

FOLK ARTS–CULTURAL TREASURES CHARTER SCHOOL

POLICY: Anti-Bullying

Adopted Aug 19, 2009

Amended Jun 15, 2011

Affirmed September 19, 2015

Affirmed August 21, 2019

The FACTS Board of Trustees prohibits acts of harassment or bullying. The board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

Harassment and bullying include any unwelcome gesture or written, verbal, graphic, or physical act (including electronically transmitted acts – i.e. internet, cell phone, personal digital assistant (pda), or wireless hand held device) which threatens, offends, denigrates, or belittles and is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; or a mental, physical, or sensory disability or impairment; or by any other distinguishing characteristic. Such conduct includes, but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures. Harassment includes, but is not limited to, examples cited in this policy, and listed below. Such behavior is considered harassment or bullying whether it takes place on or off school property, at any school-sponsored function, or in a school vehicle.

Harassment is conduct that meets all of the following criteria:

- is directed at one or more pupils;
- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school's educational programs or activities because the conduct, as reasonably perceived by the pupil, is so severe, pervasive, and objectively offensive as to have this effect; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

Bullying is conduct that meets all of the following criteria:

- is directed at one or more pupils;

- substantially interferes with educational opportunities, benefits, or programs of one or more pupils;
- adversely affects the ability of a pupil to participate in or benefit from the school's educational programs or activities by placing the pupil *in reasonable fear of physical harm or by causing emotional distress*; and,
- is based on a pupil's actual or perceived distinguishing characteristic (see above), or is based on an association with another person who has or is perceived to have any of these characteristics.

The FACTS Board of Trustees expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

The FACTS Board of Trustees believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the school, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members.

The FACTS Board of Trustees believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume responsibility and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to *prevent* discipline problems and encourage students to develop self discipline.

Since bystander support of harassment or bullying can encourage these behaviors, the school prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

The FACTS Board of Trustees requires its school administrators to develop and implement procedures that ensure *both* the appropriate consequences *and* remedial responses to a student or staff member who commits one or more acts of harassment or bullying.

Consequences and appropriate remedial actions for a student who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the approved code of student conduct or employee handbook.

Consequences for a student who commits an act of harassment or bullying shall be unique to

the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board of Trustees' approved code of student conduct. Remedial measures shall be designed to: *correct the problem behavior*; *prevent another occurrence* of the behavior; and *protect the victim* of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences.

The FACTS Board of Trustees requires the principal and/or the principal's designee to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

The FACTS Board of Trustees requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The investigation is to be completed within three school days after a report or complaint is made. The board prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The FACTS Board of Trustees prohibits any person from falsely accusing another as a means of harassment or bullying. The consequences and appropriate remedial action for a *person* found to have falsely accused another as a means of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion.

The board requires school officials to annually disseminate the policy to all school staff, students, and parents, along with a statement explaining that it applies to all applicable acts of harassment and bullying that occur on school property, at school-sponsored functions, or on a school bus. The Principal & Executive Director shall develop an annual process for discussing the school district policy on harassment and bullying with students and staff.

The school shall incorporate information regarding the policy against harassment or bullying into each school employee training program and handbook.

FOLK ARTS–CULTURAL TREASURES CHARTER SCHOOL

POLICY: Anti-Harassment

Adopted Aug. 10, 2005

Amended Aug 19, 2009

Affirmed Aug 21, 2019

The Folk Arts Cultural Treasures School is committed to providing all employees and students a safe and supportive work and educational environment in which all members of the school community are treated with respect. Harassment is a form of unlawful discrimination as well as disrespectful behavior which will not be tolerated. The Folk Arts Cultural Treasures School shall provide employees and students an environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting harassment as defined and otherwise prohibited by state and federal law.

DEFINITIONS

1. **Adverse Action:** Includes any form of intimidation, reprisal or harassment such as diminishment of grades, suspension, expulsion, change in educational conditions, loss of privileges or benefits or other unwarranted disciplinary action in the case of students and includes any form of intimidation, reprisal or harassment such as suspension, termination, change in working conditions, loss of privileges or benefits or other disciplinary action in the case of employees.
2. **Employee:** For purposes of this policy, an employee includes any person employed directly or through a contract with another company by the school, School Board members and any student teacher, intern, school volunteer or work study student.
3. **Harassment:** Harassment means unlawful harassment and constitutes a form of discrimination. It is verbal or physical conduct based on an employee's race, religion (creed), color, national origin, marital status, sex, sexual orientation, age, ancestry, place of birth or disability which has the purpose or effect of substantially interfering with an employee's work or creating an intimidating, hostile or offensive environment.
4. **School Community:** Includes but is not limited to all students, school employees, contractors, unpaid volunteers, work study students, interns, student teachers, and visitors.
5. **Sexual Harassment:** Is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- b. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

EXAMPLES

Harassment can include any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles an individual because of an employee's or student's race, creed (religion), color, national origin, marital status, sex, sexual orientation, age, ancestry or disability. Such conduct includes, but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures. Harassment includes, but is not limited to, examples cited in this policy, and listed below.

Sexual Harassment

Sexual harassment may include, but is not limited to, unwelcome touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, pressure for sexual activity whether written, verbal or through physical gestures, display or sending of pornographic pictures or objects, obscene graffiti, and spreading rumors related to a person's alleged sexual activities.

Racial and Color Harassment

Racial or color harassment can include unwelcome verbal, written or physical conduct directed at the characteristics of a person's race or color such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs.

Religious or Creed Harassment

Harassment on the basis of religion or creed includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs or graffiti.

National Origin Harassment

Harassment on the basis of national origin includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin such as negative comments regarding surnames, manner of speaking, customs, language or ethnic slurs.

Marital Status Harassment

Harassment on the basis of marital status includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

Sexual Orientation Harassment

Harassment on the basis of sexual orientation includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation such as negative name calling and imitating mannerisms.

Disability Harassment

Harassment on the basis of a person's disabling mental or physical condition includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling condition such as imitating manner of speech or movement, or interference with necessary equipment.

REPORTING

1. **Mandatory:** It is the express policy of the Folk Arts Cultural Treasures School to (require or encourage) employee or student targets of harassment and employees who have first-hand knowledge of such harassment to report such claims. Employees or students who witness or are targets of harassment shall report the incident(s) immediately to their immediate supervisor or another administrator who is not the subject of the complaint as may be appropriate under the circumstances. Targets of harassment should directly inform the person engaging in the harassing conduct or communication that such conduct or communication is offensive and must stop.
2. **Privacy:** Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results.
3. **Retaliation:** There will be no adverse action taken against a person for making a complaint of harassment when the complainant honestly believes harassment has occurred or is occurring, or for participating in or cooperating with an investigation. Any individual who retaliates against any employee or student who reports, testifies, assists or participates in an investigation or hearing relating to a harassment complaint will be subject to discipline by the school.

ADMINISTRATIVE RESPONSIBILITY AND ACTION

1. **Reporting:** An employee who receives a complaint of harassment shall promptly inform the Principal (or designee) or another administrator who is not the subject of the complaint.
2. **Investigation:** The school is responsible for acting on any information regarding harassment of which it is aware. The Principal/CEO shall provide for a thorough, prompt investigation of the incident; the investigation and written report shall be completed in a timely fashion in accordance with school procedures after a report or

complaint, formal or informal, written or oral, has been received. No person who is the subject of a complaint shall conduct such an investigation.

3. **Final Action on Complaint:** The school shall take disciplinary or remedial action as appropriate in order to ensure that further harassment does not occur. Such action may include, but is not limited to, education, training, counseling, transfer, suspension and/or expulsion of a student and education, training, counseling, transfer, suspension and/or termination of an employee.
4. **False Complaint:** Any person who knowingly makes a false accusation regarding harassment will be subject to disciplinary action up to and including discharge of employees, or suspension and expulsion of students.
5. **Appeal:** A person judged to be in violation of this policy and subjected to action under it may appeal the determination and/or the action taken in accordance with procedures adopted under this policy. The procedures shall be consistent with the provisions of any applicable collective bargaining agreement.
6. **Dissemination:** The Principal/CEO shall use all reasonable means to inform students, employees, and the community that the school will not tolerate harassment. A copy of this policy shall be provided to students, staff and parents each year and shall be included in the appropriate materials that are disseminated to the school and community.
7. **Training:** The Principal/CEO shall develop age-appropriate methods of discussing the meaning and substance of this policy with staff and students in order to help prevent harassment. Training may be implemented in the context of employee professional development and the school curriculum to develop broad awareness and understanding among all members of the school community.