



## 106. Unlawful Harassment/Bullying - Students

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### **Purpose**

The School is committed to providing all students with the right to a safe, positive and civil educational environment, free from harassment and/or bullying. The School recognizes that bullying and harassment create an atmosphere of fear and intimidation, detract from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, it shall be the policy of the School to maintain an educational environment in which bullying and harassment in any form is neither tolerated nor permitted.

The Board recognizes that some conduct that qualifies as bullying may also trigger responsibilities under one or more federal antidiscrimination laws. Peer harassment on the basis of race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion is specifically prohibited.

### **Definitions**

**Bullying** means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting, that is severe, persistent or pervasive and has the intent or effect of:

1. Creating an intimidating or hostile environment that substantially interferes with a student's education; or
2. Physically, emotionally or mentally harming a student; or
3. Placing a student in reasonable fear of physical or emotional harm; or
4. Placing a student in reasonable fear of damage to or loss of personal property.

Bullying, as defined in this policy, includes cyber-bullying.

**School setting** means in the school, on school grounds, time traveling to and from school, or any activity sponsored, supervised or sanctioned by the school. Bullying or cyber-bullying shall not be interpreted to infringe upon a student's right to engage in legally protected speech or conduct.

Bullying may include acts that occur outside of school if those acts are intentional, electronic, verbal or physical, are directed at another student or students, are severe, persistent or pervasive, and have the effect of (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the school.

**Harassment** shall consist of verbal, written, graphic or physical conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects an individual's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening or abusive educational environment.



2. Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance.
3. Otherwise adversely affects an individual's learning opportunities.

**Gender-based harassment** may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex stereotyping. Thus, harassment of a student for failing to conform to stereotypical notions of masculinity and femininity constitutes sex discrimination. Gender-based harassment can rise to a violation of School policy and/or Title IX when such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e., creating an intimidating, hostile or offensive educational environment).

**Sexual harassment** is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual harassment can include unwelcome sexual advances; requests for sexual favors; and other verbal, nonverbal, or physical conduct of a sexual nature, including but not limited to sexual activity.

Sexual harassment can rise to a violation of School policy and/or Title IX when such conduct denies or limits a student's ability to receive educational aid, benefits, services, or treatment; or when such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of substantially interfering with the student's ability to participate in or benefit from the school's program (i.e., creating an intimidating, hostile or offensive educational environment).

Examples of conduct that may constitute sexual harassment include but are not limited to sexual flirtations, advances, touching or propositions; verbal abuse of a sexual nature; sexual violence; graphic or suggestive comments about an individual's dress or body; sexually degrading words to describe an individual; jokes; pin-ups; calendars; objects; graffiti; vulgar statements; abusive language; innuendoes; references to sexual activities; overt sexual conduct; or any conduct that has the effect of unreasonably interfering with a student's ability to work or learn or creates an intimidating, hostile or offensive learning or working environment.

**Sexual violence** refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion.

### **Guidelines**

The School prohibits all forms of bullying and harassment of students and third parties by all students and staff members, contracted individuals, vendors, volunteers, and third parties in the schools.[1][2][3][4]



The School encourages students and third parties who have been bullied to promptly report such incidents to designated employees.

The School directs that complaints of bullying and/or harassment shall be investigated promptly, and corrective action shall be taken when allegations are substantiated.

Confidentiality of all parties shall be maintained, consistent with the School's legal and investigative obligations.

No reprisals or retaliation shall occur as a result of good faith reports of bullying or harassment.

The School has an obligation under Title IX of the Education Amendments of 1972 to provide a prompt, equitable resolution to complaints of sex discrimination, including sexual harassment.

Title IX prohibits retaliation against any individual who makes a complaint of discrimination either on his or her own behalf or on behalf of another, or who testifies or otherwise participates in any manner in the investigation or proceedings resulting from a complaint of discrimination. School officials shall take steps to prevent retaliation and will also take strong responsive action if retaliation occurs.

### **Bullying**

The Executive Director shall promulgate rules and regulations which prohibit bullying in accordance with this policy, and which:

1. Ensure compliance with mandatory bullying incident reporting requirements;
2. Include complaint/investigation procedures; and
3. Ensure compliance with mandatory annual notification and posting of the School's bullying policy.

The Executive Director shall review the School's bullying policy and administrative rules and regulations every three (3) years and recommend necessary revisions.

### **Harassment**

Each student shall be responsible to respect the rights of their fellow students and School employees and to ensure an atmosphere free from all forms of harassment.

Each staff member shall be responsible to maintain an educational environment free from all forms of harassment.

The administration shall be responsible to provide training for students and employees regarding all aspects of harassment.

In order to maintain an educational environment that discourages and prohibits harassment on the basis of race, color, national origin/ethnicity, gender, age, disability, sexual orientation or religion, the Executive Director or designee shall serve as the School's Compliance Officer.



The Compliance Officer shall promulgate rules and regulations which ensure compliance with this policy, and shall include definitions of relevant terms and set forth complaint/investigative procedures to address claims of harassment.

Complaint/investigation procedures shall apply to complaints filed by students or on their behalf alleging harassment carried out by employees, other students, or third parties.

The Compliance Officer shall publish and disseminate this policy and corresponding administrative regulations, including the complaint procedure, at least annually to students, parents/guardians, employees, independent contractors, vendors, and the public. The publication shall include the position, office address and telephone number of the Compliance Officer.