

HARASSMENT, INTIMIDATION, DISCRIMINATION & BULLYING POLICY

The Learner-Centered School Inc., and any charter schools operating thereunder believe all learners have the right to a safe and civil learning environment. Hereafter, The Learner-Centered School Inc., charter schools shall be referred to as “TLCS”. Discrimination, harassment, intimidation, and bullying are all disruptive behaviors which interfere with learners’ ability to learn, negatively affect learner engagement, diminish school safety, and contribute to a hostile school environment. As such, TLCS prohibits any acts of discrimination, harassment, intimidation, and bullying related to school activity or school attendance. This policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means, consistent with this policy.

As used in this policy, “discrimination, harassment, intimidation, and bullying” describe the intentional conduct, including verbal, physical, written communication, or cyberbullying, that is based on the actual or perceived characteristics of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code or association with an individual who has any of the aforementioned characteristics [Ref. Education Code Section 47605(d)(2)(A)-(C)]. In addition, bullying encompasses any conduct described in the definitions set forth in this policy.

To the extent possible, TLCS will make reasonable efforts to prevent learners from being discriminated against, harassed, intimidated and/or bullied, and will take action to investigate, respond, and address any reports of such behaviors in a timely manner. TLCS’ staff who witness acts of discrimination, harassment, intimidation, and bullying will take immediate steps to intervene, so long as it is safe to do so.

Definitions

“Bullying” means 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 learner or group of learners which would be deemed hate violence or harassment, threats, or intimidation, which are directed toward one or more learners that has or can be reasonably predicted to have the effect of one or more of the following:

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

“Electronic Act” means the creation and 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 pager, of a communication, including, but not limited to, any of the following:

1. A message, text, sound, or image.
2. A post on social media including but not limited to (Using websites with free registration and ease of registration, peer-to-peer instant messaging, comment forums, image and/or video posting platforms):
 - a. Posting to or creating a burn page. A “burn page” means an Internet Web site created for the purpose of having one or more of the effects as listed in the definition of “bullying,” above.

- b. Creating a credible impersonation of another actual learner for the purpose of having one or more of the effects listed in the definition of “bullying,” above. “Credible impersonation” means to knowingly and without consent impersonate a learner for the purpose of bullying the learner and such that another learner would reasonably believe, or has reasonably believed, that the learner was or is the learner who was impersonated.
 - c. Creating a false profile for the purpose of having one or more of the effects listed in the definition of “bullying,” above. “False profile” means a profile of a fictitious learner or a profile using the likeness or attributes of an actual learner other than the learner who created the false profile.
3. Notwithstanding the definitions of “bullying” and “electronic act” above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet.

Reporting

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of discrimination, intimidation, harassment, or bullying, to intervene as soon as it is safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of bullying to School Representatives and/or Co-Administrators.

All other members of the school community, including learners, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the School Representative or designee. While submission of a written report is not required, the reporting party is encouraged to use the report form available in the Main Office. However, oral reports shall also be considered. Assistance in completing the complaint form may be requested by anyone for whom writing accommodations are required. Reports may be made anonymously, but formal disciplinary action cannot be based solely on anonymous information.

Learners are expected to report all incidents of discrimination, intimidation, harassment, bullying, teasing, or other verbal or physical abuse. Any learner who feels she/he is a target of such behavior should immediately contact a teacher, School Representative, Co-administrator, or staff person so that she/he can get assistance in resolving the issue consistent with this policy.

TLCS acknowledges and respects every individual’s rights to privacy. To that end, consistent with legal requirements, all reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process to the greatest extent possible.

TLCS prohibits any form of retaliation against any reporter in the reporting process, including but not limited to a reporter’s filing of a complaint or the reporting of violations of this policy. Such participation shall not in any way affect the status, grades or work assignments of the reporter.

Investigation

Upon receipt of a report of harassment, intimidation, or bullying from a learner, staff member, parent, volunteer, visitor or affiliate of TLCS, the School Representative or designee will promptly initiate an investigation. At the conclusion of the investigation, the School Representative or designee will notify the complainant of the outcome of the investigation. However, in no case may the School Representative or designee reveal confidential learner information related to other learners, including the type and extent of discipline issued against such learners.

Complaints shall be investigated and resolved within thirty (30) school days, unless circumstances reasonably require additional time. A written report of findings will be provided to the complainant in person and/or via USPS or FedEx, with signature upon delivery required. All records related to any investigation of discrimination, harassment, intimidation or bullying will remain in a secure location in the Main Office of TLCS (ACA or ACA II).

Appeal

Should the Complainant find the School Representative or designee resolution unsatisfactory, he/she may within five (5) school days of the date of resolution, file an appeal with the Co-Administrator(s), who will conduct a full investigation.

Consequences

Learners who engage in discrimination, harassment, intimidation or bullying may be subject to disciplinary action, up to and including suspension and/or expulsion, as outlined in the Charter.