

## **New City School**

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## **Bullying, Harassment, Violence, Hazing & Misuse of Technology Policy**

### **Bullying Policy**

In order to achieve the mission and vision of New City School and sustain the supportive community for all staff, teachers, students and parents, it is imperative that students are free from bullying.

Definition - Bullying is defined as intimidating, threatening, abusive or harming conduct that is objectionably offensive, and:

1. There is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior, AND
2. The conduct is repeated or forms a pattern, OR
3. Substantially interferes with another student's or students' educational benefits, opportunities, or performance.

Bullying includes, but is not limited to, conduct by a student against another that has the effect of harming a student, damaging a student's property, placing a student in reasonable fear or harm to his/her person or property, or creating a hostile educational environment for a student. The misuse of technology, including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, staff or teacher, by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off school property or with or without the use of school resources.

Reporting - Any person who believes that he/she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to the Executive Director, staff member or teacher. There will be no retaliation against any person who reports bullying or participates in an investigation.

Consequences – Consequences of confirmed bullying may include suspension up to 10 days, parent conference, a recommendation for expulsion, referral to a counseling agency or referral to a law enforcement agency.

### **Harassment and Violence**

It is the policy of the New City School to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. To this end, New City School prohibits any

form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

#### Definitions of Harassment & Violent Conduct Prohibited by this Policy

Harassment - Consists of physical or verbal conduct, including but not limited to electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment; has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or otherwise adversely affects an individual's employment or academic opportunities.

Sexual Harassment - Consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when: a submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or of obtaining an education; or submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment. Sexual harassment may include, but is not limited to unwelcome verbal harassment or abuse and/or unwelcome pressure for sexual activity.

Sexual Violence - Consists of a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts.

Violence - Consists of a physical act of aggression or assault or hazing upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. "Assault" is an act done with intent to cause fear in another of immediate bodily harm or death; the intentional infliction of or attempt to inflict bodily harm upon another; or the threat to do bodily harm to another with present ability to carry out the threat. "Hazing" is an act against a student that may cause harm, humiliation, extreme mental or physical stress, intimidation, etc. in order for that student to be initiated into or affiliated with an organization, team or activity.

#### Reporting Procedures

Any person who believes he or she has been the victim of harassment or violence should report the incident immediately to the Executive Director.

Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be

disclosed except as permitted by law. The school will respect the privacy of the complainant (s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

### Investigation

New City School will act to investigate all complaints of harassment or violence and to discipline or take appropriate action against any student, teacher, other school personnel who is found to have violated this policy.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the Executive Director (with relevant input from the Board) will consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, the Executive Director (with relevant input from the Board) may take immediate steps, to protect the complainant, students, teachers, or other school personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.

### Action

Upon completion of the investigation, the Executive Director (with relevant input from the Board) will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. School action taken for violation of this policy will be consistent with requirements of Minnesota and federal law, and school policies.

### Misuse of Technology

The use of technology to send or receive materials of an illegal and/or inappropriate nature is disruptive to the educational environment, dangerous to students' physical and emotional well-being and, potentially, a serious criminal offense. The misuse of technology, including but not limited to, sending or post e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs, which contain illegal and/or inappropriate, including sexually inappropriate, content is prohibited on or off school property. Use of school resources to engage in such conduct is prohibited.

A student may be disciplined for such misconduct occurring off school property and without the use of school resources if: (1) the misconduct is a continuation of, or has a nexus with, improper conduct that occurred on school grounds; or (2) the student's actions have a direct and immediate effect on either school discipline or the general safety and welfare of students.

Any inappropriate use of technology that constitutes illegal conduct, including but not limited to transmitting an image in violation of Minnesota Statutes, Section 617.24 (as amended), or engaging in any act in violation of Minnesota Statutes, Section 617.26 (as amended), will be reported to a law enforcement agency for criminal action. Any student engaging in such illegal behavior may be recommended for expulsion.

Any inappropriate use of technology that is not illegal but causes significant emotional harm to another student and/or damage to another student's reputation will be considered a major violation. A meeting with the parent(s) of any student engaging in such an inappropriate use of technology, as well as the mentor(s) for such student will be held. Any student who engages in such an inappropriate use of technology may be suspended for up to 10 school days and will be expected to develop a restorative behavior plan. Any student engaging in a second major violation involving an inappropriate use of technology that causes significant emotional harm to another student and/or damage to another student's reputation may be recommended for expulsion. Community of Peace Academy reserves the right to recommend expulsion for a first violation for inappropriate use of technology.

In addition, coercing, intimidating, cajoling, encouraging, failing to report, or otherwise causing or supporting an individual student's decision to engage in an inappropriate use of technology will be considered a serious violation and parents/mentors will be notified. Subsequent similar violations may be considered major violations. Community of Peace Academy reserves the right to impose any disciplinary action, up to and including recommendation for expulsion, in response to such behavior.

**Adopted by the NCS Board of Directors, April 18, 2018**