

**THE SAFE PLACE TO LEARN ACT: HARASSMENT, DISCRIMINATION,
INTIMIDATION AND BULLYING PREVENTION POLICY
PARADISE CHARTER MIDDLE SCHOOL**

It is the policy of Paradise Charter Middle School (“the School”) to create and maintain a learning environment where students and employees are treated with dignity, decency and respect. Paradise Charter Middle School strives to maintain an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, the School is committed to creating an environment free from all forms of discrimination, harassment, intimidation and bullying, whether actual or perceived including race; religious creed, including religious dress and grooming practices; color, national origin (including language use restrictions), immigration status, citizenship status; ancestry; physical disability; mental disability; medical condition; genetic information; marital status; sex, including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy or childbirth; gender, gender identity, gender expression; age; sexual orientation; military and veteran status; or association with a person or group with one or more of the aforementioned characteristics or any other legally protected category is unlawful and undermines the character and purpose of the School. Such discrimination, harassment, intimidation, or bullying violates School policy and will not be tolerated. This policy applies to anyone on campus at the School or those attending School sponsored activities.

Any form of retaliation against anyone who has complained or formally reported discrimination, harassment, intimidation or bullying or against anyone who has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates this policy and the law.

Immigration Status

If the School possesses information that could indicate immigration status, citizenship status or national origin information, the School shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school. If parents or guardians choose not to provide information that could indicate their or their children’s immigration status, citizenship status or national origin information, the School shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

Education and Training

Each year, the School shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. The School shall also train teachers, staff and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of

harassment based on the actual or perceived characteristics noted above. Such training shall provide School personnel with the skills to do the following:

- Discuss the varying immigration experiences among members of the student body and school community;
- Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
- Identify the signs of bullying or harassing behavior;
- Take immediate corrective action when bullying is observed; and
- Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

Definitions

Discrimination

Discrimination is the adverse treatment of any person based on the protected class or category of persons to whom they belong and such treatment limits students from participating or benefiting from school activities or services.

Harassment

Harassment is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, a student because of their membership (or perceived membership) in any protected group or on any other prohibited basis. The harasser can be a student, a School official or employee, or someone who is not an employee of the School, such as a vendor or parent. Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, name calling, degrading or ridiculing another person or group
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes epithets or demands
- Physical assault or stalking
- Displays or electronic transmission of derogatory, demeaning or hostile materials
- Graphic and written statements, which may include use of cell phones or the Internet

Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the School.

Sexual Harassment

Sexual harassment is a form of harassment based on sex, including sexual harassment, gender harassment and harassment based on pregnancy, childbirth, or related medical conditions. It generally involves unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of violations:

- Unwanted sexual advances
- Offering educational benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances

- Visual conduct including leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons or posters
- Verbal conduct including making or using derogatory comments, epithets, slurs and jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations
- Physical conduct including touching, assault, impeding or blocking movements

Intimidation

Intimidation includes adverse actions intended to fill another with fear, to overawe or cow, as through force of personality or by superior display of wealth, talent, etc., or to force another into or deter from some action by inducing fear.

Bullying

Bullying may take place in a variety of hostile acts that are carried out repeatedly over time. The acts involve a real or perceived imbalance of power, with the more powerful person or group attacking those who are less powerful. It may be physical (hitting, kicking, spitting, pushing), verbal (taunting, malicious teasing, name calling, threatening), or psychological (spreading rumors, manipulating social relationships, or promoting social exclusion, extortion or intimidation).

Bullying is any severe or pervasive action or conduct directed toward one or more students that have the effect of one or more of the following:

- places a reasonable student in fear of harm to that student's person or property
- causes a reasonable student to experience a substantially detrimental effect on their physical or mental health
- causes a reasonable student to experience substantial interference with their academic performance
- causes a reasonable student to experience interference with their ability to participate in or benefit from the services, activities or privileges provided by the School

Other types of bullying include:

- **Sexual bullying**
Sexual bullying includes many of the actions typical of bullying behavior with the added actions of exhibitionism, voyeurism, sexual propositioning, sexual harassment and sexual abuse (touching, physical contact, sexual assault).
- **Bias or hate-motivated bullying**
Bias or hate-motivated bullying is a basic bias against or hate for a person or group. Examples include taunting one's race, religion, national origin, sexual orientation, or physical or mental disabilities. The bullying behavior may also be aggressive, antagonistic, and assaultive.
- **Hazing**
Hazing is a form of aggressive behavior that usually involves intimidation and humiliation during an initiation for a student organization or body, club, group or sports team. It may involve conduct that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current or prospective pupil. Hazing does not include athletic events or school-sanctioned events.

- **Cyberbullying**
Cyberbullying involves bullying conduct that is created or transmitted by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or pager communicating any of the following:
 1. a message, text, sound or image
 2. a post on a social network Internet Web site, including a “Burn Page”
 3. an impersonation of another student, and
 4. a false profile
- **Cyber sexual bullying**
Cyber sexual bullying involves dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more effects described in (1) – (4) above. A photograph or other visual recording shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording or other electronic act.
- **Social media bullying**
Social media bullying involves bullying through forums for social media, such as Internet websites with free registration and ease of registration, Internet websites offering peer-to-peer instant messaging such as Snapchat, Internet websites offering comment forums such as Facebook, and Internet websites offering image or video posting platforms such as YouTube.

Retaliation

Retaliation is any adverse action taken against a student because they filed a charge of harassment, discrimination, intimidation or bullying complaint to the School or another agency or participated in an investigation about the same (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived harassment, discrimination, intimidation or bullying.

Reporting Discrimination, Harassment, Intimidation, Bullying or Retaliation

Any student who believes that they have been the victim of discrimination, harassment, intimidation, bullying or retaliation prohibited by this policy, or any student who has witnessed such discrimination, harassment, intimidation, bullying or retaliation, should immediately report the circumstances to a trusted adult, as described below. The School will investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

A student may make a complaint, written or oral, to any of the individuals listed below:

- Their teacher, school counselor or other school personnel
- The Executive Director of the School

Complaints may be submitted to the Executive Director by any of the following methods:

- By phone at (530) 872-7277
- By email at blanders@pcms.tv
- By mail at 6473 Clark Rd., Paradise, CA 95969
- In person in the school office

Any teacher, school counselor or other school employee that receives any complaints of misconduct, or personally observes, learns about from others, or reasonably suspects has occurred, shall report the same to the Executive Director within one (1) day, so that the School may attempt to resolve the claim internally. Any School personnel that witness an act of discrimination, harassment, intimidation, bullying or retaliation shall take immediate steps to intervene when it is safe to do so and report to the Executive Director within one (1) day.

Investigation and Disposition of Complaints

The School will conduct a prompt, thorough and impartial investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation will be conducted by a qualified investigator(s) or the Executive Director so long as the complaint is not against the Executive Director. The investigator will review any relevant documents and interview the alleged student-victim and their parent(s)/guardian(s). The investigation may also include interviews with the person who made the initial report, the complainant (if other than the victim), the alleged wrongdoer and/or any other person who may have information regarding the incident, each of whom are encouraged to cooperate with any investigation.

The School will endeavor to complete its investigation within thirty (30) days of a report of discrimination, harassment, intimidation, bullying or retaliation.

Confidentiality of the complaint and investigation will be kept by the School to the extent possible, but note that the investigation will not be completely confidential. The School shall ensure confidentiality with respect to a student's or family's immigration status.

Any third-party investigator will report their findings to the Executive Director and/or Board of Directors. Where the investigator concludes that a violation of this policy has occurred, the Executive Director and/or Board of Directors will take prompt and appropriate remedial action, including any disciplinary action. Depending upon the circumstances, disciplinary action may include, but is not limited to suspension and/or recommendation for expulsion. Discipline for a violation of this policy is not progressive, so a first violation of this policy may warrant suspension or a recommendation for expulsion.

Every complaint will trigger the creation of an investigatory file. The investigatory file will consist of the initial complaint, the final investigative report, including a record of the remedial action to be taken, if any, and all documents created, used or reviewed during the investigation.

At the conclusion of the investigation, the Executive Director shall notify the complainant of the manner in which the matter was resolved. If, within thirty (30) days after notification of resolution, the complainant does not agree with the resolution, the complainant may appeal the matter to the Board of Directors of the School by filing a notice of appeal stating the reasons for the appeal and specific disagreement with the School's resolution of the complaint. The Board of Directors will provide the student with a final decision of the School's resolution five (5) days after the Board of Directors' next regularly scheduled board meeting. If the student does not agree with the final determination of the Board of Directors, the student may appeal to the California Department of Education using the appeal process adopted in the School's Uniform Complaint Procedures.

Parental Notification

Each year, the School shall notify parents and guardians of their children’s right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to the “Know Your Rights” immigration enforcement established by the California Attorney General. The School shall also inform students who are the victims of hate crimes of their right to report such crimes.

Posting

This policy shall be posted on the School’s Internet website in a manner that is easily accessible to parents, guardians and students.

Adopted: October 25, 2022

Amended: