral threat assessment team determines that providing a written letter explaining investigation and rights to the complainant and the respondent (or to the parent/guardian of the complainant and/or respondent if either is under the age of 18) will increase the risk of violence by a Student of Concern to an imminent threat, the HHB process may be paused until the behavior threat assessment process can be concluded. Under these

circumstances, pausing the HHB process to allow for the BTA process to be concluded is a valid extenuating circumstance, justifying an extension to the HHB timelines.

If through the course of a behavioral threat assessment, information or allegations come to light that the student of concern has been the victim of harassment, hazing, or bullying, these procedures must be followed at the same time as the Behavioral Threat Assessment (BTA) policy and procedures.

If any disciplinary actions will be taken relating to conduct triggering both behavioral threat assessment procedures and these HHB Investigation Procedures, refer to Section "**Potential Disciplinary Actions**" for more information.

4. False Statements

Any student who knowingly makes a materially false statement regarding harassment, hazing, or bullying in bad faith may receive appropriate educational responses and disciplinary action, up to and including, in rare circumstances, suspension and expulsion.

The school presumes that a student's disclosure of conduct that may be harassment, hazing, or bullying is made in good faith. A finding of no responsibility and/or no violation of the HHB Investigation Policy does not mean that the disclosure or other statement was made in bad faith and does not trigger a determination of a false statement. Implementing discipline without finding that a materially false statement was made in bad faith may be considered retaliation, depending on the circumstances.

5. Responding to Conduct of Third Parties or Between Students or Staff at Different Schools

When there have been observations or allegations of conduct that could constitute harassment, hazing, and/or bullying by a respondent who is neither an employee nor student at the school, school staff should:

- Take immediate action to stop the conduct;
- Take action to prevent any recurrence of the conduct;
- Remedy the effects on the complainant(s) by considering and providing measures designed to restore and preserve students' access to school programs and activities; and
- Restore the complainant's access to the education program or activity.

While schools are not required to implement the HHB Investigation Procedures relating to investigations in situations in which they do not have control over the respondents (because they are third parties or students at other schools), schools must take

appropriate steps to preserve or restore a complainant's access to school and educational activities.

If the reported incident involves students from more than one school, the school administrator or designee first informed of the incident will promptly notify by telephone the principal of the other school(s) of the incident (and documenting the communication) so that each school may take appropriate action.

Schools should refer to the Vermont Principal's Association policies regarding responding to conduct at school-sponsored events.

Section 3: Reviews, Rights, and Appeals

1. Rights of Complainants for Harassment Determinations

a. Internal Review of Initial Harassment Determinations, Sought By Complainant

A complainant (or parent, if the complainant is under 18 years old) may request an internal review by the District of the school's determination. The request must be in writing and submitted to the Superintendent. The Superintendent or their designee should review the Investigation Report and may review any records of conversations or interviews or other investigation materials and will issue a Final Decision. All levels of an internal review of the school's determination, and the issuance of a Final Decision, must be completed within thirty (30) calendar days after the review is requested.

b. Independent Reviews of Final Harassment Determinations, Sought by Complainant

A complainant in a harassment investigation may request an independent review. This request must be made within thirty (30) days of the Final Decision. This is available if the complainant is:

- Dissatisfied with the final determination as to whether harassment occurred, or
- Believes that although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem.

To request an independent review, the complainant (or their parent, if the complainant is under 18 years old) must make the request in writing to the Superintendent within thirty (30) days of a Final Decision. Upon receiving the request, the Superintendent will promptly initiate an independent review by a neutral person as described under 16 V.S.A. § 570a(b)(1) and will cooperate with the independent reviewer so that the review proceeds expeditiously.

A [INSERT school board OR governing body of the independent school] may also request an independent review of a harassment investigation at any stage of the process.

An independent review is conducted by a neutral person selected from a list maintained on the Agency of Education website. The independent review will include interviews with the complainant and relevant school officials, as well as a review of the written materials from the school's investigation.

The independent reviewer has authority to provide their informed opinion and to make recommendations based on their review. The independent reviewer has no authority to require the school to impose or change a disciplinary response, directly impose discipline on a student or staff member, or reverse the decision of the school.

Upon completing the independent review, the independent reviewer will draft a report, which will include: (1) the independent reviewer's assessment of the sufficiency of the school's investigation, the school's determination, and/or the steps taken by the school to correct any harassment found to have occurred, and (2) the independent reviewer's recommendations of steps the school might take to prevent additional harassment from occurring. The independent reviewer will provide a copy of this report to the District, the complainant, and the Secretary of Education.

The independent reviewer will advise the student of other remedies that may be available if the student remains dissatisfied. The independent reviewer is an agent of the school for the purpose of access to confidential student records. The costs of the independent review will be borne by the District.

2. Rights to Additional Processes for Harassment Reports:

In addition to reporting harassment pursuant to the HHB Investigation Policy and Procedures, a person may file a harassment complaint with the Vermont Human Rights Commission or the Office for Civil Rights of the U.S. Department of Education:

- Vermont Human Rights Commission, https://hrc.vermont.gov/
- Office for Civil Rights, U.S. Department of Education, https://www.ed.gov/about/ed-offices/ocr

3. Rights of Student Respondents

a. Appeal

Any student determined to have engaged in harassment, hazing, or bullying may appeal the determination and/or any related disciplinary action to the District school board. The appeal must be requested in writing to the District school board

within ten (10) calendar days of receiving the determination that harassment, hazing, or bullying has occurred or of any announced disciplinary action.

The District school board will set the matter for a review hearing at the next scheduled school board meeting to the extent practicable, but not later than thirty (30) days from receipt of the appeal filing. Extensions may be arranged when mutually agreeable.

The District school board will consider the appeal by reviewing the Investigation Report and determination. The District school board will not hear from witnesses or take any new evidence. The District school board will hear relevant arguments from the District and/or parent/eligible student. The District school board will determine whether the school "abused its discretion" in finding that an act of harassment, hazing, or bullying occurred and/or assigning the disciplinary action. This abuse of discretion standard means that the District school board will not disturb the determination unless they find that the decision was clearly untenable or unreasonable, or its findings or conclusions were not supported by the evidence in the investigation.

b. Appellant (Respondent) Access to Investigation Reports/Findings

At the request of the student appellant/respondent (i.e., the accused student) in harassment, hazing, or bullying appeal to the District school board, the District will make available to the student the relevant investigation-related information, documents, and other materials, to the extent possible consistent with confidentiality protections. Prior to granting the student access to these materials, the District will redact or otherwise remove any personally identifying student information, in compliance with 34 C.F.R. § 99. If it is not possible to redact or otherwise remove all personally identifying student information, the school administrator may (but is not required to) seek the written consent of the complainant student or their parent/guardian (if the student is under 18 years old) to inform the appellant/respondent of the investigation findings. That written consent must authorize the school to make the disclosure, indicate to whom disclosure may be made, and indicate the reason for the disclosure.

4. Confidentiality and Privacy Concerns

The privacy of the identity of the complainant, the respondent, and the witnesses shall be maintained to the extent feasible, consistent with the District's

obligations to investigate, to take appropriate action, and to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations.

In all cases, school officials will discuss confidentiality standards and concerns with the complainant. The school will remind the student and parent that retaliation is not permitted (and is unlawful in cases of harassment, 9 V.S.A. § 4506), the school will take steps to prevent retaliation, and the school will take action if retaliation occurs.

No school staff member involved in the HHB investigation shall use any student record beyond the purpose of the investigation or re-disclose records obtained by being involved in the investigation, except as permitted by FERPA.

Section 4. Disseminating Information and HHB Training

1. Disseminating Information

Annually, before the beginning of any curricular or co-curricular activities, the District must provide notice of the HHB Investigation Policy and Procedures to students, parents/guardians, and staff members. This notice must also include:

- The consequences of misbehavior contained in the plan required by 16 V.S.A. § 1161a; and
- A statement that the District has a policy against discrimination on the basis of sex and that it is required by Title IX not to discriminate on the basis of sex.

The notice to students of the HHB Investigation Policy and Procedures must be provided in age-appropriate language and include examples of harassment, hazing, and bullying.

At a minimum, this notice must appear in at least one publication of the District that sets forth the comprehensive rules, procedures, and standards of conduct (e.g., student handbook), and should also be posted on the District website.

The District must prominently display the contact information (name or title, office address, email address, and telephone number) for the Designated Employees in at least one place in the school building and either in the student handbook or District website.

2. Staff Training

The District school board or its designee must ensure that teachers and other staff whose job responsibilities include

any student supervision or interaction receive annual training in preventing, recognizing, and responding to harassment, hazing, and bullying, in at least the following areas:

- Definitions of “harassment”, “hazing”, “bullying”, and “retaliation” and that these definitions can include off-campus conduct of any nature, including conduct involving social media, texting, or other online activity (commonly known as “cyber-bullying”).
- Their responsibilities as set out by these procedures relating to:
    - Intervening to stop conduct (if it is being witnessed);
    - The duty to engage in intake and referral, when that duty is triggered, and how it is met, both with respect to harassment, hazing, and bullying, as well as conduct that triggers Title IX Grievance Procedures; and
    - That following these procedures is in addition to any child abuse mandatory reporting obligation under state law.
- The identities of the Designated Employee(s) and Title IX Coordinator.
- That they may need to implement or enforce/support interim measures.
- What retaliation is, that it is not permitted, and how to recognize and implement appropriate steps to address retaliation or suspected retaliation.
- Age-appropriate strategies for addressing or intervening to prevent HHB incidents.
- Strategies and expectations in implementing, supporting, and enforcing interim measures and/or safety plans.
- The impact of trauma on brain development.
- Additional training based on the needs of the school.

Any staff who are involved in any fact-finding or investigations of harassment, hazing, or bullying, including but not limited to the school administrator, Designated Employee, and Investigator, must receive annual training in the following:

- Everything set out above for other staff/volunteers;
- Intersection of this policy and procedures with Title IX requirements;
- All steps required in these procedures relating to their role and responsibilities;
- How to conduct the investigation/fact-finding in an effective manner;

- Considerations in communications with students and families regarding harassment, hazing, and bullying, including but not limited to:
    - FERPA and confidentiality concerns regarding allegations, investigations, findings, and actions taken in response to substantiated allegations of harassment, hazing, or bullying.
    - When and how notices and other communications should be sent to parents and students.
    - Discussions in general regarding harassment, hazing, and bullying.
- Additional training based on the needs of the school.

In addition, school districts and independent schools should explore preventative school climate trainings and programs, including on trauma-informed investigation practices, objective investigation practices, creating effective safety plans, restorative approaches, responsive classroom practices, and school climate surveys.

Data and Reporting

Annual State Reporting

Supervisory Districts, Supervisory Unions, and independent schools are required to report HHB incident information to AOE on an annual basis.

Legal References

Title V, Section B, 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.;

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d;

Title IX of the Educational Amendments Act of 1972, 20 U.S.C. §§ 1681, et seq.;

Family Education Rights Privacy Act; 20 U.S.C. § 1232g;

Public Accommodations Act, 9 V.S.A. §§ 4500, et seq.;

Education, Classifications and Definitions, 16 V.S.A. §§ 11(26), (30)(A), (32);

Education, 16 V.S.A. § 166(e);

Education, Bullying, 16 V.S.A. § 570c;

Education, Harassment, Hazing and Bullying, 16 V.S.A. § 570;

Education, Harassment, 16 V.S.A. § 570a;

Education, Harassment, 16 V.S.A. § 570c;

Education, Harassment, 16 V.S.A. § 570f;

Education, Hazing, 16 V.S.A. § 570b;

Education, Hazing, 16 V.S.A. § 570f

Education, Discipline, 16 V.S.A. § 1161a;

Education, Suspension or Expulsion of Pupils; 16 V.S.A. § 1162;

Child Abuse, 33 V.S.A. §§ 4911 et seq.;

Adult Protective Services, 33 V.S.A. § 6901 et seq., as they may be amended from time to time;

Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969);

Mahanoy Area School District v. B.L., 594 U.S. 18 (2021);

Washington v. Pierce, 179 VT 318 (2005).

Appendix

Designated Employees:

The following employees of LNSU have been designated by the District to receive allegations of harassment, hazing, and bullying pursuant to this policy and 16 V.S.A. § 570a(a)(7) and 16 V.S.A. § 570c(7).

Name: Kim Lesny

Title: Principal, Cambridge Elementary School

Contact Information: klesny@lnsd.org

Name: Santha Dahlin

Title: Student Support Specialist, Cambridge Elementary School

Contact Information: sdahlin@lnsd.org

Name: Chris Dodge

Title: Principal, Eden Central School

Contact Information: cdodge@lnsd.org

Name: Annissa Parrett

Title: Student Support Specialist, Eden Central School

Contact Information: aparrett@lnsd.org

Name: Jess Barbour

Title: Behavior Interventionist, Hyde Park Elementary School

Contact Information: jbarbour@lnsd.org

Name: Shawn Clough

Title: PE Teacher, Hyde Park Elementary School

Contact Information: sclough@lnsd.org

Name: Sydney Alexander

Title: Behavior Interventionist, Hyde Park Elementary School

Contact Information: salexander@lnsd.org

Name: Joe Garceau

Title: Lead Student Support Center Supervisor, Johnson Elementary School

Contact Information: jgarceau@lnsd.org

Name: Mel Masterson

Title: Student Support Center Supervisor, Johnson Elementary School

Contact Information: mmasterson@lnsd.org

Name: Jan Patrick

Title: Principal, Waterville Elementary School

Contact Information: jpatrick@lnsd.org

Name: Alexandra Gordon

Title: Planning Room Coordinator, Waterville Elementary School

Contact Information: agordon@lnsd.org

Name: Alia Khatari

Title: Dean of Students, Lamoille Union Middle School

Contact Information: akhatari@lnsd.org

Name: Doreen Cota

Title: Planning Room Supervisor, Lamoille Union Middle School

Contact Information: dcota@lnsd.org

Name: Emily Braggins

Title: Student Assistance Coordinator, Lamoille Union High School

Contact Information: ebraggins@lnsd.org

Name: Andrew Belitsos

Title: Student Support Specialist

Contact Information: abelitsos@lnsd.org

Name: Meranda Morin

Title: Student Support Specialist, Lamoille Union High School

Contact Information: mmorin@lnsd.org

Name: Erik Remmers

Title: Director, GMTCC

Contact Information: eremmers@gmtcc.net

Name: Meaghan Parker

Title: Counselor, GMTCC

Contact Information: mparker@gmtcc.net

Title IX Coordinator:

The following employees of LNSU have been designated by the District to serve as the Title IX Co-Coordinators responsible for implementing Title IX and coordinating the District's compliance with the Title IX implementing regulations.

Name: Jeremy Scannell and Carrie Bullard

Title: Director of Student Support Services/Assistant Director of Student Support Services

Contact Information: jscannell@lnsd.org; cbullard@lnsd.org

Date Warned: October 12, 2026

Date Adopted: November 9, 2026