

## UNLAWFUL HARASSMENT/BULLYING

### Anti-Bullying Policy:

#### Purpose:

It is the policy of the Young Scholars of McKeesport Charter School (YSMCS) to provide a safe and orderly educational environment that is free from harassment and/or bullying and conducive to the mission of the organization to provide each and every student the best opportunity to receive the education to which s/he is entitled under state and federal law. The organization asserts that it has a compelling interest in promoting an educational environment that is safe and conducive to learning.

It is the intention of the YSMCS, consistent with state and federal law, to strive to maintain a learning environment which is free of harassment and/or bullying since the organization finds that incidents of harassment and/or bullying prevent students from receiving the education to which they are entitled, materially disrupt the mission of the organization to educate the children, substantially interfere with a student's educational performance and foster incidents of violence.

It is the purpose of this policy to prohibit and prevent acts of harassment and/or bullying and violence. YSMCS does recognize that students retain certain rights under state and federal law, including freedom of expression, although such rights are not necessarily co-extensive with the rights of adults in society at large. It is not the purpose of this policy to impinge upon the legitimate rights of students or school personnel under state and federal law in the school environment.

This policy defines harassment and/or bullying and violence, specifies and describes prohibitions, outlines reporting procedures, provides for the undertaking of appropriate remedial actions calculated to stop the harassment and/or bullying and/or violence, and prohibits retaliation against those who, in good faith, report harassment pursuant to this policy.

#### Definitions:

"Bullying" is any repeated and pervasive written, verbal or electronic expression, physical acts or gestures, or a pattern of behavior that is intended to cause distress upon one or more students in the school, on school grounds and school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, harassment, hazing, intimidation or menacing acts of a student which may, but need not be based on the student's sex, race, color, ethnicity, religion, national origin, disability or sexual orientation.

"Harassment" means knowingly pursuing a pattern of conduct that is intended to threaten, alarm or terrorize another person. "Disability Harassment" is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in, or receipt of benefits services, or opportunities in the School. Harassment and Disability Harassment include, but are not limited to:

- Verbal acts, teasing, inappropriate use of sarcasm or demeaning jokes;

- Name-calling, belittling;
- Nonverbal behavior such as graphic or written statements;
- Conduct that is physically threatening, harmful, or humiliating; or
- Inappropriate physical restraint by adults

"Racial Harassment" consists of physical or verbal conduct relating to an individual's race when the conduct:

- Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
- Otherwise adversely affects an individual's academic opportunities.

"Sexual Orientation Harassment/Homophobic Bullying" consists of physical, verbal, electronic communication or gestures relating to an individual's sexual orientation when the conduct is intended to threaten alarm or terrorize the person.

"Sexual Harassment" means any unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances:

- When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
- Submission to or rejection of that conduct or communication by an individual is used to factor decisions affecting that individual's education; or
- That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education, or creating an intimidating, hostile or offensive educational environment.

"Hazing" means committing an act against a student (or a group of students), or coercing a student (or a group of students) into committing an act that creates a risk of harm to a person.

This would include initiation practices connected with student organizations. This also applies to any and all GANG imitation activities or practices. Hazing includes but is not limited to:

- Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
- Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

- Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity that intimidates or threatens that student with ostracism, that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
- Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or School policies.

#### Notice of Prohibition against Bullying and Anti-Bullying Interventions

"Bullying" behavior by any student at YSMCS is strictly prohibited and such conduct may result in disciplinary action including suspension and/or expulsion from school. "Bullying" means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to hazing, harassment, intimidation or menacing acts of a student which may, but need not be based on the student's race, color, sex, ethnicity, national origin, religion, disability age or sexual orientation that a reasonable person under the circumstances' should know will have the effect of:

- Placing a student in reasonable fear of physical harm or damage to the student's property; or The CEO or designee is REQUIRED to make a reasonable effort to notify the parent or guardian of a student who commits a verified act of intimidation, harassment, or bullying of the response of the school staff, and consequences that may result from further acts of bullying.

Retaliation against an individual, who either orally reports or files a written complaint regarding harassment, intimidation, bullying and hazing, is prohibited. The right to confidentiality for both the complainant and the accused shall be preserved whenever possible. Confidentiality, however, cannot be guaranteed at the onset of an investigation as it cannot be predicted what will be discovered or what kind of hearing will result.

If harassment or bullying continues, the (alleged) aggressor will be immediately suspended and removed from the school, pending a long-term hearing. In regards to Special Education students, Special Education procedure and/or protocol will be followed. IEP and/or behavior management plans will also be consulted as a determinant for consequences, and for interventions to address the issue. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA), school staff is REQUIRED to make a reasonable effort to notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.

#### Investigating Intimidation, Harassment, or Bullying Behavior

The CEO or his/her designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying, or hazing. In determining whether the alleged conduct constitutes

bullying, the totality of the circumstances, the nature of the conduct, the student's history, and the context in which the alleged conduct occurred will be investigated. The following are key points to consider during the investigation process:

- The administrator/designee(s) will make a reasonable effort to inform the parents/guardians of the victim, and the accused, of any formal report of harassment, intimidation, Bullying or hazing.
- The administrator/designee(s) will inform them at that time whether or not an investigation will take place.
- The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods or documents deemed relevant by the investigators.
- The School may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
- The investigation shall be completed as soon as possible. The School will be responsible for processing and maintaining a file of all formal incidents. Said reports may be reviewed by School administration and may also be used to compile data regarding the extent of bullying within the School. The School-wide student PBS reporting system will be utilized to track formal incidents to include Bullying harassment, intimidation and hazing.

#### Consequences for Bullying

Verified acts of bullying shall result in intervention by the CEO or his/her designee that is intended to ensure that the prohibition against bullying behavior is enforced.

Bullying behavior can take many forms and may vary dramatically in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is not a single disciplinary response to bullying. Conduct that rises to the level of "bullying" as defined above will warrant disciplinary action against the (alleged) aggressor of such bullying. The extent to which to impose disciplinary action is a matter of professional discretion of the CEO/designee(s).

Consequences may include detention, in or out-of-school suspension, alternative placement or expulsion. Other interventions may include Restorative Justice, mediation or the involvement of other programs adopted by the school to address bullying behaviors. Special Education students will be subject to disciplinary action specified within their IEP or Behavior Management Plan.

#### Consequences for Knowingly Making False Reports

False reports of Bullying behaviors will be regarded as serious offenses and will result in disciplinary action or other appropriate sanctions.

#### Procedures for Notification:

YSMCS shall inform students, parents and personnel that harassment and/or bullying will not be tolerated by means of one or more of the following:

- a. Distribution of policy through school website.
- b. Publication in handbooks.
- c. Assembly presentation. Bully awareness week to be set by PBS team.
- d. Training session(s).
- e. Posting of notices/signs.
- f. Other means of notice to be implemented by the school.

The school shall use its discretion in developing and initiating age-appropriate programs to effectively inform students, parents and personnel about the substance of the policy and procedures in order to help prevent harassment and/or bullying.

#### Threats of Violence

- Threats of violence toward other students, school staff, or facilities are prohibited and may result in suspension or expulsion, regardless of whether the student has previously engaged in such conduct.
- All employees and students are required to report evidence of threats of violence to CEO or designee. Such reports shall be investigated by CEO/designee(s). Reporting procedures shall follow the standards outlined above.
- In cases of threats that may constitute a serious violation of criminal law, the CEO/designee(s) shall notify law enforcement authorities.
- In cases of threats that constitute a minor violation of criminal law, the CEO/designee(s) has the right to notify law enforcement authorities if appropriate