

Envision Education, Inc.

Harassment, Intimidation, Discrimination and Bullying Policy

Board Policy: #3009

Adopted: 4.25.13

Overview

Envision Education (“Envision”) believes all students have the right to a safe and civil learning environment. Discrimination, harassment, intimidation, and bullying 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, Envision 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.

As used in this policy, “discrimination, harassment, intimidation, and bullying” describe the intentional conduct, including verbal, physical, written communication, or cyber-bullying, 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, Envision 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. Envision 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.

Retaliation against any student who reports or provides information related to harassment or discrimination in violation of this policy is against the law and will not be tolerated. Intentionally providing false information, however, is grounds for discipline.

Policy Statement

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 Envision.

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.

Sexual and Gender-Based Harassment is harassment, whether sexual or otherwise, on the basis of sex, pregnancy disability, gender identity, or gender expression, are unlawful forms of harassment. Students in California are protected from discrimination based on their actual or perceived sexual orientation. Sexual orientation is defined as heterosexuality, homosexuality (gay/lesbian), and bisexuality.

Sexual Harassment

- Sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:
- Submission to such conduct is made implicitly or explicitly a term or condition of educational development or participation in an educational program or activity;
- Submission or rejection of such conduct is used as a basis for education decisions affecting individuals; or

- Such conduct has a purpose or effect of unreasonably interfering an individual’s work or educational performance, or creating an intimidating, hostile or offensive educational environment.

Sexual harassment in California also includes:

- Verbal harassment, such as epithets, derogatory comments, jokes, or slurs;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work or learning because of sex; and
- Visual harassment, such as derogatory cartoons, drawings or posters.
- Sexual advances of an Envision employee to a minor student or unwelcome sexual advances from student to student of either the same or opposite sex.
- Specifically, sexual harassment may occur as a pattern of degrading sexual speech or actions and may include, but is not limited to the following examples:

Vulgar remarks;

Sexually derogatory comments regarding a person’s appearance;

Physical touching, pinching, patting, or blocking free movement;

Sexual propositions or advances;

Sexually suggestive or degrading posters, cartoons, pictures or drawings;

Offensive sexual jokes, slurs, insults, innuendos or comments; or
Physical assault.

Gender-Based Harassment

Gender-based harassment includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, although they are not necessarily sexual in nature. Prohibited conduct includes harassment of a student for exhibiting what is perceived as a stereotypical characteristic for her or his sex, or for nonconformance with stereotypical notions of masculinity and femininity.

Conduct that may constitute sex or gender-based harassment include:

- Disparaging remarks made or aggression towards a student because that person displays mannerisms or a style of dress perceived as indicative of the other sex.

- Hostility towards a student because that person participates in an activity more typically favored by a person of the other sex.
- Intimidating a student to discourage that student from enrolling in a particular area of study because of his/her gender.
- Ostracizing a student who wishes to participate in an extracurricular activity because that activity is more typically favored by a student of the other sex.
- Taunting a student who is struggling with a subject-area curriculum by insisting that students of that gender are “bad” at that subject area.

Reporting

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 and harassment.

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 School Principal or Envision’s Superintendent. While submission of a written report is not required, the reporting party is encouraged to use the report form available in the Main Office of each Envision school. 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.

Envision 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.

Envision prohibits any form of retaliation against any reporter in the reporting 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 Envision, the Principal or Superintendent will promptly initiate an investigation. At the conclusion of the investigation, the Principal or Superintendent

will notify the complainant of the outcome of the investigation. However, in no case may the Principal or Superintendent reveal confidential student information related to other students, including the type and extent of discipline issued against such students.

When appropriate, interim protections or remedies for the complainant, such as limitations on contact, alternative course schedules, and the like, may be recommended to the appropriate Envision administrator at any time during the process. However, if the complainant or accused are students, any change imposed to the classes, schedules, study programs, or activities of said students shall be equivalent to the classes, schedules, study programs, or activities in which they are currently engaged, such that the student(s) maintain the educational benefit from said class or program. The complainant will be kept informed of the status of the complaint, consistent with Envision's policy and applicable law.

Complaints shall be investigated and resolved within thirty (30) school days, unless circumstances reasonably require additional time in which case efforts should be made to complete the investigation in not longer than ninety (90) days.

The final determination of the Investigator's investigation shall result in a report which shall contain, at the minimum:

- 1) a statement of the allegations and issues;
- 2) the positions of the parties;
- 3) a summary of the evidence received from the parties and the witnesses; and
- 4) all findings of fact.

If the complaint involves a student, the Principal or designee shall notify the student's parent or guardian of the conclusion reached by the Investigation Team and the steps taken to address the needs (current and ongoing) and/or behaviors of the student(s) involved.

If the final determination is that bullying or harassment has occurred, a prompt, relevant and effective remedy shall be provided to the complainant and appropriate disciplinary action taken against the harasser.

An appropriate administrator will periodically follow up with the student harassed to ensure that she or he is not experiencing any recurring harassment or retaliation.

All records related to any investigation of discrimination, harassment, intimidation or bullying will remain in a secure location in the Main Office of the 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. See Envision Board Policy 3003.

Appeal

Should the Complainant find the 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.

Bullying and Harassment Prevention

To ensure bullying does not occur on school campuses, Envision Schools will provide staff development training in bullying and harassment prevention and cultivate acceptance and understanding in all students and staff to build each school's capacity to maintain a safe and healthy learning environment

Teachers should discuss this policy with their students and should assure them that they need not endure any form of bullying. Students who bully are in violation of this policy and are subject to disciplinary action up to and including expulsion.

Each school will adopt a Student Code of Conduct to be followed by every student while on school grounds, or when traveling to and from school or a school-sponsored activity, and during lunch period, whether on or off campus. School staff may refer to the following website for bullying prevention resources: <http://www.cde.ca.gov/ls/ss/se/bullyres.asp>

The Student Code of Conduct shall include, but is not limited to:

- Any student who engages in bullying may be subject to disciplinary action up to and including expulsion.
- Students are expected to immediately report incidents of bullying to the principal or designee.
- Students can rely on staff to promptly investigate each complaint of bullying in a thorough and confidential manner.
- If the complainant student or the parent of the student feels that appropriate resolution of the investigation or complaint has not been reached, the student or the parent of the student should contact the principal or the Envision Schools' Superintendent. The school prohibits retaliatory behavior against any complainant or any participant in the complaint process.

The procedures for intervening in bullying behavior include, but are not limited, to the following:

- All staff, students and their parents will receive a summary of this policy prohibiting intimidation and bullying: at the beginning of the school year, as part of the student handbook and/or information packet, as part of new student orientation, or as part of the schools system of notification to parents.

- The school will make reasonable efforts to keep a report of bullying and the results of investigation confidential.
- Staff who witness acts of bullying shall take immediate steps to intervene when safe to do so. People witnessing or experiencing bullying are strongly encouraged to report the incident; such reporting will not reflect on the target or witnesses in any way.

Conflict Resolution

Envision Schools believes that all students have a right to a safe and healthy school environment. Part of a healthy environment is the freedom to openly disagree. With this freedom comes the responsibility to discuss and resolve disagreements with respect for the rights and opinions of others.

To prevent conflict, each Envision school will incorporate conflict resolution education and problem solving techniques into the curriculum and campus programs. This is an important step in promoting respect and acceptance, developing new ways of communicating, understanding, and accepting differing values and cultures within the school community and helps ensure a safe and healthy learning environment

Envision Schools will provide training to develop the knowledge, attitudes, and skills students need to choose alternatives to self-destructive, violent behavior and dissolve interpersonal and intergroup conflict. Each school will adopt a Student Conflict Resolution Code to be followed by every student while on school grounds, when traveling to and from school or a school-sponsored activity, and during lunch period, whether on or off campus.

The Conflict Resolution Code includes, but is not limited to, the following:

- Students are to resolve their disputes without resorting to violence.
- Students, especially those trained in conflict resolution and peer mediation, are encouraged to help fellow students resolve problems peaceably.
- Students can rely on staff trained in conflict resolution and peer mediation strategies to intervene in any dispute likely to result in violence.
- Students needing help in resolving a disagreement, or students observing conflict may contact an adult or peer mediators.
- Students involved in a dispute will be referred to a conflict resolution or peer mediation session with trained adult or peer mediators. Staff and mediators will keep the discussions confidential.
- Conflict resolution procedures shall not supplant the authority of staff to act to prevent violence, ensure campus safety, maintain order, and discipline students.

**HARASSMENT, INTIMIDATION, DISCRIMINATION &
BULLYING COMPLAINT FORM**

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you have a complaint against: _____

List any witnesses that were present: _____

Where did the incident(s) occur? _____

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

I hereby authorize Envision to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

Signature of Complainant

Date: _____

Print Name

To be completed by Envision:

Received by: _____ Date: _____

Follow up Meeting with Complainant held on: _____