

Carlos Rosario International Public Charter School

Bullying Prevention Policy

Statement: Purpose and Objectives

The Carlos Rosario International Public Charter School prohibits bullying of any kind, including cyberbullying, against students of the School. Bullying is contrary to the School's values and may negatively impact students' ability to learn, as well as their well-being and safety. The School encourages reporting of any incidents of bullying, promptly investigates such incidents and takes appropriate action, and works to ensure the safety and wellbeing of anyone who reports experiencing bullying. The School strictly prohibits retaliation against any person who is a victim of bullying, witness of bullying or reports bullying.

Authority

The DC Youth Bullying Prevention Act of 2012, DC Code § 2-1535.01 *et seq.*, requires that schools implement a bullying prevention policy that protects youth age 21 years old or less participating in School-sponsored functions, and protects youth age 22 years old or less who are receiving special education services from an educational institution.

Definitions

The School defines "bullying" as any severe, pervasive, or persistent act or conduct whether physical, electronic, or verbal that:

1. May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place or residence or business, or any other distinguishing characteristic, or on a youth's association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and
2. Can reasonably be predicted to:
 - a. Place the youth in reasonable fear of physical harm to their person or property;
 - b. Cause a substantial detrimental effect on the youth's physical or mental health;
 - c. Substantially interfere with the youth's academic performance or attendance; or
 - d. Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

The law defines “youth” as:

1. An individual of 21 years of age or less who is enrolled in an educational institution or who accesses the services or programs provided by an agency or grantee, or an individual of 22 years of age or less who is receiving special education services from an educational institution; or
2. Individuals described above who are considered as a group.

Bullying Prevention Policy Scope and Applicability

The School’s Bullying Prevention Policy applies to participation in all functions sponsored by the School. The Policy applies to bullying that occurs, whether by students, faculty, staff, contractors or volunteers:

1. On School property, including electronic communication on School property, or with the School, and including School buildings, outdoors spaces, parking lots and walkways;
2. At School sponsored functions, including sponsored events held off School property;
3. On School transportation, or transportation used or sponsored by the School, including transportation for School-sponsored events, including any transit stop at which students wait to be transported to the School or to School-sponsored event; and
4. Through electronic communications to the extent that the communication is directed at a student and it substantially interferes with the student’s ability to participate in or benefit from the services, activities, or privileges provided by the School. This includes electronic communication through technology owned by the School as well as electronic communications that occur off-campus that interfere with a student’s ability to participate in or benefit from the services, activities, or privileges provided by the School. Cyberbullying is also prohibited and is defined as any bullying done through electronic means, including but not limited to social media, electronic mail (email), texting or tweeting.

Bullying that occurs onsite but involves off-site activities is prohibited if it creates a hostile environment at the School for the student or witnesses of the bullying, or impedes or interferes with the student’s ability to participate in school.

The Student Handbook contains related policies prohibiting unlawful discrimination or harassment, including complaint reporting procedures under those policies.

Student Code of Conduct & Behavior Expectations

In an attempt to provide the best possible instruction everyone must establish a peaceful and harmonious environment for all students, faculty and staff. Carlos Rosario School decisions regarding student behavior and discipline will respect individuals, balance the interests of the school community, and minimize disruption of academic instruction.

The School expects students to behave in a way that supports the School's objective to provide a safe and welcoming environment for all students. The School expects students who are part of the School community to:

- (1) Treat all other students of the School with respect;
- (2) Respect the property of other students at the School; and
- (3) Respond appropriately to instructions from School staff regarding behavior toward others students.

Respect is critical in our diverse community. Students must demonstrate respect through their appropriate actions, words, tone and body language. Unacceptable behavior includes any behavior that infringes on another student's right to learn. These behaviors include, but are not limited to, offensive language and gestures, disrespecting a staff or faculty member, damage to school property, improper use of school equipment, theft, sexual harassment, making threats against others, harming others, and fighting or committing assaults. Behavior that poses a threat to the health and safety of others may be grounds for immediate expulsion.

Reporting Bullying or Retaliation

Every member of the School community plays a role in ensuring that the School is free from bullying of any kind and that incidents of bullying or retaliation are promptly reported.

The School encourages students to report any incidents of bullying or retaliation that they experience, witness or are made aware of. The School also encourages parents, guardians and community members to report any bullying or retaliation. All reports should be made to the one of the School Principals, who are the School's Points of Contact at each campus for this Policy. The School Principals are:

Karen Rivas Principal
Sonia Gutierrez Campus
514 V Street, NE
Washington, DC 20002
krivas@carlosrosario.org
202-734-4900 ext. 897

HollyAnn Freso-Moore, Principal
Harvard Street Campus
1100 Harvard Street, NW
Washington, DC 20009

hfreso@carlosrosario.org
202-797-4700, ext. 119

The School expects all faculty, staff and volunteers to report bullying or retaliation they witness or are made aware of. They should immediately report all such incidents to a School Principal. The same reporting should be done for witnessing or receiving a report of retaliation under this policy.

Reporting is critical for the School to be able to investigate and take appropriate action, as well as to ensure the ongoing safety and well-being of students. Reports may be anonymous but please be aware that anonymous reporting may hinder the ability of the School to conduct a thorough investigation or take action, and disciplinary action cannot be taken by the School solely on the basis of an anonymous report.

Once a report is received by one of the School's Points of Contact, the Point of Contact will create a written description of the reported incident of bullying, retaliation or other violation of this Policy. Where applicable, this incident description will be included in the School's annual report to DC Office of Human Rights as required by 4 DC Mun. Reg. § 1511.

Retaliation

The School prohibits retaliation against any employee, volunteer or youth who promptly and in good faith reports an incident or, or information about, bullying in compliance with this Policy. Such individuals will be immune from a cause of action for damages arising from the report.

Investigation

The School will promptly initiate an investigation into any report of bullying, retaliation, or other violation of this Policy within two (2) business days of the Point of Contact receiving a complaint. The School will complete its investigation within thirty (30) days of the Point of Contact receiving the complaint. The investigation process is further detailed below. In addition, the School will work to ensure the safety and well-being of the person who has reported experiencing bullying or is reportedly at risk for future acts of bullying or retaliation. Once the investigation is concluded, further steps will be taken as appropriate for the continued safety of the victim from additional incidents of bullying or retaliation.

Within two (2) business days of the Point of Contact receiving a report of bullying, retaliation, or other violation of this Policy, the Point of Contact or other designee will:

- (a) Draft a written record of the complaint, which will be included in the final report described herein.
- (b) Take appropriate action to protect, to the extent possible, the safety and well-being of the alleged target referenced in the report.
- (c) Inform the alleged target, alleged perpetrator, and if applicable, witnesses, of the alleged incident and of the initiation of the investigation.
- (d) Where youth involved are under 18 years old and have a parent or guardian present, make a good faith attempt to inform the parents or guardians of the alleged target and perpetrator

about the alleged incident and any planned investigation. The Point of Contact may determine that informing the parents or guardians may cause harm to or endanger the health or wellbeing of the youth, in which case the Point of Contact shall document facts giving rise to such determination and document in writing the decision not to inform the parents or guardians as a result.

- (e) Take into account whether the individuals involved have disabilities and whether the behavior is a manifestation of the disability. In determining the appropriate consequences of bullying behavior by students, the School also seeks to be flexible by taking into account the nature, severity, history of problem behavior by all students involved in the incidents, history of document behavioral concerns if applicable, and developmental age of the persons exhibiting the bullying behaviors.

The School may also notify other schools or programs where allege victims or perpetrators attend to ensure that the youth are not victimized across agencies and that comprehensive service and protection can be provided to bullies and victims.

If the School determines that the reported incident may involve criminal activity or indicate credible and imminent threat of harm or criminal activity, the School will immediately report such information to the appropriate law enforcement authorities. As part of making this determination, the School may consult with law enforcement or legal counsel.

The School will notify these entities of incidents of bullying to the extent permitted by law. Notification will be undertaken solely to ensure that services are provided to victims and bullies and to protect victims from further or sustained victimization. To the extent possible the School will protect the confidentiality of those who report incidents of bullying or retaliation or who are witnesses or interviewees as part of the investigation.

The Point of Contact or the School's designee will issue a written report setting forth their investigation findings and recommendations within thirty (30) days after the Point of Contact receives the complaint. The report will include:

- (a) A description of the incident(s) including the names of individuals involved and behaviors alleged, location of incident(s), and whether or not the investigator determined that bullying or retaliation occurred based on the definition of those terms provided in this Policy;
- (b) Investigator's determination of whether or not the incident was based on a trait that is covered under the Human Rights Act, as listed in the definition of bullying; and
- (c) The actions that were taken as a result of the findings.

This report will be provided to the alleged target and perpetrator, and their parents or guardians if the youth are under 18 years old but not if the contact information for the parents or guardians is not available after making a good-faith attempt to obtain such information or if the School determines that sending the report to the parents or guardians may cause harm to or endanger the

health or wellbeing of the youth, in which case the reasons for the determination not to send the report must be documented in writing.

Disciplinary Policies

Students who violate the School's Bullying Prevention Policy will be subject to disciplinary action according to the School's Student Handbook. Employees who violate this Policy will be subject to disciplinary action consistent with the School's Employee Handbook.

The Carlos Rosario International Public Charter School is a place where all students have the right to come and learn. To allow all students to learn, all students must be respectful of the diverse community. Carlos Rosario students are expected to adopt the shared values of the School community. Carlos Rosario students are lifelong learners who are caring, productive, confident and civic minded. They must be conscientious of the implications of their decisions and should demonstrate empathy, compassion, and respect towards others and themselves.

The Carlos Rosario International Public Charter School Student Code of Conduct and its Disciplinary Policies are the primary vehicles by which the School communicates and enforces disciplinary policies for students. Embedded within the Student Code of Conduct and the Disciplinary Policies, which are included herein, there are provisions for addressing violations of the School's expectation of students, including any incidents including bullying. There are also provisions for due-process steps such as secondary investigations and appeals, protections from retaliation, guidelines for reporting requirements and other protections and remedies associated with student conduct and discipline. Individuals with questions about the School's Bullying Prevention Policy may contact their campus principal (Karen Rivas Principal -Sonia Gutierrez Campus krivas@carlosrosario.org 202-734-4900 or Ms. HollyAnn Fresno-Moore, Principal -Harvard Street Campus hfredo@carlosrosario.org 202-797-4700).

Discipline Review Process

When a teacher or staff member finds that a student has committed an infraction that may merit expulsion or suspension, he or she will inform a school official of the infraction. The school official will meet with the student to inform the student of the infraction in question and learn what happened from the student's perspective. If the school official finds that the student is in violation and further concludes that the infraction merits expulsion or suspension, the school official will ensure the discipline review process is followed.

Discipline Review Process Policy for Expulsions and Suspensions

Should a student's behavior be deemed to be a serious violation or infraction the incident will be reported to a designated school official. The school official will meet with the student, hear the student's perspective on the incident, and then as warranted engage in a variety of appropriate interventions that are commensurate with the nature of the infraction. These interventions can range in a variety of measures including a verbal or written warning, mandatory consultations with a counselor and/or follow up conferences with a school official. Violations relating to the sale or distribution of drugs, weapons violations or other serious violations that threaten the health and safety of the school community may result in a suspension or an expulsion.

The Discipline Review & Appeals Process Policy may include the following:

1. Oral or written notice of the charges based on the school's investigation;
2. If the charges are denied, a student must be given an opportunity to explain his/her version of the events to the suspending school official;
3. The suspension may range from 1 to 10 days in length;
4. Expulsion can be for the rest of the semester or the rest of the school year and, in extreme cases, expulsion can be indefinite;
5. The School will conduct an investigation prior to rendering a decision; any decision rendered must be based upon the school's investigation;
6. With respect to any suspension invoked, the student will be informed of its beginning and ending dates; and
7. If the student wishes to appeal the decision, the student may submit their appeal in writing to the Chief Executive Officer (CEO) of the School. The student is not entitled to appear and discuss the suspension at this second level of appeal. Instead, the appeal will be based on the written submission of the student and other relevant information.

Supplemental Procedures to the Student Code of Conduct

The following supplemental procedures to the preceding Student Code of Conduct are intended to more fully address bullying incidents specifically under this Policy:

Corrective Action Steps: The School requires all staff and volunteers to report bullying incidents to their direct supervisor or other School officer of their choosing. Reports of bullying by students may be made openly or anonymously. All reports of bullying must be investigated by a designated School official.

Steps for the prevention of retaliation or repeated bullying incidents: Those charged with investigating bullying incidents must first take the necessary steps to insure the cessation of bullying of the victim, prohibit and insure there is no retaliation on the victim, the witness of the bullying, the person reporting the bullying incident or anyone else with reliable information that a person has been subject to bullying.

Guidelines for protecting the target or targets of bullying: The School and School officials will take any and all necessary actions for protecting the target or targets of bullying to include but no limited to: monitoring areas known to be at-risk areas for bullying; monitoring student movement and interactions within the school and in areas in the immediate vicinity of the school; and communication of reporting procedures for students and staff on the issue of bullying.

Results of Investigation: In addition following the steps identified in the Discipline Review & Appeal Process Policy provided herein, the School's investigator or designee will issue a written report setting forth their findings and recommendations within thirty (30) days after receiving a report of bullying retaliation, or other violation of this Policy. The report will include the following:

- (a) a description of the incidents including the names of individuals involved, behaviors alleged, location of occurrence(s) and whether or not they concluded that bullying occurred under the definition of this Policy;
- (b) whether the incident was based on a trade that is covered in the DC Human Rights Act as listed in the definition of "bullying" herein; and
- (c) the actions that were taken as a result of the findings.

The report will be provided to the target and the alleged perpetrator. The report will also be provided to their parents/guardians if they are under age 18, unless their parents/guardians are unavailable after making a good-faith attempt to obtain their contact information or the School's Point of Contact determines that sending the report may cause harm to or endanger the health or well-being of the target or alleged perpetrator, in which case the reasons for such determination not to send the report will be documented in writing.

Appeals Process: The appeals process under this Bullying Policy follows the Discipline Review & Appeal Process Policy, contained herein, and does not provide an additional level of appeal. Rather, the appeals process under this Policy includes some additional procedures that will be followed relating to bullying investigation appeals. The written request for a secondary investigation of a bullying incident must be submitted to the School's CEO within thirty (30) days after the conclusion of the initial investigation. This secondary investigation appeal process will be conducted by CEO or their designee (the secondary investigator), and will be completed within thirty (30) days after receipt of the written request, unless the School requires additional time to complete a thorough investigation and the reasons for doing so are set forth in writing by the secondary investigator; in that case, the investigation may be extended for an additional fifteen (15) days. After completing the secondary investigation, the secondary investigator will notify the target and alleged perpetrator in writing of the results of the investigation and of the party's ability to seek additional redress under the DC Human Rights Act, D.C. Code § 2-1402.41.

Policy Dissemination

This Policy is made available to youth students and their parents or guardians on the School's website and in the Student Handbook. The Policy is also shared with School staff. The Policy makes clear that it applies to youth participating in functions sponsored by the School.