



## Bullying and Other Prohibited Behaviors

Commonwealth Charter Academy is committed to providing a safe, positive, productive and nurturing educational environment for all of its learners, and encourages the promotion of positive interpersonal relations among members of the school community.

Harassment, intimidation, bullying, cyberbullying and/or hazing toward any member of the school community, whether by or toward any learner, staff, learning coach, caretaker or other third party, is strictly prohibited and will not be tolerated. Examples of such prohibited behavior include, but are not limited to, stalking, bullying/cyberbullying, intimidating, menacing, coercion, name-calling, taunting, making threats and hazing. This prohibition includes aggressive behavior; physical, verbal and psychological abuse; and violence within a dating relationship. These types of behavior are forms of intimidation and harassment and are strictly prohibited, regardless of whether the targets of the prohibited behavior are members of a legally protected group based on factors such as sex, sexual orientation, race, color, national origin, marital status, religion or disability.

The following definitions are intended to provide guidance in assessing whether a particular behavior is a prohibited behavior. They are not exhaustive in their scope and are not intended to replace the intuition of the individual. When in doubt as to whether a particular suspected behavior is a prohibited behavior, you are urged to rule on the side of caution and report your concerns to the appropriate authority, as provided for in this policy.

**Harassment** — any intentional behavior or course of conduct (whether written, verbal, graphic, or physical) directed at a specific person or group of persons that causes substantial physical and/or emotional distress or harm and is sufficiently severe, persistent and/or pervasive that it creates an intimidating, threatening and/or abusive educational environment for the other person(s) and serves no legitimate purpose.

**Bullying** — a course of abusive treatment (whether written, verbal, graphic or physical) that typically involves the use of force or coercion to affect others, particularly when habitual and involving an imbalance of power. It may involve verbal, written or cyber harassment, physical assault or coercion, and may be directed persistently toward particular victims.

**Cyberbullying** — the use of information and communication technologies, such as, but not limited to, cellphone, email, instant messaging, social media websites, Twitter, etc., to support deliberate and hostile behavior by an individual or group, that (i) is intended to harm others or (ii) that an objectively reasonable person would expect to cause harm to others. Cyberbullying includes the posting or other transmission of text, video or images that are embarrassing, demeaning or threatening in nature, regardless of whether the subject of such text, video or images directed, consented to or otherwise acquiesced in the at-issue posting or other transmission.

**Hazing** — Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a learner or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

**Intimidation** — a course of behavior that instills fear or a sense of inadequacy.

**Violence within a dating relationship** — any behavior by a learner exhibited toward that learner's dating partner that is an attempt to gain and/or maintain power and/or control over a dating partner through violence, threats of violence and/or physical, verbal, psychological and/or mental abuse.

**Sexting** — knowingly using a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video which depicts nudity and is harmful to minors. Knowingly possessing a photograph or video that was transmitted or distributed by another minor as described above.

**The CCA administration will not tolerate any gestures, comments, threats or actions which:**

1. Cause, threaten to cause or an objective and reasoned third party would find was intended to cause, bodily harm or personal degradation
2. Create or an objective and reasoned third party would determine was intended to create, an intimidating, threatening or abusive environment for any learner, staff member, member of the administration, parent or guardian, or other third party.

This policy applies to all CCA-related activities and/or engagements, including, but not limited to, online school-related activities such as Live Lesson sessions, participation in clubs and activities, email messages, text messages, discussions, telephonic communications and message boards; and in-person activities, such as state testing, field trips, open houses and any other in-person school-related activities on school property. This policy also applies to those activities or engagements which occur off school property if the learner or employee is at any school-sponsored, school-approved or school-related activity or function such as field trips or events where learners are under the school's control, in a school vehicle, where an employee is engaged in school business or where the prohibited behavior is facilitated through the use of any school property or resources.

Any learner or caretaker who believes that a learner has been or is the recipient of any of the above-described prohibited behaviors should immediately report the situation to the school counselor, school principal or assistant principal, or CEO. The learner may also report concerns to teachers and other school staff, who will be responsible for notifying the appropriate school administrator. Complaints about prohibited behavior against the school principal should be filed with the CEO of Commonwealth Charter Academy. Complaints about prohibited behavior against the CEO should be filed with the Commonwealth Charter Academy Board President.

Every learner is encouraged, and every staff member is **required**, to report any situation that they believe to be prohibited behavior. Reports may be made to those identified above. If a learner or other individual believes there has been prohibited behavior, he/she should report it and allow the administration to determine the appropriate course of action. Any teacher, school administrator or school staff member who does not make a timely written report of an incident of prohibited behavior shall be subject to appropriate disciplinary action in accordance with the school's disciplinary process.

All complaints about prohibited behavior shall be kept confidential and be promptly investigated. The school principal or appropriate administrator shall prepare a written report of the investigation upon completion. Such report shall include findings of fact, a determination of whether any prohibited behavior(s) were verified and, when prohibited acts are verified, a recommendation for intervention, including disciplinary action, shall be in the report. Where appropriate, written witness statements shall be attached to the report. When the target of the prohibited behavior is a learner, the school shall provide that learner with a written copy of the rights, protections and support services available to him/her. If there is any evidence that the learner has experienced physical harm as a result of the prohibited behavior, the school shall promptly communicate that information to the appropriate personnel, including, but not limited to, emergency personnel and/or law enforcement.

If the investigation finds an instance of harassment, intimidation, bullying, dating violence or any other prohibited behavior has occurred, it will result in prompt and appropriate remedial and/or disciplinary action in accordance with the school's disciplinary process. This may include up to expulsion for learners; up to discharge for employees; up to exclusion for parents, guests, volunteers and contractors; and up to removal from any official position and/or a request for a Board member(s) to resign. Individuals may also be referred to law enforcement officials. Remedial and/or disciplinary action for employees will follow the procedures outlined in the Employee Handbook. Remedial and/or disciplinary action for learners will follow the procedures outlined in the Learner Handbook.

If after investigation the act(s) of prohibited behavior by a specific learner is/are verified, the school principal or appropriate administrator shall notify in writing the caretaker of the perpetrator of that finding. If disciplinary consequences are imposed against such learner, a description of such discipline shall be included in the notification.

**Retaliation** against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry concerning allegations of harassment, intimidation, bullying, dating violence or any other prohibited behavior will not be tolerated, independent of whether a complaint is substantiated. Such retaliation shall be considered a serious violation of school policy, and suspected retaliation should be reported in the same manner as prohibited behavior. Making intentionally false reports about prohibited behavior will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

This policy shall not be interpreted as infringing upon the First Amendment rights of learners (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by state or federal law).

Learners and/or their caretakers may file **written** reports regarding any suspected prohibited behavior by completing the Report of Bullying, Aggressive or Other Prohibited Behavior Form, found in the forms section of the virtual library, and sending this to the school. Such reports should be reasonably specific, including person(s) involved, number of times and places of the alleged conduct, the target of the suspected prohibited behavior(s) and the names of any potential learner or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the school principal for review, investigation and action.

Learners and/or their caretakers may make informal complaints of conduct that they consider to be prohibited behavior(s) by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific, including person(s) involved, number of times and places of the alleged conduct, the target of suspected prohibited behavior and the names of any potential learner or staff witnesses. A school staff member or administrator who received an informal complaint shall promptly document the complaint in writing by completing the CCA Report of Bullying, Aggressive or Other Prohibited Behavior Form. This written report shall be promptly forwarded by the school staff member and/or administrator to the building principal for review, investigation and appropriate action.

## Privacy/Confidentiality

The school will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with the school's legal obligations to investigate, to take appropriate action and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law.

## Bystanders

Bullying involves not only those who are bullies and their victims but also the bystanders who are witnesses. CCA recognizes that bystanders may be negatively affected by bullying but that they also have the potential to play a positive role in responding to it.

### **Bystanders may be negatively affected in the following or other ways:**

- Be afraid of being associated with the victim of bullying for fear of becoming a target of the bully themselves, or feel discomfort or fear at witnessing bullying
- Feel guilt, helplessness or loss of control for not standing up to the bully
- Be drawn into the bullying behavior by group pressure
- Feel unsafe in the situation

### **Conversely, bystanders may be able to help victims of bullying by doing the following:**

- Ask for help from a trusted adult such as a teacher, principal or other school official
- Help the person being bullied: Create a distraction to focus attention on something else; try helping the person who is being bullied leave the scene by telling him/her that you need them to play a game or that an adult needs to see them, etc.

- Don't give bullying an audience: Bullies are often encouraged by the attention they receive, so don't support them by watching
- Set an example: Do not bully others; don't encourage bullies; create posters against bullying; join an anti-bullying club; tell a bully that his/her actions are not funny
- Be a friend to the person being bullied
- Spend time with the person being bullied: Talk to them; listen to them; tell them you think that bullying is bad; tell them to talk to a trusted adult for help

CCA's expectation is that learner bystanders will report bullying to a school official or other appropriate adult in a timely manner. If it comes to the attention of the school leadership or staff that a learner bystander did not report bullying, the school will initiate a conversation with the learner regarding the school's expectations for bystanders to report bullying. Second and subsequent occurrences of non-reporting of bullying may subject the learner to more serious disciplinary action.