

BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL

A FLORIDA CORPORATION NOT FOR PROFIT

Mission Statement

Where students are inspired & prepared for the 21st Century

Policy on Bullying and Harassment

I. General Statement

It is the policy of the Burns Sci-Tech Charter School that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The School will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited. Issues regarding sexual harassment, and harassment based upon race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability shall be dealt with under Board Prohibition of Harassment.

II. Definitions for the Purpose of this Policy

Bullying, for the purpose of this policy, shall be defined as systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. The term "bullying" shall include "cyberbullying" It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

1. Teasing
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation
10. Destruction of property

Cyberbullying, for the purpose of this policy, bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Harassment, for the purpose of this policy, shall be defined as any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property
2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits
3. Has the effect of substantially disrupting the orderly operation of a school

Bullying and harassment, for the purpose of this policy, also encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - a. Incitement or coercion;
 - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the district school system. For purposes of this policy, within the scope of the district school system means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

Cyberstalking, as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

III. Behavior Expectations

General Expectations

The School expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The school district believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members 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 district and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior; treat others with civility and respect, and refuse to tolerate bullying or harassment.

The bullying or harassment of any student or school employee is prohibited:

- a. During any school district program or activity;
- b. During any school-related or school-sponsored program or activity;
- c. On school sponsored transportation;
- d. Through the use of data or computer software that is accessed through a district owned or operated computer, computer system, computer network, or other electronic communication device. The physical location or time access of a computer-related incident cannot be raised as a defense to a disciplinary action initiated under this policy. The application of this policy shall be consistent with the standards that exist under the Constitution of the United States of America; or
- e. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any non-school-related activity, function, or program. Pursuant to section 1006.147, Florida Statutes, nothing in this policy shall be interpreted or relied upon, or establish an expectation that, the school district will staff or monitor any non-school-related activity, function, or program.

Students' Rights and Responsibilities

- **Respect for Persons and Property**

Students have the right to use school property in a manner approved by the school center. Students have the responsibility to respect the rights of others and not to interfere with their learning.

Students have the right to use their personal property in a manner approved by the school. Students have the responsibility to respect and adhere to the rules and regulations of the school system.

Students have the right to privacy consistent with applicable laws. Students have the responsibility to report evidence of an illegal act or violation of the code.

Students have the right to be respected and accepted as individuals. Students have the responsibility to dress appropriately and in accordance with the rules of each school.

- **Knowledge and Observation of Rules and Conduct**

Students have the right to know the rules and regulations regarding their conduct. They also have the opportunity for input in the development of these rules and regulations. Students have the responsibility to follow the rules and regulations of the school center.

Students have the right to be assured of a school environment, which does not jeopardize their safety, health or welfare. Students have the responsibility to follow the rules and regulations of the school center so as not to jeopardize the safety, health and welfare of others.

- **Respect for Authority**

Students shall abide by the standards of conduct established in the Code of Student Conduct and Discipline set out in School Board Policy Number 208, this policy, and by rules established by the school administrators and classroom teachers, which rules shall be consistent with the Code of Student Conduct and Discipline, this policy and applicable law. Students who do not conduct themselves in accordance with such policies and rules are subject to discipline in accordance with the Code of Student Conduct and Discipline.

Student Recognition

All faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success, as seen in the school's recognition plan or school rules.

Sanctions and Due Process

Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Student Code of Conduct and this Policy.

IV. Consequences

Student Consequences

The consequence for a student who commits an act of bullying or harassment or who is found to have wrongfully and intentionally accused another of an act of bullying or harassment shall be consistent with the responses set out in School Board Policy 208, Code of Student Conduct and Discipline, for "Level III – Major I Offenses", which include the following:

- Assignment to an alternative education program
- Community service in lieu of suspension *Not appropriate for all Level III Offenses -consult with the District Office
- Expulsion recommendation from school or bus
- In-school suspension
- Concern to harm self or others referral
- Restitution

Employee Consequences

Consequences and appropriate interventions for a school/district employee found to have committed an act of bullying or harassment or to have wrongfully and intentionally accused another of an act of bullying or harassment will be instituted in accordance with the Professional Practices Commission and the Commissioner of Education, result in a sanction against an educator's state issued certificate (Rule 6B-1.006 F.A.C.).

Visitor and Volunteer Consequences

Consequences and appropriate interventions for a visitor or school volunteer found to have committed an act of bullying or harassment or to have wrongfully and intentionally accused another of an act of bullying may be directed by the principal/designee to leave the school, school activity or school grounds. In addition, if determined to be appropriate by the principal, a trespass warning may be issued in accordance with state law.

V. Incident Report and Investigation

Submission of Complaints

- a. Any student, parent/guardian of a student, employee, visitor or volunteer who believes he or she (or the child/student) has been the victim of bullying or harassment in violation of this policy is encouraged to immediately report the alleged acts to the principal. In accordance with the law, persons shall be permitted to anonymously report such allegations, but no disciplinary action may be based solely upon an anonymous report.

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- b. Section 1006.147 (6), Florida Statutes, states as follows: "A school employee, school volunteer, student or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district's policy and who makes this report in compliance with the procedures set forth in this policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident."
- c. Students who believe they have been subject to or have observed bullying or harassment in violation of this policy shall report the allegation to the teacher, or principal. Teachers who have observed or been told of bullying or harassment among students shall take the appropriate corrective action, and shall make the necessary referrals to the principal as may be warranted by the situation. Employees who believe they have been subject to or have observed bullying or harassment in violation of this policy shall report the allegation to the principal. Visitors or volunteers who believe they have been subject to or have observed bullying or harassment in violation of this policy shall report the allegation to the principal.

Investigation

- a. Upon receipt of the harassment report or complaint, the principal, shall immediately undertake or authorize an investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with the report of such an act.
- b. The investigation will consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- c. In determining whether alleged conduct constitutes a violation of this policy, the person investigating shall consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, and the context in which the alleged incidents occurred.
- d. The investigation will be completed as soon as practicable, with cases involving allegations against students being completed within ten (10) days, and cases involving adults taking no more than sixty (60) days.

VI. Parental Notification and Referrals for Counseling

- a. Where the victim or perpetrator of the bullying or harassment is a student, then the parents of the student shall receive immediate notification of the act of bullying or harassment. The result of any investigation conducted under this policy will be reported in writing to the parties, to the extent allowed by law. The school shall notify the parent if other actions are taken and/or planned to protect the victim. The school shall take the necessary actions to have perpetrators of bullying and harassment referred to appropriate programs and/or services. The School shall also take other action reasonably calculated to end the bullying and/or harassment and to correct the discriminatory effects on the complainant or other individuals who were subject to bullying and/or harassment, if appropriate.

- b. Where the victim or perpetrator of the bullying or harassment is an employee, the district shall offer referrals to counseling through the district's Employee Assistance Program. Counseling may be required for the perpetrator.

VII. Data Collection/Reporting and Instruction

- a. The Principal will take the necessary steps to insure that the anti-bullying and harassment programs conducted by the district provide instruction on identifying, preventing, and responding to bullying or harassment for students, parents, teachers, school administrators, counseling staff, and school volunteers.
- b. Starting with the 2009-2010 school year, this policy shall be included in the publication of the Code of Student Conduct and Discipline provided to teachers and students and their families, and will also be included in employee handbooks.

Legal Authority:

Sections 1001.41, 1001.42, Florida Statutes

ADOPTED by action of the Board of Directors of the Burns Science and Technology Charter School, Inc. at its regular meeting on 10/29/13



Secretary



Gary Bittle Chair, Board of Directors

BURNS SCIENCE AND TECHNOLOGY CHARTER SCHOOL

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Mission Statement

Where students are inspired & prepared for the 21st Century

Policy on Prohibition of Harassment

I. GENERAL STATEMENT OF POLICY

It is the policy of the Burns Science and Technology Charter School to maintain a work environment that is free from harassment because of an individual's race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. The School prohibits any and all forms of harassment because of race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. This shall include same sex harassment, male to female harassment, and female to male harassment.

For the purpose of this policy, the term "school personnel" includes board members, employees, agents, volunteers, contractors, or persons subject to the supervision and control of the School. For the purpose of this policy, the term "other person" shall be defined as any other person involved with school business or activities, or on school grounds.

It shall be a violation of board policy for any student, teacher, administrator, other school personnel, or other person to harass a student, teacher, administrator, other school personnel, applicant for employment or other person through conduct of a sexual nature, or regarding race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability, as defined by this policy.

It shall also be a violation of this policy for any teacher, administrator or other school personnel to tolerate sexual harassment or harassment because of a student's, subordinate employee's, or other person's race, color, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability by a student, teacher, administrator, other school personnel or by any third party.

The principal is to promptly investigate all complaints, formal or informal, verbal or written, of harassment because of race, color, sex, religion, national

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origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. The school system will promptly take appropriate action to protect individuals from further harassment. If it is determined that bullying or harassment in violation of this policy has occurred, the district will: (1) promptly and appropriately discipline any student or employee who is found to have violated this policy; (2) take appropriate action against any other person who is found to have violated this policy; and/or (3) take other action reasonably calculated to end the bullying and/or harassment and to correct the discriminatory effects on the complainant or other individuals who were subject to bullying and/or harassment, if appropriate.

The principal shall appoint an equity officer from among school personnel. The equity officer shall have the responsibility of counseling individuals who believe they may have been subjected to harassment in violation of this policy. Such counseling shall include providing necessary assistance and support in submitting the allegation to the appropriate investigator. The equity officer shall also provide the principal with recommendations regarding training that may benefit the School in the prevention of unlawful discrimination and harassment, and coordinate compliance with civil rights protection.

II. DEFINITIONS

A. Sexual Harassment

For purposes of this policy, sexual harassment consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. submission to or rejection of that conduct by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. that conduct has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, abusive, oppressive, or offensive employment or education environment.

Sexual harassment may include but is not limited to:

1. sexual advances;
2. touching, patting, grabbing or pinching another individual's intimate parts;
3. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
4. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
5. graffiti of a sexual nature;
6. sexual gestures;
7. sexual or dirty jokes;
8. touching oneself sexually or talking about one's sexual activity in front of others;
9. spreading rumors about or rating other employees as to sexual activity or performance;
10. unwelcome, sexually motivated or inappropriate physical contact. This prohibition does not preclude legitimate non-sexual conduct such as the use of necessary restraints to avoid physical harm to persons or property; or
11. other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's employment, educational status or employment, or implied or overt promises of preferential treatment.

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- B. Harassment because of race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability

For purposes of this policy, harassment on the basis of race, color, religion, national origin marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability consists of verbal or physical conduct relating to an individual's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or that of an individual's parents, family members or ancestors, or an individual's physical or mental disability, when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, abusive, oppressive, or offensive working or educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance; or
3. otherwise adversely affects an individual's employment or educational opportunities.

Harassment because of race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability may include but is not limited to:

1. graffiti containing offensive language;
2. name calling, jokes or rumors;
3. threatening or intimidating conduct directed at another because of the other's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability;
5. slurs, negative stereotypes, and hostile acts, which are based upon another's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability;
6. written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;

7. a physical act of aggression or assault upon another because of, or in a manner reasonably related to race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability; or
8. other kinds of aggressive conduct such as theft or damage to property, which is motivated by race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability.

III. REPORTING PROCEDURES

A. General Procedures

Any student, parent/guardian of a student, employee, other school personnel or other person who believes he or she has been the victim of sexual harassment or harassment based on race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability as described by this policy, is encouraged to immediately report the alleged acts to the school principal.

Any school employee who receives notice that any student, employee, other school personnel or other person may have been the victim of sexual harassment or harassment based on race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability as described by this policy, is required to immediately report the alleged acts to the school principal. Failure to forward any harassment report or complaint as provided herein may result in disciplinary action against the employee, administrator or other school personnel who had been informed of the report or complaint. The individual receiving the report or complaint may request but may not insist upon a written complaint.

The School shall, to the extent possible, protect the confidentiality and privacy of the individual filing the complaint, the individuals against whom the complaint is filed, and the witnesses involved. Such confidentiality and privacy may be limited by investigative and legal requirements that apply to the School.

The School encourages the reporting party or complainant to use the report form available from the appropriate office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not required.

B. Submission of Complaints

1. Teachers who have observed or been told of bullying or harassment among students shall take the appropriate corrective action, and shall make the necessary referrals to the school administration as may be warranted by the situation. For other school personnel and other persons, any allegation that a student has been subjected to harassment in violation of this policy by another student shall be submitted to the affected student's principal for investigation in accordance with the Code of Student Conduct and Discipline.
2. Any allegation that a teacher, other school personnel or other person has been subjected to harassment in violation of this policy by a student shall be submitted to the principal for the student against whom the allegation was made.
3. Any allegation that a student, teacher, administrator, other school personnel or other person has been subjected to harassment in violation of this policy by a teacher, administrator, other school personnel or other person shall be submitted to the equity officer with the exception of allegations of harassment on the basis of sex. All complaints of harassment on the basis of sex shall be referred to the director of Professional Standards.
4. Complaints of harassment must be submitted within sixty (60) calendar days of the alleged action.
5. The equity officer shall be notified of all incidents of harassment that are the subject of an investigation.

IV. INVESTIGATION

- A. Upon receipt of the harassment report or complaint, the principal, equity officer or the director of professional standards, whichever is applicable, shall immediately undertake or authorize an investigation.
- B. The investigation will consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

- C. In determining whether alleged conduct constitutes a violation of this policy, the person investigating shall consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, and the context in which the alleged incidents occurred.

- D. In the course of the investigation the principal may determine that reason exists to make a recommendation regarding the protection of the student, employee or others named in the complaint. Such recommendation will be made immediately to the superintendent.

- E. The investigation will be completed as soon as practicable, with cases involving allegations against students being completed within ten (10) days, and cases involving allegations against adults taking no more than 60 days. If the allegation is against an employee, the director of professional standards or equity officer, whichever is applicable shall, upon completion of the investigation, provide a written report to the professional standards committee and shall make a recommendation to the principal. If the complaint involves the superintendent, the report may be filed directly with the board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy and should be completed with 90 days of the date of the complaint.

If the allegation is against a student, and is substantiated, the principal shall take whatever action is appropriate under the Code of Student Conduct and Discipline. If the allegation is against a teacher, employee or other school personnel, and is substantiated, the superintendent and school board shall take appropriate action in accordance with school board policy, Florida Statutes and the Administrative Rules of the Florida State Board of Education. Such actions shall be taken in a timely manner.

- F. The result of any investigation conducted by a school or district administrator under this policy will be reported in writing to the parties to the extent allowed by law.

V. RETALIATION

The School will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any individual who reports alleged harassment under this policy or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.


VI. DISSEMINATION OF POLICY, TRAINING AND PREVENTION

- A. This policy shall be accessible to all students, school personnel and members of the public via the School's web site on the Internet.
- B. The policy will also be referenced in employee handbooks and student handbooks. The principal shall make arrangements for periodic training for staff to insure that employees understand and recognize prohibited harassment activity pursuant to this policy.
- D. The prohibitions and requirements of this policy shall be reviewed with students at the same time the Code of Student Conduct and Discipline is reviewed.

Legal Authority:
Sections 1001.41, Florida Statutes

ADOPTED by action of the Board of Directors of the Burns Science and Technology Charter School, Inc. at its regular meeting on 10-29-13

Secretary


Gary Bittle Chair, Board of Directors