



Preventing Bullying, Intimidation, and Harassment Policy

POLICY

Preventing Bullying, Intimidation, and Harassment

Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors is an important goal of the Board of Directors.

Bullying on the basis of actual or perceived race, color, nationality, sex, sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, or actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic is prohibited in each of the following situations:

1. During any school sponsored education program or activity.
2. While in school, on school property, in school vehicles, or at school sponsored or school sanctioned events or activities.
3. Through the transmission of information from a school computer, a school computer network, or other similar electronic school equipment.

For purposes of this policy, the term *bullying* means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing the student in reasonable fear of harm to the student's person or property.
2. Causing a substantially detrimental effect on the student's physical or mental health.
3. Substantially interfering with the student's academic performance.
4. Substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying, intimidation, and/or harassment may take various forms, including without limitation: hazing, threats, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying.

It is the objective of Orchard Village to provide an educational environment free from sexual and other harassment, bullying, and hazing. As an agency and educational program, we are committed to protecting our students from any form of physical or verbal abuse. Bullying, intimidation, and harassment diminish a student's ability to learn and a school's ability to educate. Preventing students from engaging in these disruptive behaviors is an important goal for Orchard Village and Orchard Academy.

The Executive Director or designee shall develop and maintain a program that:

1. Fully implements and enforces each of the following Board policies:
 - a. 7:190 - *Student Discipline*. This policy prohibits students from engaging in hazing or any kind of aggressive behavior that does physical or psychological harm to another or any urging of other students to engage in such conduct; prohibited conduct includes any use of violence, force, noise, coercion, threats, intimidation, fear, harassment, bullying, hazing, or other comparable conduct.
 - b. 7:20 - *Harassment of Students Prohibited*. This policy prohibits any person from harassing, intimidating, or bullying a student on the basis of actual or perceived race, color, appearance, nationality, sex,

sexual orientation, gender identity, gender-related identity or expression, ancestry, age, religion, physical or mental disability, order of protection status, status of being homeless, actual or potential marital or parental status, including pregnancy, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic.

- c. 7:310 - *Restrictions on Publications and Written or Electronic Material*. This policy prohibits students from:
 - a. Accessing and/or distributing at school any written or electronic material, including material from the Internet, that will cause substantial disruption of the proper and orderly operation and discipline of the school or school activities, and
 - b. Creating and/or distributing written or electronic material, including Internet material and blogs, that causes substantial disruption to school operations or interferes with the rights of other students or staff members.
- d. 6:235, *Access to Orchard Academy Computers and Electronic Networks*. This policy states that the use of the OA's electronic networks is limited to: (1) support of education and/or research, or (2) a legitimate business use. It subjects any individual to the loss of privileges, disciplinary action, and/or appropriate legal actions for violating the Board's *Authorization of Electronic Network Access*.

Full implementation of the above policies includes:

- a. Conducting a prompt and thorough investigation of alleged incidents of bullying, intimidation, or harassing behavior,
 - b. Providing each student who violates one or more of these policies with appropriate consequences and remedial action,
 - c. Protecting students against retaliation for reporting such conduct, and
 - d. Informing staff members of the Agency and School's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes:
 - i. Communicating the Agency's and School's expectation, and the State law requirement, that teachers and other certificated employees maintain discipline, and
 - ii. Establishing a process for staff members to fulfill their obligation to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence.
2. Examines the appropriate steps to understand and rectify conditions that foster bullying, intimidation, and harassment; this contemplates taking action to eliminate or prevent these disruptive behaviors beyond traditional punitive disciplinary actions.
 3. Includes bullying prevention and character instruction in accordance with State law and Board policy 6:60, Curriculum Content. This includes incorporating student social and emotional development into the educational program as required by State law and in alignment with policy 6:65, Student Social and Emotional Development.
 4. Fully inform staff members of the Board's goal to prevent students from engaging in bullying and the measures being used to accomplish it. This includes: (a) communicating the Board's expectation – and the State law requirement – that teachers and other certificated employees maintain discipline, and (b) establishing a process for staff members to fulfill their obligation to report alleged acts of bullying, intimidation, hazing, harassment, and other acts of actual or threatened violence.
 5. Encourages all members of the school community, including students, parents, volunteers, and visitors, to report alleged acts of bullying, intimidation, harassment, and other acts of actual or threatened violence.
 6. Actively involves students' parents/guardians in the remediation of the behavior(s) of concern. This includes ensuring that all parents/guardians are notified, as required by State law, whenever their child engages in aggressive behavior.
 7. Communicates the Agency's expectation that all students conduct themselves with a proper regard for the rights and welfare of other students. This includes a process for commending or acknowledging students for demonstrating appropriate behavior.

8. Annually communicates this policy to students and their parents/guardians. This includes annually disseminating information to all students and parents/guardians explaining the serious disruption caused by bullying, intimidation, or harassment and that these behaviors will be taken seriously and are not acceptable in any form.
9. Engages in ongoing monitoring that includes collecting and analyzing appropriate data on the nature and extent of bullying in the Agency's school and, after identifying appropriate indicators, assesses the effectiveness of the various strategies, programs, and procedures and reports the results of this assessment to the Board along with recommendations to enhance effectiveness.
10. Complies with State and federal law and is in alignment with Board of Director's policies. This includes prompting the Board to update the policy beginning every 2 years after its initial adoption and filing this policy with the Illinois State Board of Education after the Board adopts or updates it.

Harassment of Students Prohibited

No person, including an Orchard Academy employee or agent, or student, shall harass, intimidate, or bully a student on the basis of actual or perceived: race; color; national origin; sex; sexual orientation; gender identity; general-related identity or expression; ancestry; age; religion; physical or mental disability; military status, order of protection status; status of being homeless; actual or potential marital or parental status, including pregnancy; association with a person or group with one or more aforementioned actual or perceived characteristics; or any other distinguishing characteristics. The Board of Directors will not tolerate harassing, intimidating conduct, or bullying whether verbal, physical, or visual, that affects the tangible benefits of education that unreasonably interferes with a student's educational performance, or that creates an intimidating, hostile, or offensive educational environment. Examples of prohibited conduct include name-calling, using derogatory slurs, stalking, causing psychological harm, threatening or causing physical harm, threatened or actual destruction of property, or wearing or possessing items depicting or implying hatred or prejudice of one of the characteristics stated above. Complaints of harassment, intimidation or bullying are handled according to the provisions on sexual harassment below. The Program Director shall use reasonable measures to inform staff members and students that the Agency will not tolerate harassment, intimidation or bullying by including this policy in the appropriate handbooks.

Definitions

1. Bullying

Bullying is defined to include, but is not limited to, any aggressive or negative physical or verbal conduct or gesture, electronic communication, or written, an intentional unwanted and unprovoked verbal or physical action that has or can reasonably be predicted to have the effect of one or more of the following:

- a. Placing the student or students in reasonable fear of harm to the student's or students' person or property;
- b. Causing a substantially detrimental effect on the student's or students' physical or mental health;
- c. Resulting in the student to perceive the conduct to be intimidating;
- d. Substantially interfering with the student's or students' academic performance;
- e. Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provide by a school; or
- f. Disrupt or interferes with the school's educational mission or the education of any student.

Bullying most often occurs when a student asserts physical or psychological power over, or is cruel to, another student perceived to be weaker. Such behavior may include but is not limited to pushing, hitting, threatening, name-calling, or other electronic, written, physical, or verbal conduct of a belittling or browbeating nature. Bullying can also take on the forms of hazing, or psychological intimidation.

Bullying is prohibited:

- a. During any school-sponsored education program or activity.
- b. While in school, on school property, on school buses or other school vehicles, at designated school bus stops waiting for the school bus, or at school-sponsored sanctioned events or activities.
- c. Through the transmission of information from a school computer, a school network or other similar electronic school equipment.

2. Aggressor

An aggressor, is a student, who engages in bullying, cyberbullying, hazing, harassment, or retaliation,

3. Hazing

Hazing includes, but is not limited to, any act that recklessly or intentionally subjects a student to electronic, written, physical or verbal harassment, endangers the mental or physical health or safety of a student, intimidation, embarrassment, ridicule, or demeaning activity committed by an individual student or group of students for the purpose of initiation, or as a condition or precondition of attaining and/or maintaining membership, or holding office in any organization, club, or athletic team. Examples include: forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.

4. Harassment

Harassment includes any unwelcome verbal or physical conduct, contact or communication that is motivated by or related to individual characteristics such as age, race, color, national origin, gender, socioeconomic status, geographic location, disability, marital status, physical characteristic, religious affiliation or sexual orientation and that creates an intimidating, hostile or offensive educational environment. Although harassment may take many different forms, some examples include name calling and other derogatory comments, jokes, gestures or looks, posting or distribution of derogatory pictures, notes or graffiti, blocking, pushing, hitting or other forms of physical aggression. Where harassment is sexual, it may also include such conduct as persistent unwelcome attempts to interact with someone, aggressive physical contact such as kissing, touching or pulling at clothes in a sexual way, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Sexual harassment includes any person including an Agency's employee or agent, or student, who makes unwelcomed sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of the receipt of educational or other school-related benefits, or
- b. Submission to or rejection of such conduct by an individual is used as the basis for educational or other school-related decisions affecting that individual.

Students, who believe they are victims of sexual harassment or have witnessed sexual harassment, are encouraged to discuss the matter with the teacher, social worker, program director or principal. Students may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Students who make good faith complaints will not be disciplined.

"Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:

- a. Physically harming a student or damaging a student's property;
- b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
- c. Creating a hostile educational environment.

5. Cyberbullying

Cyberbullying is a subset of bullying, hazing, and harassment. For purposes of this policy, cyberbullying is defined as the use of e-mail, instant messaging, chat rooms, text messages, pagers, cell phones, Internet postings, or other forms of information technology to deliberately bully, haze, harass, threaten, or intimidate someone. Cyberbullying can include, but is not limited to, such acts as making threats, provocative insults-or racial or ethnic slurs, or demeaning remarks about one's sexual orientation.

6. Intimidation

Intimidation includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.

7. Menacing

Menacing includes, but is not limited to, any act intended to place a school employee, student or third party in fear of imminent serious physical injury.

8. Target

Target is a student against whom bullying, cyberbullying, hazing, harassment or retaliation has been perpetrated.

Prohibited Conduct

1. It shall be a violation of policy for a student, employee, or any school visitor to bully, haze, harass, or cyberbully a student or to engage in conduct which would actively or passively support acts of bullying, hazing, harassment, cyberbullying or retaliation.
2. It shall be a violation of policy for a student to report false allegations or a false complaint of bullying, hazing, harassment, cyberbullying or retaliation.
3. It shall also be a violation of the policy for an employee, student, or any school visitor to retaliate against a student for instituting a good-faith complaint of bullying, hazing, harassment, cyberbullying, or retaliation.

Complaints

A student who feels that he/she has been bullied, hazed, harassed, or cyberbullied should inform a school staff member. All school employees are required to report alleged violations of this policy to the program director, principal or his/her designee. All other members of the school community, including students, parents/guardians, volunteers and visitors are encouraged to report any act that may be a violation of this policy.

There are no expressed time limits for initiating complaints under this policy; however, every effort should be made to bring complaints to the attention of appropriate authorities as soon as possible while memories are fresh and witnesses continue to be available. Complaints will be investigated. If it is determined that a violation has occurred, prompt corrective action will be taken. During the investigation, confidentiality will be maintained to the utmost extent possible. Complainants will be offered counseling and other assistance when appropriate and will be informed of the results of any investigation.

Intervention/Remediation

In addition to the prompt investigation of complaints of bullying, hazing, harassment, or cyberbullying and direct intervention when such prohibited activities are verified, the following learning strategies may be implemented:

1. Planned professional development programs addressing targeted problems including what constitutes safe and acceptable internet use;
2. Formal or informal information or data collection regarding specific disciplinary or student problems;
3. Modeling by school personnel of positive, respectful, and supportive behavior towards students;
4. Employing classroom strategies that instruct students on how to work together in a collaborative and supportive atmosphere; and
5. Gather input from parents, law enforcement, and other community members regarding positive responses to bullying, hazing, harassment, and cyberbullying.

Disciplinary Consequences

1. Violation of this policy may result in discipline. If the harasser is an employee, discipline will be determined in accordance with policy and the provisions of any applicable collective bargaining agreement. Students who violate the policy will also be subject to appropriate discipline in accordance with policy and Orchard Academy's Code of Conduct. Appropriate discipline may include suspension and/or expulsion.
2. Students may be disciplined for acts of bullying, hazing, harassment, or cyberbullying occurring on or off-campus and/or outside of school hours in the same manner they are otherwise subject to discipline for acts that violate Agency and School policies and/or procedures when acts could:
 - (i) Affect the school climate or atmosphere;
 - (ii) Affect the peace, health, safety, or welfare of students, teachers, or any other personnel; and/or
 - (iii) Disrupt or interfere with school or school activities. Any violation is subject to suspension and/or expulsion.
3. The parent/guardians of students who commit any act of bullying, hazing, harassment, or cyberbullying will be notified.
4. Orchard Academy, in conjunction with the home school district, reserves the right to make referrals for students in violation of this policy to appropriate mental health and law enforcement professionals.

Notification

Orchard Academy shall annually communicate this policy to students and their parents/guardians. This annual notification shall include disseminating information to all students and parents/guardians explaining the serious disruption caused by bullying, hazing, harassment, and cyberbullying and that these behaviors will be taken seriously and are not acceptable in any form.

Investigation/Discipline

All complaints about behavior that may violate this policy shall be promptly investigated. Any student that feels he/she has been a victim of hazing, harassment, intimidation, bullying or menacing in violation of this policy shall immediately report his/her concerns to the program director or principal who shall have overall responsibility for all investigations. This report may be made anonymously. A student, parent/guardian may also report concerns to a teacher, social worker, principal or program director that will be responsible for notifying the appropriate authorities.

The parents or guardians of a student shall be notified of a student's violation of this policy. After consideration of the totality of the circumstances, the discipline of a student that is in violation of this policy may, when deemed appropriate, include the preparation of a written early intervention program that is designed to monitor the violating student's future conduct in order to guard against further violations of this policy. An early intervention program may include a notice to the violating student's teachers as well as notice to the victim's teachers of the conduct violating this policy, revisions to the violating student's schedule, precluding the violating student from certain locations, facilities or events, or such other actions that, depending upon the particular circumstances, are designed to monitor and/or safeguard against future violations of this policy.

Any early intervention program shall, to the extent reasonably possible, be prepared with the involvement of the parent/guardian. However, consent of the parent/guardian shall not be necessary to implement any early intervention program. Upon consent of the parent/guardian, a student violating this policy may be referred to relevant community based resources that may be available. Upon consent of the parent/guardian, a student violating this policy may be referred to available student support services that are deemed relevant.

Complaints will be investigated and where it is determined that a violation has occurred, prompt corrective action will be taken. During the investigation, confidentiality will be maintained to the extent possible. Complainants will be offered counseling and other assistance when appropriate and will be informed of the results of any investigation.

Retaliation/False Charges

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is strictly prohibited. It shall also be a violation of the policy for an employee, student or any school visitor to retaliate against a student for instituting a good-faith complaint of harassment or bullying, or for a student to complain of harassment or bullying without a good-faith basis. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Students whose behavior is found to be in violation of this paragraph will be subject to discipline, up to and including the recommendation for expulsion. When deemed appropriate students may also be referred to law enforcement officials.

False charges brought under this policy shall also be regarded as a serious offense and will result in disciplinary action up to and including a recommendation for expulsion.

This policy is not intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution or under Section 3 or 4 of Article 1 of the Ill. Constitution.

Legal

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