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**State of Vermont**  
**Vermont Department of Education**  
120 State Street  
Montpelier, VT 05620-2501

## MEMORANDUM

**To: Vermont Superintendents, Principals and Headmasters**  
**From: Armando Vilaseca, Commissioner**  
**Re: School Self-check: Implementing Harassment Policies and Bullying Prevention Plans**  
**Date: January 5, 2011**

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This memo is intended as an updated “school self-check” to help schools review implementation of important legal mandates concerning bullying and harassment. Items below highlight key responsibilities but do not represent a comprehensive list of *all* school district responsibilities. For more extensive information, refer to the noted documents and applicable state and federal law.

### **Prevention and Response to Harassment in Vermont Schools**

*Has your school district done the following?*

- \_\_\_ Updated your Harassment Prevention Policy to include gender identity as a protected category and **adopted after July 1, 2007**. This policy should be at least as stringent as the Commissioner’s most recent [Model Policy on Prevention of Harassment of Students](#) (revised in 2007, updated in 2010). See [16 V.S.A. § 11\(a\)\(26\)\(A\)](#).
  
- \_\_\_ Provided all students, parents and staff with notice of the Harassment Prevention Policy prior to the commencement of curricular and co-curricular activities for each school year. See [16 V.S.A. §§ 14\(c\)\(1-2\) & 565\(d\)](#).
  
- \_\_\_ Identified two or more Designated Employees in each school building to receive harassment complaints with phone numbers publicized for students, parents, staff and others.<sup>1</sup> See [16 V.S.A. § 565\(c\)\(1\)](#).
  
- \_\_\_ Provided training for the school community to help prevent, identify and respond to harassment incidents. See [16 V.S.A. § 565\(b\)\(1\)\(F\)](#).

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<sup>1</sup> Best practice suggests designation of one male and one female, and that there be a third person designated outside the school building (district or supervisory union level).

- \_\_\_ Provided the parents of the complainant and accused individual, or students over the age of 18, with a copy of the Harassment Prevention Policy when the complaint is filed. *See* Section IV(A) of the Commissioner's [Model Policy on Prevention of Harassment of Students](#).
- \_\_\_ Protected the privacy of the accused individual, the complainant, and witnesses consistent with the school's obligation to investigate and to take appropriate action and to comply with laws governing the disclosure of student records or other applicable discovery or disclosure obligations. *See* Section V(A) of the [Model Policy on Prevention of Harassment of Students](#).
- \_\_\_ Informed the complainant of the option to request an independent review by making the request in writing to the superintendent/ head of school. The superintendent/head of school may also initiate an independent review. *See* [16 V.S.A. § 565 \(f\)](#); Section IV (F) of the Commissioner's [Model Policy on Prevention of Harassment of Students](#); [Independent Reviewer Brochure](#).
- \_\_\_ If substantiated, taken prompt and appropriate remedial action that is reasonably calculated to stop the harassment. *See* [16 V.S.A. § 14 \(b\)](#).
- \_\_\_ Publicized the availability of the Vermont Human Rights Commission and federal Department of Education's Office of Civil Rights and other appropriate state and federal agencies to receive complaints of harassment. *See* [16 V.S.A. §565 \(c\)\(2\)](#) and the Commissioner's [Model Policy on Prevention of Harassment of Students](#), p.7. Please note that the U.S. DOE Office of Civil Rights changed its address in 2010 and the Commissioner's Model Policy includes this new address.

### **Prevention and Response to Bullying in Vermont Schools**

*Has your school district done the following?*

- \_\_\_ Updated School Discipline Plan that includes a Bullying Prevention Plan developed after July 1, 2004. *See* [Model Bullying Prevention Plan](#). *See also* [Act 117 of 2004](#) and [16 V.S.A. §1161a](#).
- \_\_\_ Training for the school community to help prevent, identify, and respond to incidents of bullying. *See* Appendix A of the [Model Bullying Prevention Plan](#). *See also* [Safe and Healthy Schools](#) Web page for [Information on Hazing, Harassment, Bullying, Suicide and Substance Abuse Training](#) (posted on 10/25/10).
- \_\_\_ Developed methods for students to personally or anonymously (e.g., drop box) report incidents of bullying. *See* page 1 of the [Model Bullying Prevention Plan](#).
- \_\_\_ Notified students, parents, teachers and others of the person designated to accept and review bullying reports. *See* page 2 of the [Model Bullying Prevention Plan](#).

If you have any questions about the information provided, please contact Barbara Crippen, legal counsel at the department, at (802) 828-5937 or John Harvey, investigator, at (802) 828-5405 or 828-3672. Thank you for your hard work and commitment to providing a safe and supportive school environment for all Vermont students.