

## CYBER-BULLYING POLICY

Westinghouse Arts Academy Charter School strongly condemns acts of cyber-bullying and will take swift and appropriate action to respond to any accusations of cyber-bullying.

This policy applies to students, parents, employees and third-parties (such as vendors, independent contractors and members of the general public) and covers incidents that result in the cyber-bullying of Westinghouse Arts Academy Charter School students regardless of whether the incidents themselves occur on school property.

This policy also prohibits (a) retaliation against anyone who in good faith reports behavior prohibited by this policy; and (b) intimidation of any witness or party who participates in an investigation.

### Definitions

*Cyber-Bullying* - Use of electronic information and communication devices, including but not limited to, E-mail, instant messaging, text messaging, mobile telephones, blogs, chat rooms, social media, and/or websites, that:

- Threatens, harasses, and/or intimidates an individual or group of individuals;
- Places an individual in reasonable fear of harm to him/herself or damage to his/her property; or
- Has the effect of substantially disrupting the orderly operation of Westinghouse Arts Academy Charter School.

Cyber-bullying includes any electronic transmission that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression; a disability or impairment; or by any other distinguishing characteristic.

*Westinghouse Arts Academy Charter School owned, operated, or supervised technologies* - Any computer, networking system, electronic equipment, or any other equipment or device owned, leased, operated, or under the control or supervision of Westinghouse and/or its staff.

### General Procedures

Examples of cyber-bullying, intimidation and retaliation when such actions (or any other actions) are based on the target's race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or disability prohibited by this policy include but are not limited to:

- Name calling or insults
- Inappropriate jokes
- Inappropriate pictures, cartoons, drawings or other depictions
- Isolation or exclusion

The list above is not all inclusive. Any use of electronic information and communication devices that marginalizes, isolates or harasses a student due to his/her race, color, age, creed, religion, gender, sexual orientation, ancestry, national origin, marital status, pregnancy, genetic history, or

disability is prohibited by this policy.

Incidents of cyber-bullying, harassment, intimidation and retaliation, including cyber-bullying, harassment, intimidation and retaliation on the basis of disability, prohibited by this policy will be promptly and equitably investigated.

Any student or Westinghouse Arts Academy Charter School staff member who believes he/she has or is being subjected to cyber-bullying, or any person who has reason to believe a student or Westinghouse Arts Academy Charter School staff member is being cyber-bullied shall immediately make a report to the Principal or to his/her designee. Westinghouse Arts Academy Charter School's School Counselor or his/her designee is Westinghouse's Compliance Officer for purposes of this cyber-bullying policy.

All school employees are required to report alleged violations of this policy to the Principal or his/her designee. The complaining party or reporting employee is encouraged to submit a written report, but oral complaints shall be acceptable.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Principal. Within two (2) school days, the Principal (or Compliance Officer, as the case may be) will follow up with the student reported to be the target of such conduct. All other members of the school community, including students, parents, volunteers, and visitors are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

All complaints of cyber-bullying shall be investigated promptly, and corrective action shall be taken when allegations are substantiated. The Principal or his/her designee shall investigate all reports of such conduct. If the investigation indicates cyber-bullying was not committed, the Principal or his/her designee will inform the affected parties of the investigation results. Confidentiality of all parties shall be maintained to the extent possible, consistent with Westinghouse Arts Academy Charter School's legal and investigative obligations.

In the event the investigation indicates cyber-bullying was committed by a Westinghouse Arts Academy Charter School student on school grounds and/or using school technologies, the student will be subjected to appropriate discipline.

In the event the investigation indicates cyber-bullying was committed by a Westinghouse Arts Academy Charter School employee on school grounds and/or using school technologies, the employee will be subjected to appropriate discipline up to and including termination.

If the investigation indicates cyber-bullying was committed by a Westinghouse Arts Academy Charter School student, a Westinghouse Arts Academy Charter School employee, a parent, or a third-party using non-Westinghouse technologies away from Westinghouse school grounds, the Principal or his/her designee may report the investigation results to local law enforcement. This authority shall be exercised only when it is reasonably necessary for the student target's physical or emotional safety, security, and well-being or for the safety, security, and well-being of other students, staff, or Westinghouse Arts Academy Charter School property.

Any investigation regarding an allegation of cyber-bullying will provide all parties the appropriate due process rights, including the right to appeal the determination of the building principal or his/her designee.

## **Complaint Procedure**

### **Step 1 – Reporting**

The Principal or his/her designee also are/is responsible for conducting a prompt, thorough, and complete investigation of each alleged incident. The Principal or his/her designee shall:

1. Inform the complaining party of the right to file a complaint and the complaint procedure.
2. Inform the complaining party if s/he is a student that s/he may be accompanied by a parent/guardian during all steps of the complaint procedure.
3. Notify the complaining party and the accused of the progress at appropriate stages of the procedure.
4. Refer the complaining party to the Compliance Officer if Principal is the subject of the complaint.

If the Principal is the subject of a complaint, the complaining party or the reporting employee shall report the incident directly to the Compliance Officer.

In cases in which the alleged victim may be in danger or his/her ability to participate fully in the educational process may be seriously impaired, Principal/Compliance Officer or his/her designee may take interim action (consistent with state and federal law) to keep the alleged victim from his/her alleged cyber-bully. Such action may include parent contact, removal from class, loss of privileges, detention, or suspension of the alleged cyber-bully.

**REPORTS OF ALLEGED INCIDENTS MUST BE MADE NO LATER THAN NINETY (90) DAYS AFTER THE ALLEGED INCIDENT OCCURRED.**

### **Step 2 – Investigation**

The investigation may consist of individual interviews with the complaining party, the accused, and others with knowledge relative to the incident. The investigator may also evaluate any other information and materials relevant to the investigation. Both the alleged victim and the alleged cyber-bully will be given the opportunity to present witnesses and other evidence. The investigator will use the preponderance of evidence standard to determine whether this policy has been violated. That is, a violation will be found if the complainant or victim presents evidence establishing it is more likely than not that the prohibited conduct occurred.

The obligation to conduct this investigation shall not be negated by the fact that a criminal investigation of the incident is pending or has been concluded.

The investigation is to be completed within three (3) school days after a report or

complaint is made. Any reasonable delays (e.g., the unavailability of witnesses or parties due to illness) will be noted in the investigative file, and the investigation will be completed as soon as possible following the delay.

### Step 3 - Investigative Report

The Principal (or other person conducting the investigation) shall prepare a written report within fifteen (15) days, unless additional time to complete the investigation is required. Any reason for additional time in which to complete the report will be noted in the investigative file. The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated as factual, whether it is a violation of this policy, and a recommended disposition of the complaint.

Findings of the investigation shall be provided in writing within five (5) school days to the complaining party, the accused and the Compliance Officer.

### Step 4 - Action

If the investigation results in a finding that the complaint is factual and constitutes a violation of this policy, Westinghouse Arts Academy Charter School shall take prompt, corrective action to ensure that such conduct ceases and will not recur. Victims of substantiated cyber-bullying claims will be offered counseling and other resources consistent with the circumstances of their charges.

Some acts of cyber-bullying may be isolated incidents requiring Westinghouse Arts Academy Charter School to respond appropriately to the individual committing the acts. Other acts may be so serious or part of a larger pattern of cyber-bullying that require a response either at the classroom or school building level or by law enforcement officials.

Disciplinary action shall be consistent with the employee handbook, Student Code of Conduct, Board policies, Westinghouse Arts Academy Charter School procedures, applicable employment agreements, and applicable law. Consequences and appropriate remedial actions for students who commit acts of cyber-bullying range from positive behavioral interventions up to and including suspension or expulsion.

Employees will be disciplined consistent with the findings and such discipline may include termination. Independent contractors found to be in violation of this policy may have their agreements terminated or may be debarred from transacting business with Westinghouse Arts Academy Charter School. Other third-party actors may be prohibited from participating in Westinghouse activities.

Reprisal or retaliation against any person who reports an act of cyber-bullying is prohibited. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the reprisal or retaliation.

False accusations of cyber-bullying are prohibited. The consequences and appropriate remedial action for a person found to have falsely accused another of cyber-bullying may

range from positive behavioral interventions up to and including suspension or expulsion. Consequences and appropriate remedial action for a Westinghouse employee found to have falsely accused another of an act of cyber-bullying shall be discipline in accordance with Westinghouse policies and procedures.

Prevention and intervention techniques to prevent cyber-bullying and to support and protect victims shall include appropriate strategies and activities as determined by the building principal or his/her designee.

### **Appeal Procedure**

1. If the complainant is not satisfied with a finding of no violation of the policy or with the corrective action recommended in the investigative report, s/he may submit a written appeal to the Compliance Officer within fifteen (15) days.
2. The Compliance Officer shall review the investigation and the investigative report and may also conduct an additional reasonable investigation.
3. The Compliance Officer shall prepare a written response to the appeal within fifteen (15) days of receipt. Copies of the response shall be provided to the complainant, the accused and the Principal (or other person) who conducted the initial investigation.