

SCHOLARMADE ACHIEVEMENT PLACE OF ARKANSAS

SAFE PLACE POLICY

ScholarMade Schools are considered Safe Places. This policy will be evidence of ScholarMade's commitment to equity of opportunity, human dignity, diversity and academic freedom. No person will retaliate or threaten retaliation against another person for reporting, testifying or otherwise participating in any investigation or proceeding relating to a complaint of harassment.

It is the policy of the ScholarMade to maintain a learning environment that is free from harassment. The ScholarMade prohibits any and all forms of harassment because of race, color, sex, sexual orientation, age, marital status, national origin, religion, disability or protected activity (i.e. opposing unlawful harassment or discrimination or participating in an investigation). Any such conduct will not be tolerated and will result in disciplinary action and notification of the proper authorities.

It will be a violation of policy for any student, teacher, administrator or other school personnel of the ScholarMade to harass a student through conduct of a sexual nature or regarding race, color, sex, sexual orientation, age, marital status, national origin, religion, disability or protected activity as defined by this policy.

It will also be a violation of policy for any teacher, administrator or other school personnel of Scholarmade to tolerate sexual harassment or harassment because of a student's race, color, sex, sexual orientation, age, marital status, national origin, religion, disability or protected activity as defined by this policy, by a student, teacher, administrator, other school personnel or by any third parties who are participating in, observing or otherwise engaged in activities, including sports events and other extracurricular activities, under the auspices of the ScholarMade. For the purpose of this policy, the "school personnel" includes school Board of Education members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the ScholarMade.

The ScholarMade will act to promptly investigate all complaints, either formal or informal, verbal or written, of harassment because of race, color, sex, sexual orientation, age, marital status, national origin, religion, disability or protected activity; to promptly take appropriate action to protect individuals from further harassment; and, if it determines that unlawful harassment occurred, to promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy and/or to take other appropriate action reasonably calculated to end the harassment.

Procedure for Complaints of Harassment

These regulations are intended to protect the rights of students, employees, administrators, the Board of Education and visitors on ScholarMade property and to outline procedures that will be followed in the event harassment occurs on ScholarMade property or at an event sponsored by the ScholarMade.

Definitions

The following definitions will be used for the purpose of enforcing the Anti-Harassment Policy.

Racial or Color Harassment

Racial or color harassment includes unwelcome verbal, written or physical conduct directed at the characteristics of a person's race or color, such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking and negative references to racial customs.

Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct of a sexual nature. It also includes conduct that is not

sexual in nature but that is engaged in because of the gender of the victim. It includes conduct that is also criminal in nature such as rape, sexual assault, stalking and similar offenses. Under this policy, sexual harassment is prohibited regardless of the sex of the harasser, i.e., sexual harassment may occur even if the harasser and the person being harassed are the same sex.

Sexual Orientation Harassment

Harassment on the basis of sexual orientation is unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation, such as negative name-calling and imitating mannerisms.

Marital Status Harassment

Harassment on the basis of marital status is unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

National Origin Harassment

Harassment on the basis of national origin is unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin, such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.

Religious Harassment

Harassment on the basis of religion or creed is unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed, such as derogatory comments regarding surnames, religious tradition, religious clothing, religious slurs or graffiti.

Disability Harassment

Harassment based on a person's disabling mental or physical condition includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment.

Reporting Procedures

Any person who feels he/she is being harassed may wish to consider informing the offending person the behavior is inappropriate and not appreciated. Oftentimes, this is all that is required to stop the harassing behavior. You are not, however, required to take this step prior to filing a complaint.

Any student, ScholarMade personnel or visitor who believes he/she has been the victim of harassment by a student, teacher, administrator, other school personnel of the ScholarMade or by any other person who is participating in, observing or otherwise engaged in activities, including extracurricular activities, under the auspices of the ScholarMade, is encouraged to immediately report the alleged acts to the building principal. If the principal is the perpetrator of the harassment, the report of the incident will be made to the Head of Schools or Chief Operating Officer.

Any teacher, administrator or other school official who has knowledge of or receives notice that a student or visitor has or may have been the victim of harassment by a student, teacher, administrator or other school ScholarMade personnel is required to immediately report the alleged act(s) to the building principal unless the principal is the perpetrator. If the harassment involves the principal, the incident will be reported to the Head of Schools or Chief Operating Officer.

The parent/guardian(s) of the student (victim) will be notified immediately unless, after consultation with the student, it is determined not to be in the best interest of the student.

If the alleged harassment is committed by a student, the student's parent/guardian(s) will be notified that an investigation is being conducted.

Complaints will be kept confidential to the extent possible. A prompt, thorough and impartial investigation will be conducted of all complaints of violations of this policy.

Upon completion of the investigation, a written report will be submitted to the Superintendent. The report will include a determination as to whether the allegations have been substantiated as factual and whether they appear to have violated ScholarMade policy and/or law. Notification of the outcome of the investigation will be sent to all parties involved.

If the allegation is substantiated, the ScholarMade will take immediate and appropriate corrective action, including the following:

- A student will receive a disciplinary sanction as outlined in the *Family Handbook* and/or notification to the proper authorities;
- A staff member will receive a disciplinary sanction as outlined in the Employee Handbook and/or the proper authorities will be notified; and
- A report of the incident regarding a visitor who committed an act while on ScholarMade property or at an event sponsored by the ScholarMade will be referred to the proper legal authorities.

Notwithstanding this policy, employees may file a charge of discrimination with the U.S. EEOC. Employers who wish to file a charge must do so within 180 days of the last act of alleged harassment.

Adopted: July 2018

Modified version of policies from: LRSD, Conway, PCSSD, NLRSD

Legal References Title VI of the Civil Rights Act, 1965, 42 U. S. C. § 2000d

Title IX of the Education Amendments of 1972, 20 U. S. C. § 1681

Section 504 of the Rehabilitation Act of 1973, 29 U. S. C. § 794

Title II of the Americans with Disabilities Act of 1990 (ADA),
42 U. S. C. § 12134

BULLYING

The General Assembly finds that every student in this state has the right to receive his or her public education in a public-school educational environment that is reasonably free from substantial intimidation, harassment, or harm or threat by another student. "Bullying" means the intentional harassment, intimidation, humiliation, ridicule, defamation, or threat or incitement of violence by a student against another student or public school employee by a written, verbal, electronic, or physical act that causes or creates a clear and present danger of: (a) Physical harm to a public school employee or student or damage to the public school's employee's or student's property; (b) Substantial interference with a student's education or with a public school employee's role in education; (c) a hostile educational environment for one (1) or more students or public school employees due to the severity, persistence, or pervasiveness of the act; or (d) substantial disruption of the orderly operation of the school or educational environment.

"Electronic act" means without limitation a communication or image transmitted by means of an electronic device, including without limitation a telephone, wireless phone or other wireless communications device, computer, or pager. Electronic acts/cyber-bullying are prohibited whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school

personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose; “Harassment” means

a pattern of unwelcome verbal or physical conduct relating to another person’s constitutionally or statutorily substantial interference with the other’s performance in the school environment; and “Substantial Disruption” means without limitations that any one or more of the following occur as a result of bullying: (a) Necessary cessation of instruction or educational activities; (b) Inability of students or educational staff to focus on learning or function as an educational unit because of a hostile environment; (c) Severe or repetitive disciplinary measures are needed in the classroom or during educational activities; or (d) Exhibition of other behaviors by students or educational staff that substantially interfere with the learning environment.

Students who engage in bullying (a) while at school, on school property, in school vehicles, on school buses, at designated bus stops, at any school function in connection to or with any District sponsored activity or event, while in route to or from school, or (b) by an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment are subject to disciplinary action, up to and including suspension or expulsion. This section shall apply to an electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose. School employees who witness bullying or have reliable information that a pupil has been the victim of bullying, as defined in this policy, shall report the incident to the building Academy Director immediately.

The person or persons who file a complaint will not be subject to retaliation or reprisal in any form. A school employee who has reported violations under the school district’s policy shall be immune from any tort liability that may arise from the failure to remedy the reported incident.

A copy of this policy shall be posted in every classroom, cafeteria, restroom, gymnasium, auditorium, and school bus in ScholarMade. In addition, notice of this policy shall be provided to parents, students, school volunteers, and employees. Copies of this policy shall be available upon request.