

Harassment, Hazing, and Bullying (HHB) Prevention in BSD

What is HHB?

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 protected category, race, creed, color, national origin, marital status disability, immigration status, citizenship, sex, (including but not limited to pregnancy, parental and marital status), sexual orientation, gender expression or gender identity, 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 as defined above and may also constitute one or more of the following:

(1) Sexual harassment, which means **unwelcome conduct of a sexual nature**, that includes sexual violence/sexual assault, sexual advances, requests for sexual favors, and other verbal, written, visual or physical conduct of a sexual nature, and includes situations when one or both of the following occur:

- (i) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education, academic status, or progress; or
- (ii) Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

Sexual harassment may also include student-on-student conduct or conduct of a non-employee third party that creates a hostile environment. A hostile environment exists where the harassing conduct is severe, persistent or pervasive so as to deny or limit the student's ability to participate in or benefit from the educational program **on the basis of sex**.

Sexual harassment also occurs where there exists a "Relationship of a Sexual Nature." "Relationship of a Sexual Nature" means any kind of physical or verbal conduct by an employee with a student, engaged in by the employee for the purpose of obtaining power over the student through sexual activity or to gratify a sexual desire. Any District employee's "Relationship of a Sexual Nature" is prohibited. The District will regard any Relationship of a Sexual Nature between an employee and a student as unwelcome by the student.

Further examples of sexual harassment may be found under the District Policy D1R Sexual Harassment.

(2) Racial harassment, 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 members of other protected categories, means conduct directed at the characteristics of a student's or a student's family member's actual or perceived protected category - **race, color, creed, national origin, marital status, disability, immigration status, citizenship, sex, (including but not limited to pregnancy, parental and marital status), sexual orientation, gender expression or gender identity** - 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.

Hazing means any intentional, knowing or reckless act committed by a student, whether individually or in concert with others, against another student: In connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the educational institution; and

- (1) Which 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.

Hazing shall not include any activity or conduct that furthers legitimate curricular, extra-curricular 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:

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

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 which:

- a. Is repeated over time;
- b. Is intended to ridicule, humiliate, or intimidate the student; and
- c. (i) 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



(ii) 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.

How can a student or parent/guardian report a HHB incident?

Anyone wishing to file a complaint regarding HHB concerns can do so by contacting any Burlington School District employee. However, contacting a member of the building administration team or a designated employee for which your student attends will ensure that they can address your concern appropriately and more expeditiously.

Designated employee means an employee who has been designated by the school to receive complaints of hazing, harassment and bullying pursuant to subdivision 16 V.S.A. 570a(a)(7). The designated employees for each school building are identified below.

You can also email the Office of Equity at equity@bsdvt.org or contact BSD Central Office at **802-865-5332**.

EMS HHB and Title IX Designated Staff

Student Support Center Staff	Bill Andrus	wandrus@bsdvt.org
Designated Employees	Bill Andrus Amanda Gustafson	wandrus@bsdvt.org agustafs@bsdvt.org
School Based Title IX Staff	John Oliver Amanda Gustafson	joliver@bsdvt.org agustafs@bsdvt.org
Non-Discrimination Coordinator	John Oliver	joliver@bsdvt.org