

## **FLACS Policy Prohibiting Student-to-Student Discrimination, Harassment, Intimidation and/or Bullying**

**Updated 3/2023**

### **I. POLICY**

- A. It is the policy of FLACS to maintain a safe and supportive learning and educational environment that is free from discrimination, harassment, intimidation and/or bullying committed by students against other students. Discrimination, harassment, intimidation, and/or bullying are prohibited in school, while on school property, during school hours, during online learning, before or after school, at school-sponsored events, or while traveling in vehicles funded by FLACS. Such behavior is also prohibited off school property when it disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morals, or welfare of the school community.
- B. It is the policy of FLACS to prohibit retaliation against any student, parent, or FLACS employee who in good faith reports or participates in an investigation of allegations of student-to-student discrimination, harassment, intimidation and/or bullying. Any adverse act against individuals due to their participation in such protected activity is considered retaliatory. Allegations of retaliation will be investigated and subject to appropriate disciplinary action if substantiated. The term “parent,” whenever used in this regulation, means the student’s parent(s) or guardian(s), or any person(s) in a parental or custodial relationship to the student, or the student, if the student is an emancipated minor or has reached 18 years of age.
- C. It is a violation of this regulation for any student to harass, intimidate or bully another student.
- D. It is a violation of this regulation for any student to discriminate against another student on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight (definitions at the end of this document).
- E. Harassment and bullying are the creation of a hostile school environment for another student by conduct or by threats, intimidation, or abuse, including cyberbullying, that either:
  - 1. have or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, or ability to participate in or benefit from an educational program (e.g., the student is not regularly attending classes; the student’s academic performance or performance in class has changed), school- sponsored activity or any other aspect of a student’s education (e.g., the student is no longer regularly attending extracurricular activities or level of participation is changed); or

2. have or would have the effect of unreasonably and substantially interfering with a student's mental, emotional, or physical well-being (e.g., the student's behavior in school is impacted; the student is withdrawn or isolating themselves; the student appears to be anxious, depressed, or distracted); or
  3. reasonably cause or would reasonably be expected to cause a student to fear for their physical safety (e.g., the student and/or other students or staff have expressed concerns about the student's safety); or
  4. reasonably cause or would reasonably be expected to cause physical injury or emotional harm to a student. Acts of student-to-student harassment and bullying include but are not limited to harassment, intimidation and/or bullying on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight.
- F. Student-to-student discrimination, harassment, intimidation and/or bullying may take many forms and can be physical, non-verbal, verbal, or written. It may be a single incident or a series of related incidents.
1. Electronically communicated discrimination, harassment, intimidation and/or bullying means communications via technology including, but not limited to: internet; cell phone; email; personal digital assistant; wireless handheld device; social media; blogs; texting; apps; chat rooms; and gaming systems.
  2. Acts of student-to-student discrimination, harassment, intimidation and/or bullying may include but are not limited to:
    - physical violence;
    - stalking;
    - threats, taunts, teasing;
    - aggressive or menacing gestures;
    - exclusion from peer groups designed to humiliate or isolate;
    - using derogatory language;
    - making derogatory jokes, name calling, or slurs, including statements based on a student's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight;
    - written or graphic material, including graffiti, photographs, drawings, or videos, containing comments or stereotypes that are derogatory of others that are electronically circulated or are written or printed;
    - verbal or physical conduct that threatens another with harm;
    - hazing; and

- deliberately using a name, mispronouncing a name or using a pronoun in a manner that discriminates, harasses, bullies, or intimidates based on a student's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight.

## II. REPORTING PROCEDURES

- A. "Report" as used in this regulation means a report of alleged student-to-student discrimination, harassment, intimidation and/or bullying reported by the alleged victim or others (e.g., staff, parents, other students).
- B. Each principal must designate at least one (1) staff member to serve as a Respect for All Liaison ("RFA Liaison") to whom reports may be made and who serves as a resource for students and staff. The RFA liaison must be a licensed administrator, supervisor, teacher, guidance counselor, school psychologist, or social worker who works at the school full-time. The RFA liaison also serves as the school's DASA (Dignity for all Students Act) coordinator.
  1. Should the liaison be unable to complete these duties, the principal will serve in this capacity in the interim.
  2. Any staff member who witnesses student-to-student discrimination, harassment, intimidation and/or bullying or who has knowledge or information or receives notice that a student may have been the victim of such behavior by another student is required to promptly verbally report the alleged act to the RFA liaison(s) or to the principal/designee within one (1) school day and submit the [Complaint Reporting Form](#) describing the incident to the RFA liaison or the principal/designee no later than two (2) school days after making the verbal report. The principal/designee must ensure that hard copies of the Complaint Reporting Forms are readily available.
- C. An employee who fails to make a report as set forth above in Section II. may be subject to discipline, which may include termination, mandatory training, and/or other appropriate follow up action.
- D. Students, parents, and individuals other than staff may report allegations of student-to-student discrimination, harassment, intimidation and/or bullying verbally or in writing, including by submitting the Complaint Reporting Form to the principal/designee, RFA liaison, or any other school staff member
- E. Students who believe that they have been the victim of discrimination, harassment, intimidation and/or bullying by another student or who witness or have information of such incidents should immediately report such incidents.
- F. The school Title IX Coordinator may receive reports of alleged student-to-student gender-based conduct.
- G. Students, parents and individuals other than staff may make an anonymous report, and such reports will be investigated and addressed pursuant to the

procedures set forth in this regulation to the extent possible in light of the information provided by the anonymous reporter.

- H. The RFA liaison must immediately notify the principal/designee of any reports they receive.
- I. The principal/designee must ensure that all written reports (e.g., emails, reports made using the Complaint/Reporting Forms) are maintained at the school.
- J. The principal/designee must advise the parent(s) of the alleged victim and the accused student of the allegations whenever a report is received, and should advise them that the incident will be investigated and of the availability of appropriate supports and interventions. Upon request, copies of this regulation and related resources should be made available to parents electronically or in hard copy if parents do not have access to the electronic version. Such notification must be made immediately but no later than two (2) school days following receipt of the report by the principal/designee. If the alleged victim informs the principal/designee of safety concerns in regard to such notification, the principal/designee shall decide whether to inform the alleged victim's parent(s) following consideration of privacy and safety concerns.
- K. Where the principal/designee believes that the alleged conduct constitutes criminal activity, they must contact the police.

### III. INVESTIGATION

- A. All reports must be investigated. All parties and all witnesses must be interviewed separately, any investigative notes must be maintained, and the date of each interview must be documented. The principal/designee must take the specific investigative steps set forth below as soon as practicable, but no later than five (5) school days after receipt of the report:
  - 1. interview the alleged victim;
  - 2. ask the alleged victim to prepare a written statement which includes as much detail as possible, including a description of the behavior, when and where it took place and who may have witnessed it;
  - 3. interview the accused student and advise them that if the conduct has occurred, it must cease immediately;
  - 4. ask the accused student to prepare a written statement;
  - 5. interview any witnesses and ask them to prepare their written statements; and
  - 6. obtain any relevant evidence (e.g., video surveillance or audio recordings).
- B. At the conclusion of the investigation, the principal/designee must review all the evidence and determine whether the allegations are substantiated by this policy

STUDENT-TO-STUDENT DISCRIMINATION, HARASSMENT, INTIMIDATION

AND/OR BULLYING by a preponderance of the evidence (i.e., whether based upon a review of all of the evidence, including the quality of the evidence and the credibility of the parties and witnesses, it is more likely than not that the alleged conduct occurred.

- C. If the allegations are substantiated, the principal/designee must also determine whether the conduct violates this regulation. In making this determination the principal/designee must evaluate the totality of the circumstances surrounding the conduct. The principal/designee should consider a number of factors, which may include but are not limited to:
- the ages of the parties involved;
  - the nature, severity and scope of the behavior;
  - the frequency and duration of the behavior;
  - the number of persons involved in the behavior;
  - the context in which the conduct occurred;
  - where the conduct occurred;
  - whether there have been other incidents in the school involving the same students;
  - whether the conduct adversely affected the victim's education, including attendance, academic performance or participation in extracurricular activities;
  - whether the conduct has affected the victim's behavior or social interactions in school;
  - whether concerns have been expressed about the victim's safety; and
  - whether the victim's mental, emotional or physical well-being have been impacted.
- D. The principal/designee must advise the parent(s) of the alleged victim and the parent(s) of the accused student in writing whether any allegations are substantiated and whether the conduct constitutes a violation of this regulation. If any of the allegations are substantiated, this notice must also advise the parents to contact the school to discuss the incident and any follow-up action and the availability of interventions and supports for their child, where applicable. Parents must be advised within ten (10) school days of receipt of the report, absent extenuating circumstances. If a decision was made not to notify the parents of the alleged victim as set forth in this policy **STUDENT-TO-STUDENT DISCRIMINATION, HARASSMENT, INTIMIDATION AND/OR BULLYING**.
- E. The information set forth in Section III.E shall be provided in accordance with state and federal laws protecting the confidentiality of student record information. Therefore, the parents of the alleged victim may only be notified of any follow-up action, interventions or supports that pertain to the alleged victim and the parents of the accused student may only be notified of any follow-up action, interventions or supports that pertain to the accused student.
- F. If at any time before or during the course of the investigation, the principal/designee determines that interventions and supports are appropriate before the final outcome of an investigation to ensure the safety or the well-being

of a student (including the alleged victim, the accused student and any witnesses), the student's parent must be notified, and appropriate interventions and supports should be documented, implemented, and monitored, and modified where appropriate, as set forth in Section IV.

- G. The principal/designee must enter all reports into FLACS's Reporting System (<https://forms.gle/pRWKr55ssubVB6tN9>) within ten (10) days of receipt of the report and after the investigation as set forth in Section III.

#### IV. FOLLOW-UP ACTION

- A. The principal/designee must take immediate steps and appropriate follow-up action to ensure that the conduct has stopped.
- B. Once the investigation is completed and a determination is made, as set forth in Section III, interventions and supports must be provided to the victim, the accused student, and witnesses, where appropriate. Such interventions and supports must be assessed on a case-by-case basis and must be monitored and modified, as appropriate. Interventions and supports include but are not limited to the following:
- Referral to in-school or out-of-school medical services;
  - Guidance interventions (e.g., referral to the school social worker, guidance counselor, psychologist, or other appropriate school staff), or referral to community-based agencies, for counseling, support, and/or education or mental health services;
  - Academic supports and adjustments (e.g., change in classes, lunch/recess, or after-school program schedules);
  - Development of an individual support plan (an individual support plan must be developed and implemented for a student who has been the victim of two (2) or more substantiated violations of this regulation in the same school year and/or a student who has been found to have violated this regulation two (2) or more times in the same school year. Additional information about supports and interventions can be found in the FLACS Discipline Code. Neither mediation nor conflict resolution is under any circumstances an appropriate intervention for bullying or intimidation.
- C. If school staff believe that follow-up action to an incident warrants revision of the student's Individualized Education Program (IEP) or Section 504 Plan, they should reach out to the FLACS Network Coordinator of Special Education.
- D. Students who have been found to have violated this regulation will be subject to appropriate disciplinary responses in accordance with the FLACS Discipline Code

#### V. PREVENTION, NOTIFICATION and TRAINING

- A. Each school must annually distribute or make electronically available to all school staff, parents, and students the written material highlighting the policies and procedures set forth in this regulation, including the procedures for how to make a report, and whom parents may contact outside the school for additional

support. This information is included as part of the Parent Scholar Handbook. A copy of the [Respect for All Poster](#) should be posted in a conspicuous place.

- B. Each principal/designee must ensure that the name and contact information of the RFA liaison(s) are included on the school's website and shared with students and parents at least once per year, including but not limited to through electronic communication or sending such information home with students. Schools should make every effort to provide this information as early as possible in the school year.
- C. Each principal/designee must ensure that students have been provided with information and training on the policy and procedures in this regulation by October 31 of each school year.
- D. Each principal must ensure that all staff members, including non-instructional staff, are provided with training by October 31st of each school year. Such training must address:
  - 1. Raising awareness and sensitivity to potential acts of discrimination, harassment, intimidation, and bullying directed at students, including, but not limited to, those acts based on a student's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight;
  - 2. The identification and mitigation of discrimination, harassment, intimidation, and bullying;
  - 3. The social patterns of discrimination, harassment, intimidation, and bullying;
  - 4. Preventing and responding to incidents of discrimination, harassment, intimidation, and bullying;
  - 5. Understanding the effects of discrimination, harassment, intimidation, and bullying and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings; and
  - 6. Promoting a safe and supportive school climate, including incorporating the concepts into classroom activities.

## VI. CONFIDENTIALITY

It is the policy of FLACS to respect the privacy of all parties and witnesses to reports made under this regulation. However, the need for confidentiality must be balanced against the obligation to cooperate with police investigations, to provide due process, and/or to take necessary action to investigate or resolve the report, including providing supports and interventions. Therefore, information regarding the report may be disclosed in appropriate circumstances or as required by law or where necessary to protect a student whose safety or well-being is at risk.

## VII. ALTERNATE REPORTING PROCEDURE

These internal procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with an external agency such as:

Office for Civil Rights

New York Office  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: (646) 428-3800  
Facsimile: (646) 428-3843  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)  
<http://www.ed.gov/ocr>

VIII. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Family Life Academy Charter Schools  
316 East 165th Street  
Bronx, NY 10456  
Telephone: (718) 588-0679  
Email: [info@flacsny.com](mailto:info@flacsny.com)

IX. DEFINITIONS

*Alienage/Citizenship:* actual or perceived immigration status or status as a citizen of a country other than the United States of America. It shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status or to make inquiry as to a person's alienage or citizenship status or to give preference to a person who is a citizen or native of the United States when such preference is expressly permitted or required by a federal, city or state law or regulation.

*Disability:* actual or perceived disability, or history of disability. The term "disability" means any physical, medical, mental, or psychological impairment or history or record of such impairment, or a condition regarded by others as a disability.

*Ethnicity/National Origin:* actual or perceived national origin or ethnic identity. National origin is distinct from race/color or religion/creed because people of several races and religions or their forebearers may come from one nation. The term "national origin" includes members of all national groups and groups of persons of common ancestry, heritage, or background; it also includes individuals who are married to or associated with a person or persons of a particular national origin.

*Gender:* actual or perceived gender, pregnancy, or conditions related to pregnancy or childbirth. The prohibition against gender discrimination includes sexual harassment. The term "gender" also includes a person's actual or perceived gender identity and gender expression, meaning their self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth. Gender discrimination may include, but is not limited to, denial of access to restrooms, changing rooms, locker rooms, and/or programs or activities on the basis of gender or the use of name(s) or pronoun(s) in a manner that discriminates (e.g., deliberately using

a pronoun that is not consistent with the individual's gender identity asserted in school, work, or other DOE program or activity).

*Predisposing Genetic Characteristic:* any inherited gene or chromosome, or alteration thereof, determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or is associated with a statistically significant increased risk of development of a physical or mental disease or disability.

*Religion/Creed:* actual or perceived religion or creed (set of fundamental beliefs, whether or not they constitute a religion).

*Sexual Harassment:*

A. Sexual Harassment of Students by Employees:

FLACS will investigate complaints of this nature with guidance from its authorizer and counsel who will determine how to proceed. Sexual conduct between an adult employee and a student can never be considered welcome or appropriate. Sexual harassment of a student by an employee consists of sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature. It includes situations where:

- a. submission to such conduct is a condition of the student's advancement or obtaining an education;
- b. submission to or rejection of such conduct by a student is used as a basis for evaluating or grading a student or as a factor in decisions affecting the student's education; or
- c. such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive educational environment.

Sexual harassment may take different forms, including explicit sexual propositions or threats, sexual innuendos, sexually suggestive comments, sexually oriented jokes, obscene gestures, displays of pornographic or obscene visual or printed material, and physical contact, such as touching, patting, pinching or brushing against another's body. These behaviors can constitute sexual harassment whether they are directed at persons of the same or opposite sex and may also constitute criminal behavior.

B. Sexual Harassment of Students by Students:

[Defined in FLACS Policy Prohibiting Student-to-Student Sexual Harassment.](#)

*Sexual Orientation:* an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality, and pansexuality.

## X. ACKNOWLEDGEMENT

FLACS acknowledges that much of the language in this policy was adapted from NYC DOE's Chancellor Regulation A-831 "Student-to-Student Sexual Harassment."