



## **Alliance Judy Ivie Burton Technology High School School Board Policy**

TITLE: Non-Discrimination, Harassment, Intimidation, and Bullying Policy

### **PURPOSE:**

The Alliance Judy Ivie Burton Technology High School charter, submitted (11/20/14) and approved Los Angeles Unified School District (12/04/14), addresses non-discrimination, harassment, intimidation and bullying in the context of discipline (Element 10 Suspension and Expulsion Procedures) and due process rights for students under the Modified Consent Decree.

This policy prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. Furthermore, this policy application extends to include students, parents, employees, agents of the Governing Board, and the general public. Pursuant to AB 9 passed in July 2012, the scope policy applies to all acts related to school activity or school attendance within a school under the jurisdiction of the LEA.

### **POLICY:**

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at the Alliance Burton schoolsite or at an Alliance Burton activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the person's actual or perceived race or ethnicity, age, color, disability, gender, gender identity, or gender expression, ancestry, nationality, religion, sex, sexual orientation; or association with a person or group with one or more of these actual or perceived characteristics.

The Board prohibits discrimination, intimidation, or harassment of any student by any employee, student, or other stakeholder. Prohibited harassment or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in, or benefit from, an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

### **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 student or group of students which would be deemed 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 judgment in [MMH1] 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 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 the Charter School.

“Electronic Act” means the creation and transmission originated on or off the schoolsite, 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 a social network Internet Web site including, but not limited to:
  1. 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.
  2. Creating a credible impersonation of another actual pupil 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 pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated.
  3. 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 pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.

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.

#### Trainings:

The Governing Board designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation,

and bullying, including, but not limited to, the school's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made. In providing instruction, guidance, supervision, or other services to students, employees and volunteers shall carefully guard against segregating or stereotyping students.

Compliance Officer:

The Board designates the following compliance officer(s) to receive and investigate complaints and to ensure the School's compliance with law:

Vice-President of Operations  
Alliance College-Ready Public Schools  
601 S. Figueroa Street, 4th Floor  
Los Angeles, CA 90017  
(213) 943-4930

The Principal or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Principal or designee. Should a complaint be filed against the Principal, the compliance officer for that case shall be the Chair of the School Governing Board.

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.

Any student, parent/guardian, employee, volunteer, visitor, or community member who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the compliance officer, the Principal, or any other staff member. Any student or Charter School employee who observes any such incident of discrimination, harassment, intimidation, or bullying should report the incident to the compliance officer or Principal, whether or not the victim files a complaint.

The Board prohibits any form of retaliation against any student or employee who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

Investigation:

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, from a student, staff member, parent, volunteer, visitor or affiliate of the Charter School, the Principal or designee shall immediately investigate the complaint. At the conclusion of the investigation, if the Principal or designee finds that harassment has occurred, he/she shall take prompt,

appropriate action to end the harassment, notify the complainant of the outcome of the investigation, and address its effects on the victim.

Complaints shall be investigated and resolved within thirty (30) school days, unless circumstances reasonably require additional time.

The Charter School 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. All records related to any investigation of discrimination, harassment, intimidation or bullying will remain in a secure location in the Main Office of the Charter School and will be maintained for at least one-review cycle. In no case may the Principal or designee reveal confidential student information related to other students, including the type and extent of discipline issued against such students.

The Board or designee shall ensure that the student handbook clearly describes the Charter School's policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The Charter School's policy shall also be posted on the web-site and any other location that is easily accessible to students and employees (such as staff lounges and student government meeting rooms). In those instances when the complaint filed under this policy also requires investigation under the Uniform Complaint Procedures, such investigation will be undertaken concurrently.

#### Appeal:

Should the Complainant find the Principal's or designee's resolution unsatisfactory, he/she may within five (5) school days of the date of resolution, file an appeal with the Designated Appeals Committee. In such cases, at least three (3) certificated Charter School employees who are unfamiliar with the case and who have been previously designated and trained for this purpose shall be assembled to conduct a confidential review of the Complainant's appeal and render a final disposition.

#### Resolution:

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board Policy, or Charter Petition provisions may be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation may be subject to disciplinary action, up to and including dismissal.

**Alliance Judy Ivie Burton Technology High School**

**Non-Discrimination, Harassment, Intimidation, & Bullying COMPLAINT FORM**

Your Name: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of Person(s) you have a complaint against: \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

Where did the incident(s) occur? \_\_\_\_\_

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I hereby authorize the Charter School to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.**

\_\_\_\_\_

Date: \_\_\_\_\_

Signature of Complainant

\_\_\_\_\_

Print Name

**To be completed by the Charter School:**

Policy - ALLIANCE JUDY IVIE BURTON TECHNOLOGY HIGH SCHOOL

Date Approved: 12/5/2016

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Follow up Meeting with Complainant held on: \_\_\_\_\_