

# Endeavor Charter School Policies and Procedures

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| Title: <b>Bullying - Endeavor Anti-Bullying and Harassment Policy</b> |
| Approval Date:  |
| Revision Date:  |

## **POLICY STATEMENT**

The Endeavor Charter School Board of Directors acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The Board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities.

## **PROHIBITED BEHAVIORS AND CONSEQUENCES**

### *Discrimination, Harassment and Bullying*

Students, employees, volunteers and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment, and bullying.

Students are expected to comply with the behavior standards established by Board policy and the student code of conduct, set forth above. Employees are expected to comply with Board policy. Volunteers and visitors on school property also are expected to comply with board policy and established school rules and procedures.

Any violation of this policy is serious, and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's Student Code of Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

Employees who violate this policy will be subject to disciplinary action, up to, and including, termination.

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate.

When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom or school-wide response is necessary. Such

# Endeavor Charter School Policies and Procedures

classroom or school-wide responses may include staff training, harassment, and bullying prevention programs and other measures deemed appropriate by the Board of Directors to address the behavior.

## *Retaliation*

The Board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy or participating in the investigation of reported violations of this policy.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies and regulations, the Director shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors and organizations doing business with or performing services for the school.

This policy applies to behavior that takes place:

1. in any school building or on any school premises before, during or after school hours;
2. on any bus or other vehicle as part of any school activity;
3. during any school-sponsored activity or extracurricular activity;
4. at any time or place when the individual is subject to the authority of school personnel; and
5. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.
6. on the telephone, Internet, or over e-mail, between students, teacher, or parents, or any combination thereof to the extent that this behavior impacts Endeavor Charter School in regards to maintaining order and/or discipline..

## *Definitions*

For purposes of this policy, the following definitions apply:

### Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.

# Endeavor Charter School Policies and Procedures

## Harassment and Bullying

Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

1. places a student in actual and reasonable fear of harm to his or her person or damage to his or her property; or
2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.

"Hostile environment" means that the student subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if that incident is sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability.

Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, namecalling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons.

Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying. It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, harassment may occur between fellow students, between employees and students, or between non-employees, including visitors.

Harassment may occur between members of the opposite sex or the same sex.

Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress or completion of a school-related activity;

# Endeavor Charter School Policies and Procedures

2. submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or

3. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures or written materials.

Acts of verbal, nonverbal, or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

## **Reporting And Investigating Complaints Of Discrimination, Harassment Or Bullying**

### ***Employees are required to report any actual or suspected violations of this policy***

Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. All reports should be either to the Director, or in the event the reporting party feels the Director has a conflict of interest, to the Legal Advisor to the Board of Directors, Andy Kristianson. Reports may be made anonymously, and all reports shall be investigated.

### ***The Reporting and Investigation Procedure***

The process provided for in this policy is designed for students who believe that they may have been discriminated against, bullied, or harassed. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should report such violations to either the Director, or in the event the reporting party feels the director has a conflict of interest, to the Legal Advisor to the Board of Directors, Andy Kristianson.

# Endeavor Charter School Policies and Procedures

Within a reasonable time after being notified of a complaint of actual or suspected incidents of discrimination, harassment or bullying, the Director or the Legal Advisor to the Board of Directors will begin a formal investigation into the allegations. An investigation shall include the following:

- An interview of the complainant (unless the complaint is anonymous); and
- An interview of the alleged perpetrator(s) and any other individuals, including other possible victims, who may have relevant information about the complaint. Information will be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests for complaint confidentiality shall be evaluated within the context of the legal responsibilities of the school to investigate, correct, and report illegal conduct.

The investigator shall review the factual information gathered during the investigation and determine whether the conduct constitutes discrimination, harassment, or bullying, giving consideration to all the facts and circumstances, information, and the context in which the alleged incidents occurred, the age and maturity of the complainant and the alleged perpetrator(s), and any other relevant circumstances.

## *Records And Reporting*

The Director or designee shall maintain confidential records of complaints or reports of discrimination, harassment or bullying. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Director also shall maintain records of training conducted and corrective action or other steps taken by the school system to provide an environment free of discrimination, harassment, and bullying.

The investigator shall prepare a written investigative report and shall notify the complainant of the results of the investigation, if possible, within fifteen (15) days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:

- Reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment, or bullying and prevent it from recurring;
- As needed, reasonable steps to address the effects of discrimination, harassment, or bullying of the complainant; and
- As needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

# Endeavor Charter School Policies and Procedures

Information regarding specific disciplinary action imposed on the alleged perpetrators will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to contact the complainant).

If the investigator determines that the complaint was substantiated, the perpetrator shall be subject to discipline or other corrective steps as set forth in the Student Code of Conduct. If the corrective steps are outside the scope of the investigator's authority, then a closed session of the Board of Directors shall be called to determine the proper corrective action.

Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or school policy by his or her actions, and what, if any, disciplinary action will follow.

If the investigator determines that a crime has been committed then the investigator shall notify the Wake County Policy Department immediately upon making this determination.

## *Appeal of an Investigative Report*

If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the Board of Directors, in writing, within five (5) days of receiving the written report. The Board of Directors will hear from the Complainant and the investigator in closed session and determine whether to up-hold or reverse the decision of the investigator. The Board of Directors may order additional investigation to be done and defer a decision until the results of such additional investigation are available. The Board of Directors will issue a written decision within ten (10) days of either (1) the closed hearing; or (2) the conclusion of its additional investigation.

When appearing before the Board of Directors an individual may be represented by an attorney or a non-attorney advocate. The Board of Directors will also have the right to have an attorney present during these closed session hearings. Attorneys and advocates will be bound to keep such proceedings strictly confidential.

All records gathered during the course of an investigation and appeal shall be kept in accordance with state law.

The Director shall report to the State Board of Education all verified cases of discrimination, harassment or bullying.

The report must be made through the Discipline Data Collection Report or through other means required by the State Board.