

DILLARD ACADEMY CHARTER SCHOOL

Prohibition Against Discrimination, Harassment and Bullying Policy

It is the policy of Dillard Academy that students should not be subjected to forms of unlawful discrimination, harassment, bullying, or hazing, while at school or school-sponsored activities. Furthermore the policy's intent is to address the issue in a proactive manner through the establishment of a system for educating students and staff at Dillard Academy regarding the identification, prevention, intervention, and reporting of such anti-social acts. Dillard Academy acknowledges the dignity and worth of all students and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. Dillard Academy prohibits discrimination on the basis of race, color, national origin, sex, disability, age or any other classifications prohibited by law. Dillard Academy will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities or programs.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment and Bullying Students.

Students, employees, contractors, volunteers and visitors are expected to behave in a civil and respectful manner. Dillard Academy expressly prohibits unlawful discrimination, harassment, bullying, and hazing. Students are expected to comply with the behavior standards established by board policy, the school-wide behavior policy and any applicable laws. Any violation of this policy is serious and Dillard Academy shall promptly take appropriate action. Students will be disciplined in accordance with Dillard Academy'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 consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

When considering if a response beyond the individual level is appropriate Dillard Academy will consider the nature and severity of the misconduct to determine whether a classroom or school-wide response is necessary. Such classroom or school-wide responses may include staff training, harassment and bullying prevention programs and other measures deemed appropriate by the Principal or designee to address the behavior.

2. Retaliation

Dillard Academy prohibits reprisal 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 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.

B. APPLICATION OF POLICY

A

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers, contractors and visitors. This policy is intended to apply to students, faculty, staff, volunteers/visitors or

contractors. Dillard Academy's policies on unlawful discrimination and harassment as applied to employees, volunteers/visitors, and contractors can be found in Dillard Academy's Employee Handbook. This policy applies to behavior that takes place:

1. in any 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 schools; and
7. while using school or personal electronic communications.

C. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category that is protected by law, such as race, color, national origin, sex, disability, or age or by association with a person who has or is perceived to have one or more of these characteristics. Discrimination may be intentional or unintentional.

2. Harassment

a. Harassment is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication 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. "Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe. Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic that is protected by law or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic that is protected by law, such as race, color, religion, national origin, sex, disability or age. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying. Harassment, including sexual or gender-based harassment, 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 non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct 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 academic progress or completion of a school-related activity;
- 2) 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 unreasonably interfering with an a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive educational environment. Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome 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 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.

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.

3. Bullying

Bullying means unwanted, aggressive behavior that involves a real or perceived power imbalance. Bullying may also place a student in actual and reasonable fear of harm to his or her person or damage to his or her property. Bullying behavior is often repeated, or has the potential to be repeated, over time. Bullying includes intentional actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose or any action that involves a real or perceived power imbalance. Bullying can also include behavior that constitutes harassment or sexual harassment and can include cyberbullying. For **Cyberbullying**: See the Technology Use and Internet Use policy sections.

4. Hazing

North Carolina law makes it unlawful for any student in attendance at any school in the State to engage in hazing, or to aid and abet any other student in the commission of this offense. For the purpose of this section hazing is defined as follows: " to subject another student to physical injury as part of an initiation, or as a prerequisite to membership into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group."

5. Electronic Communications:

Electronic communications apply to employee and student emails, text messaging, instant messaging, chat rooms, blogging, websites and social networking websites (i.e. Snapchat or Instagram). Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

E. TRAINING AND PROGRAMS

The Principal or other designated Title IX Coordinator shall establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan. The training or programs should:

- (1) provide examples of behavior that constitutes unlawful discrimination, harassment or bullying;
- (2) teach employees to identify groups that may be the target of unlawful discrimination, harassment or bullying; and
- (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones and on the Internet.

F. NOTICE

The principal is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of unlawful discrimination, harassment and bullying. This policy will be posted on Dillard Academy's website, and copies of the policy are available at the front office. Notice of this policy will appear in all student and employee handbooks and in any School publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

G. COORDINATOR

The principal or designee shall appoint one or more individuals to coordinate Dillard Academy's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to the School alleging noncompliance with Title VII or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The Principal or designee shall publish the name, and phone number of the compliance coordinator in a manner intended to ensure that students, employees, parents and other individuals who participate in Dillard Academy's programs are aware of the coordinator.

H. RECORDS AND REPORTING

The principal or designee shall maintain confidential records of complaints or reports of unlawful discrimination, harassment or bullying. The records will identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The principal also shall maintain records of training conducted and corrective action(s) or other steps taken by Dillard Academy to provide an environment free of unlawful discrimination, harassment and bullying. The Principal shall report to the Board all verified cases of unlawful discrimination, harassment or bullying under this policy.

I. EVALUATION

The Principal or designee shall evaluate the effectiveness of efforts to correct or prevent unlawful discrimination, harassment and bullying and shall share these evaluations periodically with the Board.

J. REPORTING

1. For bullying, there are multiple ways to report incidents of bullying. Students and families may report directly to any teacher, principal, Dean or school counselor verbally, via email or in writing. It can also be reported using the [Bullying Report Form](#) that is linked on Dillard Academy website.
2. For discrimination, harassment, and sexual harassment complaints, students or their parents should contact the grade-level Principal, Managing Director and/or Title IX coordinator immediately and file a complaint.

K. INVESTIGATION PROCESS

1. The Title IX coordinator is charged with ensuring that all such complaints are timely, impartially, and appropriately investigated in accordance with applicable law.
2. Every effort will be made to ensure the confidentiality of the complainant. There may be times where confidentiality may not be possible for Dillard Academy to conduct a thorough investigation. There may also be instances where Dillard Academy has a legal obligation to report certain information it receives to state or local authorities.
3. While the timeframe for completing an investigation into individual complaints may vary depending on the circumstances, the Title IX coordinator will ensure that timeframes are reasonable and endeavor to complete any investigation, including any decision and hearing, within sixty (60) days of the filing of a complaint.
4. The Title IX coordinator shall designate an impartial investigator to conduct the investigation. The investigator shall have full authority to conduct an investigation, including the authority to interview witnesses and make a decision about the complaint. The investigator shall timely provide written notice of the outcome of the complaint to the relevant parties.
5. In the event a party is not satisfied with the investigator's decision, it may appeal that decision to an impartial hearing panel (explained below). Such appeal shall be made in writing and provided to the Title IX coordinator within five (5) days of the investigator's decision.
6. Upon appeal of the investigator's decision, Dillard Academy's board of directors, will appoint a panel of three board members to serve as the impartial hearing panel. The hearing will be conducted in accordance with all applicable laws. All parties will have an opportunity to present witnesses and other evidence and to be represented by an attorney or third party of their choosing.
7. After the hearing, the three member hearing panel will make a decision and will provide written notice of the outcome of the appeal.