

Legal Authority/Requirement

- 20 USC 1681 Education Amendments of 1972, Title IX
- 34 CFR 106.1-106.71 Office of Civil Rights Title IX Implementation Regulations
- 42 USC 2000e Civil rights Act of 1964, Title VII
- 29 CFR 1064.11 Workplace Sexual Harassment Implementation Regs
- UT Constitution Art. IV s 1 Equal Rights/Privileges on Basis of Sex
- UCA 76-5-401 through 407 Sex Crimes

ABUSIVE CONDUCT

Abusive conduct means verbal, nonverbal, or physical conduct of an employee to another employee that, based on its severity, nature, and frequency of occurrence, would cause a reasonable person:

1. To experience intimidation, humiliation, or unwarranted distress; or
2. Substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress.
3. Conduct which exploits an employee's known disability also constitutes abusive conduct.

ANTI-HARASSMENT POLICY

BRCS is committed to providing an environment free from harassment and other forms of discrimination based upon sex, race, color, ethnic background, sexual orientation, national origin, religion, creed, age, citizenship, disability, and/or veteran status. It is the belief of BRCS that an environment free from discrimination and harassment is a necessary part of a healthy learning and working atmosphere. Listed below are examples of Impermissible Discrimination and/or Harassment:

1. Verbal conduct such as derogatory or degrading comments.
2. Visual conduct such as derogatory posters, cartoons, drawings, letters, notes, or gestures.
3. Physical conduct such as assault, offensive or unwelcome touching, or interference with school studies, courses, programs, or activities.
4. Retaliation for having reported the harassment or discrimination.
5. Denial of any of the benefits of a complete education program for an impermissible reason such as race, religion, sex, sexual orientation, gender expression/identity, marital status, familial status, national origin, color, or disability.

Discrimination, harassment and retaliation are prohibited by Title IV, VI, and VII of the 1964 Civil Rights Act and Title IX of the Education Amendments of 1972. Employment discrimination is also prohibited by the Utah Anti-Discrimination Act, UCA 34A-5. BRCS is committed to eliminating illegal discrimination through education and administrative support.

Sexual Harassment

All students should enjoy a school environment free from all forms of discrimination, including ones that pertain to: sexual harassment, sexual orientation, and or any unwelcome sexual advances or comments. Sexual harassment is illegal, and will not be tolerated anywhere at Bear River Charter School. The subjecting of another student or faculty member to unwelcome sexual advances, sexually oriented comments, or harassment based on sexual orientation is strictly prohibited.

Definition

Sexual harassment may be in the form of student to student, student to employee, affiliate or visitor to student (vice versa), or employee to student misconduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature when: (a) Submission to such conduct is made,

either explicitly or implicitly, a term or condition of an individual's employment, grades or other good standing, or (b) Such conduct has the purpose or effect of substantially interfering with an individual's performance or creates an intimidating, hostile or offensive school environment.

Sexual harassment can take a variety of forms ranging from subtle pressure to physical assault. Although all facts and circumstances will be considered, some examples of sexual harassment may include:

1. Threats of sexual relations or sexual contact.
2. Continuous or repeated verbal abuses of a sexual nature including graphic comments on a person's body, or sexuality.
3. Sexually degrading words to describe the person or proposition of a sexual nature.
4. Sexual remarks, jokes or gestures that may embarrass or offend others.
5. Stalking will be considered a form of harassment and will be dealt with accordingly.

Within the educational environment, sexual harassment is prohibited between students, between employees and students, between non-employees and students, between and employees, and between employees and other persons.

Abusive Conduct and Harassment Complaint Procedures

Informal Resolution:

Employees, students, or other individuals who become aware of conduct that may constitute sexual harassment should, in many cases, directly inform the persons engaging in such conduct that such conduct is offensive and must stop. This may not be appropriate in cases of egregious conduct.

Employees, students, or other individuals who feel aggrieved because of conduct that may constitute sexual harassment shall inform the principal or counselor so that they may take remedial action.

Formal Complaints:

1. Complaints brought by students – an aggrieved student should file a written complaint with the principal
2. Complaints brought by employees or other individuals – an employee or other individual should file a written complaint with either the principal or Board
3. The informal resolution procedures set forth above are not a precondition to the filing of a complaint.

BULLYING

Bullying, hazing, and retaliation for reporting incidents of bullying or hazing reduce a student's ability to achieve academically and reduces an employee's ability to perform their job responsibilities. In addition, bullying, hazing, and retaliation can directly affect a student's or an employee's health and well-being, and may contribute to excessive absences, physical illness, mental and emotional anguish, and long-term social and psychological consequences. The Board encourages educators, employees, students, and parents to develop procedures to stop and prevent bullying, hazing, and retaliation by reporting incidents of bullying or hazing to the BRCS administration.

Definition of Bullying

Bullying is defined as any behavior that is intended to cause personal harm or distress, and exists in situations or relationships in which there is an imbalance of power or strength, and may be repeated over time. It is intentionally or knowingly committing an act that endangers the wellbeing, health, or safety of a student or employee. Bullying may be physical, verbal/written, or psychological. The conduct described in this policy constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

Examples of different types of bullying may include, but are not limited to:

Physical Bullying: Involves physical activity that endangers the health and safety of a student or employee that includes, but is not limited to, pushing, grabbing, pinching, whipping, beating, branding, calisthenics, bruising, electric shocking, shoving, poking, tripping, kicking, hitting, placing a harmful substance on the body, exposure to the elements, and destroying property. Bullying may involve coerced consumption of any food, liquor, drug, or other substance. Bullying may also involve any forced or coerced act or activity of a sexual nature or with sexual connotations such as asking a person to remove articles of clothing or expose or touch private areas of the body. It may also involve the physical obstruction of a student's or employee's freedom to move if done for the purpose of creating fear of physical harm to the student or employee or to the property of the student or employee.

- Writing notes making fun of an individual
- Preventing someone from participating in a group activity (marginalization)
- Making threatening gestures or faces

Physical Bullying: Physical contact of a violent or harmful nature

Examples:

- Pushing a victim
- Throwing objects at a victim
- Punching, kicking, tripping or any other sort of violent contact

Civil rights violation: Verbal or physical abuse directed at an individual or group based on race, religion, ethnicity, disability or socio-economic status.

Examples:

- Addressing a victim with a racial slur
- Writing graffiti denouncing a victim based on their ethnic background

Sexual Bullying: Initiating and/or attempting unsolicited physical contact, making sexually threatening and/or abusive comments attacking a victim based upon their gender or sexual orientation

Examples:

- verbally referring to an individual in a demeaning manner, examples include terms such as "slut" or "faggot" or "gay"
- touching a person's body in a sexual nature against their wishes

Cyber-Bullying: Engaging in harassment, threats, teasing or other form abuse via online or computer-based means including but not limited to social media (such as Facebook, MSM, etc.), texting, email, blogging or other forms of electronic information exchange.

Examples:

- Posting derogatory comments about an individual or group using any social networking sites.
- Threatening an individual via e-mail or text messaging.

Objectives

- All members of the school community including students, teaching and nonteaching staff, administration and parents/guardians will have a full understanding of what constitutes bullying and harassment.
- School faculty and staff will be thoroughly familiar with the bullying policy and follow the appropriate protocols when bullying is reported or observed.
- Students and parents will be thoroughly familiar with the bullying policy and will be aware of the reporting process for bullying incidents.
- All incidents of bullying will be taken seriously, investigated immediately and dealt with in a fair, consistent manner.
- Where appropriate, disciplinary procedures taken in response to bullying will include strategies intended to modify or change behavior.

Bullying Response Protocols

1. All bullying incidents should be reported immediately to a staff member or member of the administrative team. All incidents of bullying will be documented.
2. The particulars of the incident will be reported to the Principal or designate for the appropriate follow-up investigation.
3. The perpetrator, victim and witnesses will be interviewed by a member of the administrative team.
4. Parents of both the victim and the perpetrator will be informed of any serious incident(s) and may be required to meet at the school to discuss the problem.

As part of the disciplinary consequence to a bullying incident, the Perpetrator may be required to participate in strategies intended to change or modify behavior, including, peer mediation or involvement of other agencies, in-school or out-of-school suspension or expulsion.