

316 (Reviewed 11/2020)

BULLYING PROHIBITION

I. PURPOSE

HOPE Community Academy strives to provide safe, secure and respectful learning environments for all students in school buildings, on school grounds, on school buses, and at school-sponsored activities. Bullying is conduct that interferes with a student's ability to learn and a teacher's ability to educate.

This policy protects students against bullying and harassment on the basis of actual or perceived race, ethnicity, color, creed, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, status with regard to public assistance, age, military status, unfavorable discharge from military service, association with a person or a group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Chapter 363A. This policy also protects any student who voluntarily participates in any district function or activity, whether the student is enrolled in the district or not.

DEFINITIONS

- Prohibited conduct (bullying) means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students creating an actual or perceived imbalance of power between the student engaging in bullying and the target of bullying that has or can be reasonably predicted by repeated forms of pattern to have one or more of the following effects:
 - Placing the student in reasonable fear of harm to the student's person or property.
 - Causing a substantially detrimental effect on the student's physical or mental health.
 - Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
- Bullying may take various forms, including without limitation, one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.
- "Cyberbullying" means using electronic information and communication technologies to bully. This may include, but is not limited to a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network, Internet, website or forum, transmitted through a computer, cell phone, or other electronic device.
- "Remedial response" means a measure to stop and correct prohibited conduct, prevent conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Remedial response also means a measure to stop and correct retaliation for asserting, alleging, reporting or providing information about prohibited conduct (retaliation) or knowingly making a false report about prohibited conduct (false report), prevent retaliation or false reports from recurring and protect, support and intervene on behalf of the student who is the target of the prohibited conduct.
- "Immediately" means as soon as possible but in no event longer than 24 hours.

- “School employee” includes school board members, administrators, educators, aids, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, paraprofessionals, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the school and its students.

PROHIBITIONS

Bullying of a student or group of students is prohibited:

1. During any school-sponsored or school-sanctioned programs, activities, events or trips.
2. In school buildings, school property, on school buses or other school district-provided transportation, and at designated locations for students to wait for buses and other school district-provided transportation.
3. Through the transmission of information from a school district computer or computer network, or other electronic school equipment.
4. When communicated through any electronic technology or personal electronic device while on school property, on school buses or other school-provided transportation, at bus stops, and at school-sponsored or school-sanctioned events or activities.
5. Off campus communication and use of electronic technology which seriously disrupts any student’s education.

Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited. False accusations or reports of bullying against another student are also prohibited.

RESPONSE

The Dean of Students is responsible for receiving reports of bullying at the building level. They will ensure this policy and its procedures are fairly and fully implemented and serve as the primary contact on the policy and procedural matters implicating both the school and department. If the complaint involves the Dean of Students; the complaint shall be made or filed directly with the Executive Director.

When investigating a complaint, the Dean of Students may take into account the following factors:

- The developmental ages and maturity levels of the parties involved.
- The levels of harm, surrounding circumstances, and nature of the behavior.
- Past incidences or past or continuing patterns of behavior.
- The relationship between the parties involved.
- The context in which the alleged incidents occurred.

Investigation of a bullying incident shall be initiated within three school days of the receipt of the report and be completed within 10 school days, unless the Dean of Students grants in writing an additional five-day extension due to extenuating circumstances. ***See attachment A for a template of the investigation process.***

Attachment A – Template for Investigation Process

SCHOOL DISTRICT ACTION

The assistant director shall perform the investigation.

1. Investigation of a bullying incident shall be initiated within three school days of receipt of a report and be completed within 10 days, unless Dean of Students grants in writing an additional five day extension due to extenuating circumstances. The Dean of Students shall document the extension in the investigation report and shall notify the parties involved. Every effort will be made to protect the confidentiality of those who report bullying incidents and is responsible for keeping and protecting access to any written records of the investigation.
2. Prior to the investigation of the incident, the Dean of Students will take immediate steps, at its discretion, to protect the alleged actor(s), target(s), bystander(s) or reporter pending completion of an investigation. Once an investigation is concluded, further steps will be taken as needed to assure the continued safety of the complainant from additional incidents of bullying or retaliation.
3. The purpose of the investigation is to make a determination as to whether a reported incident constitutes a case of bullying. These determinations will be made in consideration of the totality of the facts and the circumstances surrounding the incident, such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incident occurred.
 - a. Identifying the alleged actor(s), target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it.
 - b. Conducting an individual interview in a private setting with the alleged actor and target. The alleged actor and target should never be interviewed together or in public. Individual interview shall also be conducted in private with student and adult bystanders. The investigation may also consist of any other methods and documents deemed pertinent by the assistant director.
 - c. Determining how often the conduct occurred, any past incident or continuing pattern of behavior, and whether the target's education, including but not limited to, a negative impact on academic performance, educational opportunities and participation in school activities was affected.
 - d. Assessing the individual and school-wide effects of the incident relating to safety, and assigning school staff to create and implement a safety plan to prevent the recurrence of an incidence that will restore a sense of safety for the target and other students who have been impacted.
 - e. If the Dean of Students determines the reported incident may involve criminal activity of the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement authorities. As part of making this determination, the Dean may wish to consult with either a law enforcement officer or legal counsel. Law enforcement shall only be contacted if all other available remedies have been exhausted.
 - f. When appropriate, preparing a report identifying his/her recommendation for individual consequences.
 - g. Comprehensively documenting the details of the investigation.
 - h. When the investigation is complete, the Dean of Students shall ensure the investigation report is attached to the incident report.

Attachment B – Additional Information on Disciplinary Actions

Remedial actions may include:

For the student harmed: protect, support and intervene on behalf of the student who is the target of the prohibited conduct.

Support may include: referral to student support staff for one-to-one support or social skills training; daily check-in and check-out with a trusted adult in the school; choice to participate in a restorative process, facilitated by a trained facilitator.

For the student who violated the prohibited conduct policy: schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, age-appropriate and should match the severity of the student's behavior; consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes.

Consequences may include: A referral to appropriate staff for teaching and re-enforcing appropriate school behavior: mini courses or skill modules to guide restitution; a referral to participate in restorative process facilitated by a trained facilitator if the student admits to having caused harm; a coordinated behavior plan that may include behavior contracts with a plan to prevent the prohibited conduct from recurring; individual counseling and one-to-one support to change behavior.

Consequences may also include warning, suspension, exclusion, expulsion or transfer. Schools should avoid using punitive discipline (detention, suspension and expulsion) if any other method or consequence can be used with fidelity. The school may review school-wide behavior data as well as the data relate to the person who did the harm and the person harmed. If the investigator determines that a violation of this policy may be a result of the school climate needs, the district may conduct classroom, school or district-wide training.

When an investigation determines bullying has occurred, the Dean of Students shall explain the consequences in a non-hostile manner and shall impose any consequences immediately and consistently. The Dean of Students shall keep communicating and working with all parties involved until the situation is resolved. Some key indicators of resolution include:

- The actor is no longer bullying and is interacting civility with the target.
- The target reports feeling safe and is interacting civility with the actor.
- School staff observes an increase in positive behavior and social-emotional competency in the actor and/or the target.
- School staff observes a more positive climate in the physical location where the bullying incidents were high.

REMEDIAL RESPONSE AND REFERRALS

The School Social Worker shall design and implement remedial measures to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the target of the bullying, and take corrective action for documented systemic problems related to bullying. Students who bully shall be referred to positive-behavior small-group interventions (for anger management, trauma or social skills) within the school, if possible, to reinforce the behavioral expectation they violate and increase their social-emotional competency. The Dean of Students or

School Social Worker shall ask a school mental health professional to refer targets of bullying to individual or group therapy where they can openly express their feelings about their bullying experience, or social-skills training and/or groups where they can practice assertiveness and coping mechanisms.