Subject: Bullying, Harassment, Intimidation, and Discrimination Policy

Effective Date: May 15, 2014

Approved By: Board of Directors

Policy: 5012.1

Empire Springs Charter School believes all students have the right to a safe and civil learning environment. Bullying, harassment, intimidation, and discrimination are all disruptive behaviors which interfere with students' ability to learn, negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. As such, Empire Springs Charter School prohibits any acts of discrimination, harassment, intimidation and bullying related to school activity or school attendance. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means, consistent with this policy. Teachers shall discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying or harassment.

As used in this policy, "discrimination, harassment, intimidation, and bullying" describe the intentional conduct, including verbal, physical, written communication, or cyberbullying, that is based on the actual or perceived characteristics of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. In addition, bullying encompasses any conduct described in the definitions set forth in this policy.

To the extent possible, the Charter School will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated and/or bullied, and will take action to investigate, respond, and address any reports of such behaviors in a timely manner. Charter School staff who witness acts of discrimination, harassment, intimidation, and bullying will take immediate steps to intervene, so long as it is safe to do so.

Definitions

Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students that constitutes sexual harassment, hate violence or creates an intimidating or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

A. Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
B. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
C. Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
D. Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by the Charter School.

Cyberbullying is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Electronic act is the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or pager.

Reasonable pupil is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Reporting

Staff shall be alert and immediately responsive to student conduct, which may interfere with another student's ability to participate in or benefit from school services, activities, or privileges. All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of discrimination, intimidation, harassment, or bullying, to intervene as soon as it is safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of bullying.

All other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the Superintendent or designee. The Board expects students or staff to immediately report incidents of bullying and harassment. While submission of a written report is not required, the reporting party is encouraged to use the reporting form available in the Uniform Complaint Procedures from the Springs Charter Schools website. However, oral reports shall also be considered. Reports may be made anonymously, but formal disciplinary action cannot be based solely on anonymous information.

Students are expected to report all incidents of discrimination, intimidation, harassment, bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a target of such behavior should immediately contact a teacher, counselor, principal, or staff person so that she/he can get assistance in resolving the issue consistent with this policy.

The Charter School acknowledges and respects every individual's rights to privacy. To that end, consistent with legal requirements, all reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible.

The Charter School prohibits retaliatory behavior against any complainant or any participant in the complaint process, including but not limited to a reporter's filing of a complaint or the reporting of violations of this policy. Such participation shall not in any way affect the status, grades or work assignments of the reporter.

Investigation

Upon receipt of a report of harassment, intimidation, or bullying from a student, staff member, parent, volunteer, visitor or affiliate of the Charter School, the Superintendent or designee will promptly initiate an investigation. At the conclusion of the investigation, the Superintendent or designee will notify the complainant of the outcome of the investigation. However, in no case may the Superintendent or designee reveal confidential student information related to other students, including the type and extent of discipline issued against such students.

Complaints shall be investigated and resolved within thirty (30) school days, unless circumstances reasonably require additional time.

All records related to any investigation of discrimination, harassment, intimidation or bullying will remain in a secure location in the Main Administrative Office of the Charter School.

In those instances when the complaint filed under this policy also requires investigation under the Uniform Complaint Procedures, such investigation will be undertaken concurrently.

Appeal

Should the Complainant find the Superintendent or designee resolution unsatisfactory, he/she may within five (5) school days of the date of resolution, file an appeal with the Designated Appeals Committee. In such cases, at least three (3) certificated School employees who are unfamiliar with the case and who have been previously designated and trained for this purpose shall be assembled to conduct a confidential review of the Complainant's appeal and render a final disposition.

Consequences

Students who engage in discrimination, harassment, intimidation, or bullying of other students shall be subject to appropriate counseling and discipline, up to and including suspension and/or expulsion, as outlined in the Student Suspension and Expulsion Policy. An employee who permits or engages in harassment may be subject to disciplinary action, up to and including dismissal.