

Non-Title IX

Prohibition Against Discrimination, Harassment, and Bullying And Complaint Process

Next Generation Academy (NGA) strives to create a safe learning environment for students and staff. It is the policy of our school to maintain an environment that is free from discrimination, harassment, and bullying in all educational programs and employment activities. This includes discrimination, harassment, and bullying based on an individual's differences from their peers or colleagues. NGA will provide equal access to designated youth groups as required by law.

A. DEFINITIONS

For purposes of this policy, the following definitions apply:

Definitions:

As used in this policy, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

1. Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
2. Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

"Cyber-bullying and cyber-harassment" are any words, actions, or conduct that meet the definitions of bullying or harassing behavior described in this policy, and are conveyed via email, text message, Internet message boards, interactions on social media, or other electronic media.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics

1. Discrimination

Discrimination for purposes of this policy means any act or failure to act, whether intentional or unintentional, that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category or on a personal characteristic listed in the opening paragraph of this policy.

2. Harassment and Bullying

Harassment or bullying behavior is conduct intended to intimidate, discredit, injure, or disturb another person or a group of persons. Such conduct violates this policy when any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication:

- 1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
- 2) creates an environment that impairs a student's educational performance opportunities, or benefits or by adversely affecting an employee's ability to function successfully in the workplace.

a. Harassment, including sexual or gender-based harassment described below, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between nonemployees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

b. The school prohibits sexual harassment. Unwanted, unwelcome, and uninvited sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature constitute sexual harassment when:

- 1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
- 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
- 3) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of (1) unreasonably interfering with an employee's work performance or a student's educational performance; (2) limiting a student's ability to participate in or benefit from an educational program or environment or interfering with effective employee-student relations; or (3) creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwanted, unwelcome, and uninvited touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for

sexual activity; continued or repeated offensive sexual flirtations, advances or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; or the display of sexually suggestive drawings, objects, pictures, or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

Employees are strictly prohibited from engaging in a romantic or sexual relationship with any student enrolled in Next Generation Academy whether or not it is consensual. Such conduct is prohibited whether or not it constitutes sexual harassment.

c. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature. This includes subjecting another person to demeaning sexual stereotypes, innuendoes, insults, or other conduct that is pervasively intimidating, offensive, or hostile, or that creates an environment that unreasonably interferes with a student's opportunity to learn or an employee's ability to function successfully in the workplace.

B. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

Reporting is a critical component in the process of addressing instances of discrimination, harassment, and/or bullying. Students, staff, and families are encouraged to "say something" when they see anything that does not seem in line with appropriate school expectations. Reports may be made anonymously; however, anonymous reports cannot be the sole basis of student or employee discipline and consequently signed reports are encouraged.

Additionally, the determination as to the nature of the circumstance lies with the school administration. This determination is based on the facts discovered through the investigation of the incident.

Any person who believes that he or she may have been bullied, harassed, or discriminated against in violation of this policy by any student, employee, visitor, or third-party subject to the supervision and control of the school should inform a school official designated to receive such complaints. This includes, but is not limited to- teachers, counselors, school support staff, bus drivers, and/or administrators.

Any employee who has witnessed or who has reliable information that a person has been subjected to bullying, harassment, or discrimination, has a duty to report such conduct. If an employee knowingly ignores, fails to report or take proper action, or knowingly provides false

information in an incident of bullying, harassment, or discrimination, the employee will be subject to disciplinary action up to and including dismissal.

C. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment, and Bullying

Students, school employees, volunteers, and visitors are expected to behave in a civil and respectful manner. It shall be a violation of this policy for any student, school employee, volunteer, or visitor to harass, bully, or discriminate against any person based upon any differences, or upon any other characteristic or feature that becomes the focus of unwanted and unwelcome behavior as described below. It shall also be a violation of this policy for any school employee to tolerate such harassment, bullying, or discrimination of any person by a student or school employee, or by any third parties subject to the supervision and control of NGA.

2. Consequences

Any violation of this policy is serious, and school officials shall promptly take appropriate action.

a. Disciplinary Consequences for Students

Students will be disciplined in accordance with the school's student behavior management plan. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate
Next Generation Academy

Policy against Discrimination, Harassment, and Bullying
consequences and remedial actions ranging from positive behavioral interventions up to and including expulsion.

b. Disciplinary Consequences for Employees

Employees who violate this policy will be subject to disciplinary action, up to, and including dismissal. Nothing in this policy shall preclude the school system from taking disciplinary action against an employee when the evidence does not establish discrimination, harassment, or bullying, but the conduct otherwise violates school policy or expected standards of employee behavior.

c. Consequences for Others

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate. A third party under the supervision and control of the school will be subject to termination of contracts/agreements and suspension from school property or other disciplinary action.

3. Retaliation

NGA prohibits reprisal, harassment, or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations of this policy. After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state, or local laws, policies, and regulations, the principal or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

D. APPLICATION OF POLICY

This policy prohibits discrimination, harassment, and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors, and organizations doing business with or performing services for the school.

This policy applies to behavior that takes place:

1. in the school building or on any school premises before, during, or after school hours
2. on any bus or other vehicle as part of any school activity
3. at any bus stop
4. during any school-sponsored activity or extracurricular activity
5. at any time or place when the individual is subject to the authority of school personnel
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the school