

# Ontario eSchool

## Safety and Violence Prevention

### 1. GENERAL STATEMENT OF POLICY

- a. It is the policy of the Ontario eSchool (OES) that its students have an educational experience that is safe, secure, peaceful, and free from student harassment, also known as bullying or cyberbullying. OES will not tolerate unlawful harassment of any type and conduct that constitutes bullying or cyberbullying as defined herein even if it occurs outside of students' academic interaction with OES is prohibited. Retaliation or false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying is prohibited. All students are protected regardless of their status under the law. Any person violating this Policy may be subject to disciplinary action up to and including expulsion. The Principal is responsible for the implementation of this Policy. All steps of action shall comply with the laws governed by the Province of Ontario and the Ontario Education Act.

### 2. BULLYING AND CYBERBULLYING DEFINED

- a. "Bullying" is a single significant incident or a pattern of incidents involving a written, verbal, or electronic communication, or a physical act or gesture, or any combination thereof, directed at another student which:
  - i. physically harms a student or damages the student's property;
  - ii. causes emotional distress to a student;
  - iii. interferes with a student's educational opportunities;
  - iv. creates a hostile educational environment; or
  - v. substantially disrupts the orderly operation of the school.

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

- b. "Cyberbullying" is any conduct defined in paragraph 1 of this Section undertaken through the use of electronic devices, which include, but are not limited to, telephones, cellular phones, computers, pagers, electronic mail, instant messaging, text messaging, and websites. Cyberbullying includes, but is not limited to, the following actions: harassing, teasing, intimidation, threatening, or terrorizing another person by sending or posting inappropriate and hurtful e-mail messages, instant messages, text messages, digital pictures or images, or web site postings, including blogs or any other electronic device. OeS recognizes that this definition may not be all-inclusive, therefore, OeS reserves the right to impose discipline for actions that may fall outside this definition but are still within the general purposes of this Policy.
- c. Bullying or cyberbullying occurs when an action or communication defined in paragraphs a or b of this Section:
  - i. occurs on, or is delivered to, school property or a school-sponsored activity or event on or off school property;
  - ii. occurs off of school property or outside of a school-sponsored activity or event, if the conduct interferes with a student's educational opportunities or substantially disrupts the orderly operations of the school or school sponsored activity or event.
  - iii. "Parent" means parent, parents, or legal guardians.

- iv. “Perpetrator” is a student who engages in bullying or cyberbullying.
- v. “School property” is all real property and all physical plant and equipment used for school purposes, including public or private school buses or vans.
- vi. “Victim” is a student against whom bullying or cyberbullying has been perpetrated.

### 3. REPORTING PROCEDURE

- i. Any student who believes he/she has been a victim of bullying or cyberbullying shall report the alleged act to the Course Instructor and School Principal or her/his designee. If a student is more comfortable reporting the alleged act to a person other than the Instructor or and Principal, the student may contact any OES employee. OES will respect the confidentiality of the victim and the perpetrator(s) as much as possible, consistent with OES’s legal obligations and the necessity to investigate allegations of alleged bullying and cyberbullying and to take appropriate remedial disciplinary action when such conduct has been substantiated. However, no disciplinary action can be taken against a perpetrator solely on the basis of a confidential report.
- ii. Any school employee, volunteer, or employee of a company under contract with the school who has witnessed or has reliable information that a student has been subjected to bullying or cyberbullying shall report the incident to the School Principal. “Reliable information” shall include a parent’s or student’s claim that a student is the victim of bullying or cyberbullying.
- iii. All reports must be documented on the OES’s Bullying/Cyberbullying Reporting Form. The victim or reporter shall provide copies of documents relating to the bullying or cyberbullying and/or save those documents so that the documents can be provided to the investigator. If a victim or reporter is either unwilling or unable to complete OES’s Bullying/Cyberbullying Reporting Form, the school employee who receives the oral report will promptly fill out OES’s Bullying/Cyberbullying Reporting Form, using, to the extent practicable, the reporter’s or victim’s own words to describe the alleged bullying or cyberbullying.
- iv. The school Principal shall by telephone and in writing by first-class mail notify the parent of the victim and perpetrator within forty-eight (48) hours of receiving OES’s Bullying/Cyberbullying Reporting Form that a report of alleged bullying or cyberbullying was received and is being investigated in accordance with this Policy. The content of the notice shall comply with the laws governed by the Province of Ontario and the Ontario Education Act. The school Principal may waive the notification requirement if the Principal deems such waiver to be in the best interest of the victim or perpetrator. The waiver shall not negate the school’s responsibilities to comply with the remainder of this Policy.
- v. For students not enrolled in OES, OES will report any allegations of bullying or cyberbullying to the proper officials.

### 4. INVESTIGATION AND REMEDIAL ACTION

- a. The school Principal shall begin an investigation of the alleged acts of bullying or cyberbullying within five (5) school days of receiving OES’s Bullying/Cyberbullying Reporting Form. The goal of an investigation is to obtain an accurate and complete account of all incidents and circumstances deemed relevant to the allegations, to determine whether bullying or cyberbullying occurred, and to identify the student(s) responsible for the acts. These procedures are intended to protect the rights of a victim and perpetrator.
- b. The Principal will complete the investigation within seven (7) business days of receiving the OES’s Bullying/Cyberbullying Reporting Form, except in cases where the Principal

grants a written extension. The Principal, if necessary, may grant an extension of the time periods for the completion of the investigation for up to an additional seven (7) business days. The Principal shall notify all parties in writing of the granting of an extension. The Principal will expedite the investigation of any claim involving physical violence or serious threats of harm.

- c. To end bullying or cyberbullying and prevent its recurrence, the Principal will take such disciplinary action deemed necessary and appropriate, including but not limited to suspension from OES courses and/or referral to law enforcement. All steps of action shall comply with the laws governed by the Province of Ontario and the Ontario Education Act.
- d. The Principal must document his/her investigation results in a written report. The investigation report shall include documentation of the statements/interviews of the victim, perpetrator, and witnesses. Copies of any documents or other evidence (e.g., electronic communications) obtained during the investigation shall be attached to the report. The Principal investigation report shall also include findings of whether the report of bullying or cyberbullying was substantiated and the reasons why the report was or was not substantiated. If the report is substantiated, the Principal shall include in the investigation report recommendations for remediating the bullying or cyberbullying and shall, when appropriate, recommend a strategy to protect students from retaliation. If the report is not substantiated as bullying or cyberbullying but the conduct violates school rules or policies, the Principal shall specify the school rules or policies violated and make appropriate recommendations to address the violations.
- e. Since bullying or cyberbullying may begin again after several weeks or months have lapsed, the perpetrator in substantiated cases should be closely supervised. The victim should be encouraged to report any new problems to the Principal. The Principal should interview the victim regularly to make sure that there is no recurrence of bullying, cyberbullying, or retaliation. The Principal shall document all follow-up with the victim.

#### 5. FILE RETENTION

- a. The Principal will maintain in a separate confidential file the original completed OES's Bullying/Cyberbullying Reporting Form, investigatory interview notes and reports, findings made, the investigation report, including any decision for action, and other relevant investigatory materials, and maintain a copy of the file in the perpetrator's education record.

#### 6. APPEAL

- a. For non-disciplinary remedial actions where no other review procedures govern, the parents of the perpetrator and victim shall have the right to appeal the Principal in writing within five (5) business days. The Principal shall review the Principal's decision and issue a written decision within ten (10) business days. 2. The procedures in RSA 193:13, Ed 317, and OES's discipline policies establish the due process and appeal rights for students disciplined for acts of bullying, cyberbullying, or retaliation.

#### 7. RETALIATION OR FALSE ACCUSATIONS

- a. No person shall retaliate or make false accusations against a victim, witness, or anyone else who in good faith provides information about an act of bullying or cyberbullying. OES will discipline any individual who retaliates or makes a false accusation or encourages others to retaliate or make a false accusation against a victim, witness, or anyone else who in good faith provides information, testifies, assists, or participates in an investigation, proceeding or hearing relating to an act of bullying or cyberbullying. If a person makes a complaint or report that is not made in good faith, OES will take such disciplinary action deemed necessary and appropriate including but not limited to suspension, expulsion, or dismissal.

8. POLICY NOTIFICATION

- a. All students and parents shall be made aware and confirm these policies upon registration to OES. The Principal shall also make all employees, volunteers, and contractors who have contact with students aware of these policies.
- a. OES will post this Policy on OES's website. OeS shall comply with the laws governed by the Province of Ontario and the Ontario Education Act.