



## **Student Policies BP 15 18**

### **Board Policy: ANTI-BULLYING POLICY**

The Gateway Community Charters (GCC) Board of Directors prohibits acts of bullying. The board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its student in a safe environment. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

**Bullying** is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a student or group of students, that may be based on actual or perceived race, religious creed, color, national origin, immigration status, citizenship status, ancestry, physical disability, mental disability, medical condition, genetic information, marital/parental status, sex, gender, gender identity, gender expression, age, sexual orientation, military or veteran status, or association with a person or group with one or more of these actual or perceived characteristics. Acts of bullying include hate violence or harassment, threats, or intimidation, which are directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable student (defined as a student, including, but is not limited to a student with exceptional needs, who exercises average care, skill, and judgement in conduct for a person of his or her age, or for a person of his or her age with exceptional needs) or students in fear of harm to that student's or those students' person or property.
2. Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable student to experience a substantial interference with his or her academic performance.
4. Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by GCC.

Acts of bullying may include:

- Committing sexual harassment as defined in Education Code Section 212.5. The conduct described in Section 212.5 must be considered by a reasonable person of the same gender as the victim to be sufficiently severe or pervasive to have a negative impact upon the individual's academic performance or to create an intimidating, hostile, or offensive educational environment. This section shall not apply to pupils enrolled in kindergarten and grades 1 to 3, inclusive.
- Causing, attempted to cause, threatened to cause, or participated in an act of, hate violence, as defined in subdivision (e) of Education Code Section 233. Hate violence includes any injury or

threat to a person or damage to property based upon perception of a person's race, ethnicity, religion, ancestry, nationality, disability, gender, sexual orientation.

- Under Assembly Bill 9 (AB9) the "Safe Place to Learn Act", discrimination, harassment, intimidation and bullying based on actual or perceived characteristics is prohibited. School personnel who witness such acts must take immediate steps to intervene, when safe to do so. Employees of Gateway Community Charters will use existing complaint investigation processes, timelines to investigate, and the appeals process for all such incidents.

Bullying through Electronic Acts, including cyber sexual bullying. Electronic Act means the creation or transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or page. For more information regarding the definitions of Electronic Acts and cyber sexual bullying, please see GCC Board Policy 04-17 Suspension and Expulsion.

Intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile educational environment.

The Gateway Community Charters Board of Directors 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 Gateway Community Charters Board of Directors believes that standards for student behavior must be set cooperatively through interaction among students, parents and guardians, staff, and community members of the GCC, 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 GCC, charter school and community property on the part of students, staff, and community members.

The Gateway Community Charters Board of Directors 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' abilities to develop self-discipline.

Since bystander support of harassment or bullying can support these behaviors, the GCC discourages and provides consequences for 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 Gateway Community Charters Board of Directors 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. The following factors may be considered by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying.

***Factors for Determining Consequences***

- Age, development, and maturity levels of the parties involved
- Degree of harm
- Surrounding circumstances
- Nature and severity of the behavior(s)
- incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

***Factors for Determining Remedial Measures***

*Personal*

- Life skill competencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Traits
- interests
- Hobbies
- Extra-curricular activities
- Classroom participation
- Academic performance

*Environmental*

- School culture
- School climate
- Student-staff relationships and staff behavior toward the student
- General staff management of classrooms or other educational environments
- Staff ability to prevent and de-escalate difficult or inflammatory situations
- Social-emotional and behavioral supports
- Social relationships
- Community activities
- Neighborhood culture
- Family situation

### ***Examples of Possible Consequences***

- Admonishment
- Temporary removal from the classroom
- Loss of privileges
- Classroom or administrative detention
- Referral to disciplinarian
- In-school suspension during the school week or the weekend
- Out-of-school suspension
- Legal action
- Expulsion of student

### ***Examples of Remedial Measures***

#### *Personal*

- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- Restitution and restoration
- Transformative conferencing/restorative justice
- Peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention team, peer mediation etc.
- Behavioral assessment or evaluation, including, but not limited to, a referral to a Student Study Team (SST), as appropriate
- Behavioral management plan, with benchmarks that are closely monitored
- Involvement of school disciplinarian
- Student counseling
- Parent conferences
- Student treatment
- Student therapy

#### *Environmental (Classroom, school site building)*

- Set a time, place, and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- School culture change
- School climate improvement
- Adoption of research-based, systemic bullying prevention programs
- Modifications of schedules
- Adjustments in hallway traffic
- Modifications in student routes or patterns traveling to and from school
- Targeted use of monitors (e.g. hallway, cafeteria)

- General professional development programs for certificated and non-certificated staff
- Professional development plans for involved staff
- Disciplinary action for school staff who contributed to the problem
- Parent conferences
- Referral to family counseling
- Involvement of parent-teacher organizations
- Involvement of community-based organizations
- Development of a general bullying response plan
- Peer support groups
- Law enforcement involvement

The Gateway Community Charters Board of Directors requires the principal and/or the principal's designee at each school 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 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 Gateway Community Charters Board of Directors 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 to five school days after a report or complaint is made.

The Gateway Community Charters Board of Directors prohibits reprisal or retaliation against any person who reports an act of harassment or bullying. The consequences, up to and including expulsion, and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the GCC board or designee after consideration of the nature, severity, and circumstances of the act. Retaliation shall be considered a violation of the following offense under the Suspension and Expulsion policy: "Harassed, threatened, or intimidated a pupil who is a complaining witness or a witness in a school disciplinary proceeding for the purpose of either preventing that pupil from being a witness or retaliating against that pupil for being a witness, or both."

The Gateway Community Charters Board of Directors 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. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment or bullying shall be disciplined in accordance with GCC employee policies, procedures and agreements.

The Gateway Community Charters Board of Directors requires school sites to include or reference this policy in handbooks or through other manners annually to all school staff, students, and parents. The school administrator shall develop an annual process for discussing the GCC policy on harassment and bullying with students and staff.

**Related Policies** School Safety 06 18 Employee Policy 11-18

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