

**Spectrum Charter School  
4369 Northern Pike  
Monroeville, PA 15146**

**Board of Trustees Policy 249**

**ANTI-BULLYING, ANTI-CYBERBULLYING AND ANTI-HAZING  
AND TITLE IX POLICY**

The Board of Trustees (“Board”) of the Spectrum Charter School (“Charter School”) recognizes the importance of providing all students and employees with a safe school and learning environment in order to promote the educational process. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards as well as to promote positive interaction among students through participation in Charter School sponsored groups or organizations. Bullying, cyberbullying, hazing and conduct prohibited by Title IX, including but not limited to sexual harassment, like other disruptive or violent behaviors, is conduct that prevents both a student’s ability to learn and participate in the School community and the Charter School’s ability to educate its students in a safe environment. Therefore, in order to ensure and promote a safe learning environment, it shall be the policy of the Charter School to maintain an educational environment that is intolerant of bullying, cyberbullying, hazing, sexual harassment, and all other Title IX prohibited conduct, in any form.

Since students learn by example, school administrators, faculty, staff and volunteers are directed to demonstrate appropriate behavior, treat others with civility and respect and to refuse to tolerate bullying, cyberbullying, hazing or sexual harassment and all other Title IX prohibited conduct. This policy pertains to all students and staff, regardless of their status. This policy also applies to all students and staff whose conduct out of school materially and substantially interferes with the educational process at the Charter School.

**Definitions**

**Bullying** and **Cyberbullying** are defined as an intentional electronic, written, verbal, or physical act, or a series of acts:

1. directed at another student or students;
2. which occurs in a “school setting”, or occurs outside of school and the Charter School reasonably forecasted that the outside-of-school conduct would materially interfere with or substantially disrupt the educational

process or program in the school, and the outside-of-school conduct does in fact materially interfere with or substantially disrupt the educational process or program in the school;

3. that is severe, persistent or pervasive; and
4. that has the effect of doing any of the following:
  - substantially interfering with a student's education;
  - creating a threatening environment; or
  - substantially disrupting the orderly operation of the school.

Bullying and cyberbullying shall encompass acts that occur outside a school setting if those acts meet the requirements found in (1), (3) and (4) listed above.

**School Setting** shall mean in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and technology, on the Charter School's server or the Charter School's electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity sponsored, supervised or sanctioned by the Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student whose out of school conduct materially interferes with or substantially disrupts the educational process in the school is also subject to this policy.

**Cyberbullying** is often seen by sending harmful or cruel material, text messages, and/or images or engaging in other forms of social aggression and bullying using the Internet, cell phones, personal digital assistants ("PDAs"), or other technology resources.

All students, staff, volunteers, and contractors shall comply with the Charter School's Acceptable Use and Internet Safety Policy, which is required under the Children's Internet Protection Act ("CIPA"), and review the Charter School's Social Media and Networking Guidelines Policy when using any technology resources.

Cyberbullying via the Internet is seen through the use of any one or more of a number of methods, including, but not limited to:

- Email sent to the intended victim;
- Blog entries regarding the intended victim;
- Posts on social networking websites, including, but not limited to, Facebook or MySpace;
- Posting victim's pictures on the Internet or networking websites with derogatory phrases or questions attached to them;
- Using instant messaging tools to harass victims;

- Creating an Internet parody of the intended victim;
- Creating fake Internet profiles for the victim on a public website;
- Creating or accessing an unauthorized website which harasses or bullies the victim;
- Using camera phones and/or digital cameras to take embarrassing photographs of students and/or staff and posting them online;
- Excluding others from an online group by falsely reporting them for inappropriate language to Internet service providers.

Cell phones are also often used for cyberbullying for things such as calling or text messaging the victim and/or using a victims' cell phone to text or call another victim using harassing language.

The use of the Internet or Charter School email does not necessarily have to involve the creation of the offensive materials. Rather, the person creating the offensive material may do it on a home computer and then use the Charter School's computers to take such actions as accessing it, viewing it, displaying it for others to see, disseminating copies of it to others, or otherwise publicizing the contents.

The Charter School strictly prohibits the above conduct and any conduct by any student or staff that creates or intends to create an intimidating, threatening, offensive, or hostile learning environment.

### **Hazing**

On May 24, 2016, Sections 2 and 4 of the Act of December 15, 1986 (P.L.1595, No.175), known as the Anti-Hazing Law, were amended to apply this Law to public and private secondary schools as defined below. The amended Anti-Hazing Law was passed by the Legislature and went into effect on July 25, 2016. The following words and phrases when used in this Act shall have the meanings as set forth in the amended Anti-Hazing Law as passed by the Legislature:

- Hazing. Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a person 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. The term shall include, but not be limited to:
  - o 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;

- o 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.
- o 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.
- **Secondary school:** Any public or private school within this Commonwealth providing instruction in grades 7 through 12 or any combination of those grades.

## Title IX

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*, protects students from discrimination based on sex in educational programs or activities that receive Federal financial assistance. Title IX states that:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient, which receives Federal financial assistance.

This policy reaffirms the commitment of the Charter School to comply with Title IX. This policy covers student on student as well as employee on student sexual harassment.

The Charter School shall not retaliate against any person for opposing an unlawful educational practice or policy, or making charges, testifying or participating in any complaint or action under Title IX.

In providing any aid, benefit, or service to a student, the Charter School shall not, on the basis of sex:

1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;

2. Provide different aid, benefits, or services or provide aid, benefits, or services In a different manner;
3. Deny any person any such aid, benefit, or service;
4. Subject any person to separate or different rules of behavior, sanctions, or other treatment;
5. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
6. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

### **Sexual Harassment**

Title IX prohibits sex-based harassment by peers, employees, or third parties that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the recipient's education programs and activities (*i.e.*, creates a hostile environment). In accordance with U.S. Department of Education's Office of Civil Rights ("OCR") Guidance, a variety of related factors must be considered in order to determine if a hostile environment has been created. It directs the conduct in question to be viewed from both a subjective and an objective perspective. Specifically, OCR's standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim's position, considering all the circumstances. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the conduct is physical. A single or isolated incident of sexual violence may create a hostile environment.

Sexual harassment includes, but is not limited to, sexual advances, request for sexual favors, or other verbal or physical acts of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's success in school;
2. Submission to or rejection of such conduct by a student is used as the basis for school decisions affecting such student; or
3. Such conduct has the purpose or effect of unreasonably interfering with a student's work performance or creating an intimidating, hostile, or offensive school environment.

## **Gender-Based Harassment**

Title IX's sex discrimination prohibition extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity and OCR accepts such complaints for investigation. Gender-based harassment is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not necessarily involving conduct of a sexual nature. Similarly, the actual or perceived sexual orientation or gender identity of the parties does not change the Charter School's obligations. Recent court cases have recognized acts of harassment directed at a person because of gender to be sexual harassment, regardless of the intent behind the act. The Charter School adopts this interpretation as part of its policy.

### **Guidelines**

Students shall 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 Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents and guardians, staff, and community members of the Charter 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.

Since bystander support of bullying, cyberbullying, hazing and prohibited Title IX misconduct can bolster these types of behaviors, the Charter School prohibits both active and passive support for acts of bullying, cyberbullying, hazing and prohibited Title IX misconduct. The staff should encourage all students to refuse to engage in these acts and to report them immediately to the Title IX Coordinator of the Charter School or to a Principal.

### **Title IX Coordinator**

The Charter School has appointed a Title IX Coordinator to ensure its compliance with Title IX. The core responsibilities of the Title IX Coordinator will be:

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law

requiring the prompt and equitable resolution of all complaints pursuant to Title IX;

- Provide leadership, direction and supervision for all activities and personnel of the Title IX program including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex and/or gender-based discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the district or campus;
- Provide ongoing training, consultation, and technical assistance on Title IX for all students and employees, with specialized training content for hearing officers/boards, investigators, campus law enforcement and appeals officers;
- Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual violence and other forms of sex and/or gender-based discrimination;
- Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the school or campus community (students, faculty, administrators, staff, and parents) of Title IX rights, responsibilities and resources both within and external to school/campus premises;
- Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact, and timely resolution of all instances of sex/gender discrimination made known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;
- Oversee Title IX compliance efforts of other campus/school delegates, departments and offices (e.g., investigators, student conduct/discipline, victim services, public safety, nurse/health services, counseling services, student affairs, human resources, faculty/academic affairs, athletics, etc.);
- Provide appropriate notice of an investigation; determine the extent of an investigation; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charges, notice of hearing, notice of outcome, and remedies, and provide a repository for and source of institutional record-keeping (may also be delegated);
- Provide guidance and assistance to alleged victims of sexual violence and sex/gender discrimination including referral to support resources, notice of right

to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;

- Monitor institutional compliance with and provide ongoing consultation on Section 504 of the Rehabilitation Act of 1973 and related federal and state laws prohibiting discrimination and harassment against all protected classes;
- Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and
- Serve as the main contact for government inquiries pursuant to Title IX.

### **Allegations of Sexual Harassment Occurring Off School Grounds**

Title IX applies with equal force to conduct off Charter School grounds so long as it occurs in the context of an educational program or activity of the Charter School. Such programs and activities include but are not limited to activities that take place during Charter School sponsored field trips, athletic team or school band travel and other events for Charter School clubs that occur off campus. Once the Charter School is put on notice of out of school sexual violence against a student, it must investigate and determine whether the conduct may have continuing effects that create a hostile environment as if the conduct had occurred at school. If a student files a complaint with the school, regardless of where the conduct occurred, the school must process the complaint in accordance with its established procedures. Because students often experience the continuing effects of off-school grounds sexual harassment in the educational setting, the Charter School should consider the effects of the off-school grounds conduct when evaluating whether there is a hostile environment at the Charter School. For example, if a student alleges that he or she was sexually assaulted by another student off school grounds, and that upon returning to the Charter School he or she was taunted and harassed by other students who are the alleged perpetrator's friends, the Charter School should take the earlier sexual assault into account in determining whether there is a sexually hostile environment. The Charter School also should take steps to protect a student who was assaulted off school grounds from further sexual harassment or retaliation from the perpetrator and his or her associates.

Sexual harassment is a violation of federal and state laws and may expose not only the Charter School as a school entity, but individuals employed by the Charter School, to significant liability under the law.

When the Charter School knows or reasonably should know of possible sex-based harassment, it will take immediate and appropriate steps to investigate or otherwise



determine what occurred. If an investigation reveals that the harassment created a hostile environment, the Charter School will take prompt and effective steps reasonably calculated to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and, as appropriate, remedy its effects.

### **Examples of Prohibited Conduct**

The following are examples of acts that violate Title IX. These examples are not to be construed as an all-inclusive list of prohibited acts under the policy:

- A. Physical assaults of a sexual nature, such as:
  - 1. Rape, sexual battery, molestation or attempts to commit those offenses, or committing an act with intent to cause fear in another of immediate bodily harm or death; and
  - 2. Intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against or poking a student's body, or touching of the clothing covering the immediate area of the complainant's intimate body parts.
  
- B. Unwelcome sexual advances, propositions or other sexual comments such as:
  - 1. Sexually-oriented gestures, sounds, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any student;
  - 2. Preferential treatment or promise of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit any student to engage in sexual activity for compensation or reward; and
  - 3. Subjecting or threatening to subject a student to unwelcome sexual attention or conduct, or intentionally making success in school more difficult because of the student's gender.
  
- C. Display of publications anywhere within the Charter School's control such as:
  - 1. Displaying pictures, posters, cartoons, calendars, graffiti, objects, promotional materials, reading materials, music, or other materials that are sexually suggestive, sexually demeaning, or pornographic.

Exceptions will be considered in situations where nudity or sexually explicit language is necessary to convey a message important to public health or safety

or are otherwise pedagogically appropriate. Subject to the foregoing exceptions, visual material will be presumed to be sexually suggestive if it depicts a person of either sex who is nude or seminude or who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body;

2. Displaying or publicizing, in any virtual classroom environment, materials that are sexually revealing, sexually suggestive, sexually demeaning or pornographic;
3. Displaying signs or other materials purporting to segregate a student by gender on the Charter School computer network system;  
or
4. Possession of such material in a manner that it is reasonably foreseeable that they might be seen by others.

D. Sexual Favoritism:

The granting or withholding of Charter School opportunities and benefits including, but not limited to, assignments, discipline, and progress marking and reporting constitute Title IX violations when based on sexual favoritism, and is prohibited.

E. Other Forms of Title IX Violations:

Other conduct that has the purpose or effect of unreasonably interfering with a student's work performance or learning conditions on the basis of gender may also constitute violations, and therefore, is prohibited. Examples of conduct which, when based upon gender, violate Title IX, include:

1. Assigning disagreeable or unsafe assignments; or not making comparable assignments that would tend to disadvantage a student's development;
2. Withholding information, materials, equipment or supplies which are necessary for the efficient performance of an assignment;
3. Unreasonably failing to cooperate or assist students with school-related matters;
4. Interfering with a student's efforts to satisfactorily complete an assignment;
5. Maintaining unequal standards of performance;
6. Ostracizing students, or otherwise making it known to students that they are not welcome because of their gender;  
or
7. Referring to students by sexually denigrating or insulting names because of their gender.

F. Retaliation for Title IX complaints. A non-exhaustive list of examples of retaliation may include:

1. Arbitrary discipline, threats, unwarranted change of assignments, providing inaccurate information, or failing to cooperate or discuss school-related matters with any student because that student has complained about, been a witness to or resisted Title IX prohibited harassment, discrimination or retaliation; and

2. Intentionally pressuring, falsely denying, lying about, or covering up or attempting to cover up conduct such as that described in any item above.

### **Reporting Procedures**

Any student who feels he or she has been the victim of bullying or cyberbullying, hazing or prohibited Title IX misconduct shall have the right to file a complaint. Complaints should be reported to the Title IX Coordinator. Complaints may also be reported directly to a teacher, guidance counselor, or other administrator who shall immediately report the incident to the Title IX Coordinator in order to protect the alleged victim and for prompt investigation.

Should the Title IX Coordinator be the person accused or should the complainant feel that the Title IX Coordinator is in some way responsible for the violation, the complainant may bring his or her concerns directly to the attention of the CEO, who will follow the procedures outlined below.

Any staff who sees any incidents of bullying or cyberbullying, hazing or prohibited Title IX misconduct must immediately report the incident(s) to the Title IX Coordinator. 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. It shall be the responsibility of the Title IX Coordinator to investigate promptly and thoroughly any and all bullying, cyberbullying, hazing or prohibited Title IX misconduct complaints received or referred by other individuals and to make recommendations based upon the investigation. The investigation is to be commenced within three (3) school days after a report is received.

The Board of Trustees requires the Title IX Coordinator to be responsible for determining whether an alleged act constitutes a violation of this policy. In determining whether alleged conduct constitutes bullying or cyberbullying or hazing or prohibited Title IX misconduct, the totality of circumstances, nature of the conduct, and context in which the alleged conduct occurred shall be investigated. If the investigation results in a substantiated charge, the Charter School shall take prompt corrective action to ensure the bullying, cyberbullying, hazing and/or prohibited Title IX misconduct ceases and will not reoccur.

Reports to the Title IX Coordinator may be made anonymously, but formal disciplinary action *may not* be based solely on the basis of an anonymous report.

Upon receipt of a report of alleged act in violation of this policy, the Title IX Coordinator shall immediately notify the parent or guardian of the perpetrator of the bullying, cyberbullying, hazing and/or prohibited Title IX misconduct, and the parent or guardian of the victim of the alleged incident(s).

To assist in the reporting process, Title IX requires that the Charter School will:

1. Publish a Notice of Nondiscrimination on the Basis of Sex in its education programs and activities, including that Title IX requires it not to discriminate in such a manner. The notice must state that inquiries concerning the application of Title IX may be referred to the Charter School's Title IX Coordinator or to OCR. It will include the name or title, office address, telephone number, and e-mail address for the Charter School's Title IX Coordinator. The notice will be prominently posted on the Charter School's website and at various locations throughout the Charter School and published in electronic and printed publications of general distribution that provide information to students and employees about the Charter School's services and policies;
2. Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX that include overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. The Title IX Coordinator or designee will be available to meet with students as needed; and
3. Prominently post this policy (including the compliance procedures contained in this policy) on the school website; send it electronically to all members of the school community; make it available at various locations throughout the Charter School; and summarize it or attach it to the school's handbooks, codes of conduct, and catalogs for students, parents of elementary and secondary students, faculty, and staff.

### **Complaint Procedures**

The student may seek either an informal or formal resolution of his or her complaint:

#### **A. Informal**

The student or his or her parent may request the Title IX Coordinator to intervene by notifying the alleged offender that the specific offensive behavior(s) will not be tolerated. In such case, the Title IX Coordinator must meet with the alleged offender, take a statement with regard to the allegations, and, if warranted, require that the alleged offender participate in non-disciplinary counseling. The alleged offender, if he or she is a student, shall have the right to have his or her parent present during the meeting with the Title IX Coordinator. The Title IX Coordinator shall document, in writing, all actions taken regarding investigation of the allegations, including statements of other student(s) and/or school administration/staff/contractor(s) or

volunteer(s). The complainant must be notified of the right to end the informal process at any time and begin the formal stage of the complaint process. Moreover, in cases involving allegations of sexual assault, an informal resolution or mediation is not appropriate even on a voluntary basis.

## **B. Formal**

A student who believes that his or her rights, including Title IX rights, have been violated or a parent, who believes that his or her child's right, including Title IX rights, have been violated, may file a complaint requesting a formal investigation into the allegations. Formal complaints shall be taken in writing by the Title IX Coordinator and signed by the complainant. A thorough and complete investigation shall be conducted by the Title IX Coordinator.

This investigation shall determine: (1) whether or not the conduct occurred; (2) whether the conduct constitutes a violation of this policy, and, (3) if the conduct was a violation, what actions the Charter School will take to end the violation, eliminate any hostile environment, and prevent its recurrence, which may include imposing sanctions on the perpetrator and providing remedies for the complainant and broader student population.

To the extent possible and allowed by law, confidentiality shall be maintained within the confines of the investigation of the alleged prohibited behavior. All parties will be treated with dignity and due process.

## **C. Interim Measures**

During the pendency of an investigation, the Charter School will take reasonable interim measures in order to prevent further possible bullying, cyberbullying, hazing, and/or Title IX issues. These may include taking steps to avoid further contact between the complainant and the alleged perpetrator by removal of the alleged perpetrator from complainant's homeroom/classroom, transportation, lunch, extracurricular activities and other school day activities/programming in which contact is foreseeable. The Title IX Coordinator shall provide the complainant with periodic updates on the status of the investigation. The Title IX Coordinator shall also ensure that the complainant is aware of his or her rights, including Title IX rights, and any available student assistance programs and resources, such as victim advocacy, academic support, counseling, disability services, health, and mental health services. The Title IX Coordinator shall also inform the complainant of his or her right to seek outside legal assistance and of his or her right to report a crime to local law enforcement.

Even when a Title IX Coordinator has determined that the Charter School can respect a complainant's request for confidentiality and therefore may not be able to respond fully to an allegation of sexual violence and initiate formal action against an alleged

perpetrator, these interim measures may be taken to protect the complainant while keeping the identity of the complainant confidential.

#### **D. Confidentiality**

Before a student reveals information that he or she may wish to keep confidential, the Charter School should make every effort to ensure that the student understands:

1. The Charter School employee's obligation to report the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and location), to the Title IX Coordinator, other appropriate school officials, local law enforcement and Child Line pursuant to Mandatory Reporter duties;
2. The student's option to request that the Charter School maintain his or her confidentiality, which the Title IX Coordinator will consider; and
3. The student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services. If the student requests confidentiality, the Title IX Coordinator should make every effort to respect this request and should evaluate the request in the context of the Charter School's responsibility to provide a safe and nondiscriminatory environment for all students.

### **Procedures for Investigating and Resolving Complaints**

#### **A. Title IX Coordinator**

The Title IX Coordinator shall be capable of conducting a thorough and complete investigation and shall seek advice and assistance from the Board of Trustees if the Title IX Coordinator believes that he or she lacks the capacity to conduct a thorough and complete investigation of the alleged misconduct. If the Title IX Coordinator or the CEO is the one accused of violating a Student's rights, including Title IX rights, the Board will appoint a qualified individual who is not employed by the Charter School to conduct the investigation.

#### **B. Conducting Investigations/Holding Hearings**

The Title IX Coordinator receiving a complaint, including a Title IX complaint, shall take the details of the complaint in writing and have the complainant sign it. All Title IX complaints against a student shall be received, investigated and disposed of in accordance with the procedures set forth in this Policy,

- The Title IX Coordinator shall meet with every complainant to listen and understand the allegations. The complainant may have his or her Parent(s) present during any such meeting. The accused, if he or she is a student, shall also have the right to have his or her parent(s) present at any meetings with the Title IX Coordinator as well.
- From these meetings, the Title IX Coordinator will conduct an adequate, reliable, and impartial investigation of complaint(s), which includes interviewing and obtaining statements from any witnesses of both the complainant and alleged perpetrator, and the review of all evidence presented. Parties will be provided updates until a determination is made in writing.
- The complaint will be decided using a preponderance of the evidence standard (*i.e.*, it is more likely than not that sexual harassment or violence occurred).
- Even though FERPA limits disclosure of certain information in disciplinary proceedings, the Title IX Coordinator will disclose information to the complainant about the sanction imposed on the perpetrator when the sanction directly relates to the complainant. This includes an order that the perpetrator stay away from the complainant, or that the perpetrator is prohibited from attending school for a period of time, or is transferred to other homeroom/classes in the Charter School building.
- If the Title IX Coordinator makes a decision finding that the complainant's allegations are substantiated by a preponderance of the evidence, the appropriate level of discipline consistent with the Charter School's strong policy against bullying, cyberbullying, hazing and Title IX misconduct will be determined by the CEO, Title IX Coordinator and any other Administration as part of the Charter School's Board approved disciplinary process. If the Title IX Coordinator or the CEO believes that the imposition of in school suspension, out of school suspension, or expulsion against an accused student may be appropriate, then an informal or formal hearing shall be held. The formal disciplinary procedures contained in the Charter School's Code of Conduct shall be followed for such hearings to assure due process protection for the accused. Documents regarding substantiated charges shall be placed in the accused student's file. Documents regarding unsubstantiated charges shall not be placed in student files, but shall be maintained by the Board of Trustees in a confidential file established expressly for retaining complaints of bullying, cyberbullying, hazing, and Title IX against students.
- Notice of the right and how to appeal this decision will be included with the Decision to both students and Parents.



### **C. Other Reporting Requirements**

If the complaint involves sexual assault, rape or conduct of a criminal nature, the local Police Department shall be contacted and a report of the incident made by the Charter School in accordance with law enforcement. A report must also be made by the any mandatory reporter to Child Line and the Department of Public Welfare in accordance with the Charter School's Board approved Mandatory Reporter Policy. If there is any question of whether the conduct complained of constituted criminal activity, the Charter School's Board Solicitor should be contacted immediately. Knowledge of a law enforcement investigation does not relieve the Charter School of its independent obligation to investigate the misconduct.

### **D. Consequences for Violations**

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of bullying, cyberbullying, hazing or prohibited Title IX misconduct may range from positive behavioral interventions up to and including in school or out of school suspension from the Charter School or expulsion or other disciplinary removal from the Charter School, in the case of a student, or suspension or termination in the case of an employee, as set forth in the Charter School's Student Code of Conduct or Employee Handbook.

The Anti-Hazing Law also allows for the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension [or], dismissal or expulsion.

In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus or other school property or to otherwise operate under the sanction or recognition of the Charter School.

All penalties imposed under the authority of this section shall be in addition to the penalty imposed by the criminal laws of this State or for violation of any other Charter School rule to which the violator may be subject. If the bullying, cyberbullying, hazing, and/or Title IX violations constitutes criminal activity, the Police Department will be notified in accordance with the Charter School's Memorandum of Understanding with local law enforcement. This may lead to a criminal investigation and criminal charges against the student or staff. Consequences for a student who commits an act of bullying, cyberbullying or hazing or Title IX violations 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 Charter School's Student Code of

Conduct. Remedial measures shall be designed to: correct the problem behavior; prevent another occurrence of the behavior; and protect the victim of the act.

The following intervention strategies for protecting victims may be followed as needed:

- Supervise and discipline offending students fairly and consistently;
- Provide adult supervision at Charter School testing sites or other sites used by the Charter School, at any activity sponsored, supervised or sanctioned by the Charter School during any breaks, lunch times, bathroom breaks and in the hallways during times of transition;
- Maintain contact with parents and guardians of all involved parties;
- Provide counseling for the victim if assessed that it is needed;
- Inform school personnel of the incident and instruct them to monitor the victim and the offending party for indications of harassing, intimidating, and bullying, cyberbullying and/or hazing behavior. Personnel are to intervene when prohibited behaviors are witnessed; and
- Check with the victim daily to ensure that there have been no incidents of retaliation from the offender or other parties.

#### **E. Retaliation Prohibited**

The Board of Trustees strictly prohibits retaliation or reprisal against any person who reports bullying, cyberbullying and/or hazing incidents. Retaliation includes, but it is not limited to, any form of intimidation, reprisal, or harassment used against a person who reports, in good faith, incident(s) of bullying, cyberbullying, hazing, or Title IX violations. Disciplinary action against any person who retaliates or engages in reprisals for reporting such behavior(s) may include sanctions up to and including expulsion or suspension for students and termination for staff engaging in such prohibited conduct. The consequences and appropriate remedial action shall be determined after consideration of the nature, severity, and circumstances of the act.

#### **F. False Accusations**

The Board of Trustees prohibits any person from falsely accusing another of bullying, cyberbullying, hazing, or Title IX violations. The consequences and appropriate remedial action for a student found to have falsely accused another may range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for an employee found to have falsely accused another shall be disciplined in accordance with Charter School policies, procedures, and agreements.

## **Disabled Students**

For those students who meet the disability definitions of IDEA and/or Section 504, both Section 504 and Title II protect these disabled students from bullying, cyberbullying, hazing, and Title IX harassment by teachers, other school employees, and third parties. Such prohibited behavior can trigger a school's obligation to address disability-based harassment, remedy a denial of a free and appropriate public education ("FAPE"), or both. The U.S. Department of Education's Office of Civil Rights ("OCR") would find a disability-based harassment violation under Section 504 and Title II when: (1) a student is bullied or hazed or subject to Title IX misconduct based on a disability; (2) the bullying or hazing or Title IX misconduct is sufficiently serious to create a hostile environment; (3) school officials know or should know about the bullying or hazing or Title IX misconduct; and (4) the school does not respond appropriately.

## **Annual Distribution of Information**

The Board of Trustees requires Charter School officials to annually disseminate the policy to all school staff, students, volunteers, independent contractors and parents along with a statement explaining that it applies to all applicable acts of bullying and cyberbullying, hazing and Title IX violations that occur in the Charter School, on Charter School grounds, on Charter School property, using Charter School equipment and/or technology, on the Charter School's server or the Charter School's electronic, web-based, Internet or online programs, in Charter School vehicles, at designated bus stops or at any activity or organization sponsored, supervised or sanctioned by the Charter School and any time spent necessarily traveling to and from these locations. Additionally, any student or staff's out of school conduct that materially and substantially interferes with the educational process in the Charter School is also subject to this policy.

The Charter School is required to post this policy on its website and make the policy available in every classroom. This policy shall also be posted at a prominent location within every Charter School building where such notices are usually posted. The Charter School shall ensure this policy and its procedures for reporting bullying, cyberbullying and hazing incidents and Title IX violations are reviewed with students and staff within ninety (90) days after its adoption and, thereafter, a minimum of one (1) time per school year.

## **Compliance**

As required by the Federal Broadband Data Improvement Act of 2008, the Charter School shall educate elementary and secondary school aged students with computer access to the Internet about appropriate online behavior, including online interaction with other individuals on social networking websites, such as Facebook and MySpace, and in chat rooms and educate them regarding cyberbullying awareness and response.

The Board of Trustees directs the Administration to develop any procedures necessary to implement this policy and to develop appropriate prevention, intervention and education strategies related to bullying and cyberbullying.

Acts of bullying and cyberbullying are prohibited by and a violation of the Charter School's Acceptable Use and Internet Safety Policy and its Child Internet Protection Act (CIPA) Policy.

The Charter School will comply with all applicable federal and state laws relating to bullying and cyberbullying and hazing, including, but not limited to, the requirements delineated in the Pennsylvania Charter School Law, 24 P.S. § 1701-A, *et seq.*, the Federal Children's Internet Protection Act (CIPA), 47 U.S.C. § 254(h) and (l), and the Neighborhood Children's Internet Protection Act (N-CIPA) and any applicable implementing regulations and the PA Anti-Hazing Law (P.L. 1595, No.175).

The Charter School will also comply with Chapter 711 of Title 22 of the Pennsylvania Code, the Public School Code, the applicable House Bill 1067 Public School Code amendments relating to safe schools and bullying, and applicable provisions of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) and its applicable implementing regulations regarding the discipline of special education students and thought-to-be eligible students who engage in an act of bullying.

Specifically, with regard to the PA Safe Schools Act, Charter School administration shall annually provide the following information with the Safe School Report:

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention, or education programs.

### **Training**

Employees will be trained so that they know to report bullying, cyber bullying, hazing, and Title IX harassment to appropriate school officials, and so that employees with the authority to address such misconduct know how to respond properly. Training for employees will include practical information about how to identify types of conduct that constitute bullying, cyber bullying, hazing and Title IX harassment or violence, how to identify warning signals that may need attention and how to report these types of misconduct. This training will be provided to any employees likely to witness or receive reports of bullying, cyber bullying, hazing, and Title IX harassment and violence, including teachers, school security, school administrators, school counselors,

and health personnel. All persons involved in implementing a recipient's grievance procedures (*e.g.*, Title IX Coordinators, investigators, and adjudicators) must have training or experience in handling complaints of bullying, cyber bullying, hazing, and Title IX harassment and sexual violence, and with the Charter School's grievance procedures. The training also will include applicable confidentiality requirements. In sexual violence cases, the fact-finder and decision-maker also will have adequate training or knowledge regarding sexual violence.

Additionally, the Charter School will ensure that staff members are capable of providing culturally competent counseling to all complainants. It will ensure that its counselors and other staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, receive appropriate training about working with Lesbian/Gay/Bi-sexual/Transgender and gender-nonconforming students and same-sex sexual violence.

The Charter School will also ensure that any school reporting forms, information, or training about bullying, cyber bullying, hazing, and Title IX sexual harassment and violence be provided in a manner that is accessible to students and employees with disabilities, for example, by providing electronically-accessible versions of paper forms to individuals with print disabilities, or by providing a sign language interpreter to a deaf individual attending a training.

To ensure that students understand their rights under the laws cited herein, the Charter School will provide age-appropriate training. Training may be provided separately or as part of the Charter School's broader training on anti-bullying, anti-cyber bullying, anti-hazing, and Title IX sex discrimination and sexual harassment.

The Charter School may include these education programs in its orientation programs for new students, faculty, staff, and employees, training for student athletes and coaches, and school assemblies and "back to school nights." These programs will include a discussion of what constitutes bullying, cyber bullying, hazing, and Title IX sexual harassment and sexual violence, the Charter School's policies and disciplinary procedures, and the consequences of violating these policies.

The Charter School also will include such information in their employee handbook and any handbooks that student athletes and members of student activity groups receive. These materials will include where and to whom students should go if they are victims of bullying, cyber bullying, hazing, and Title IX sexual harassment or violence. These materials also will tell students and school employees what to do if they learn of any such incident.

**CONCLUSION**

If any section of this procedure is declared invalid, the remaining sections shall remain valid and unaffected.

**TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.**

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary