

## Racial Harassment/Non-Discrimination Policies & Procedures

**General Notice of Non-Discrimination:** In accordance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act of 1990, the Boy Scouts of America Equal Access Act and applicable state law, BASIS\* does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, disability, gender identity or expression, or any other classification protected by law in any of its business activities, including its educational programs and activities which comply fully with the requirements of state and federal law.

\*As used in this policy, the term "BASIS" refers to BASIS.ed, LLC, BASIS Schools, Inc., BDC A Public Charter School, Inc., and BTX Schools, Inc.

BASIS will not deny or limit the ability of any student to participate in, or benefit from, any BASIS school program on the basis of race, color, religion, national origin, sex, age, disability, gender identify or expression, or any other classification protected by law. Discrimination, whether verbal, physical or environmental, is unacceptable and will not be tolerated, whether it occurs on school grounds or at outside school-sponsored activities. This policy applies to all BASIS Schools, employees and students. All BASIS School employees have a duty to ensure that no student is subjected to prohibited discrimination or harassment and to help maintain a school environment free of such.

BASIS is committed to providing a school environment (which includes all academic, extracurricular and school-sponsored activities) that ensures the equality, dignity, and respect of every student. In keeping with this commitment, BASIS strictly prohibits discriminatory practices, including discrimination on the basis of actual or perceived race, color, religion, national origin, sex, age, disability, gender identify or expression, or any other classification protected by law in any of its business activities.

### Definition of Harassment Based on Race

The school encourages students to immediately report incidents of harassment based on race and requires staff to promptly report incidents of harassment based on race. The School will investigate all formal and informal complaints of harassment based on race.

Harassment based on race, ethnicity or national origin is defined as unwelcome verbal, written or physical conduct based on a person's actual or perceived race, color or national origin that substantially or unreasonably interferes with an individual's work or academic performance, adversely affects the targeted individual's or others' work or learning opportunities, or creates an intimidating, hostile or offensive environment.

Retaliation. Retaliation is another form of discrimination that occurs when an individual who files a complaint, or those who support the individual in filing the complaint or who are witnesses in the investigation, are treated negatively because of their participation in the complaint process. A retaliation claim can stand on its own, even if the underlying claim is unsubstantiated.

Who Can Be Involved. Teachers and other employees can engage in harassment. Students and third parties are not generally given responsibility over other students and, thus, generally can only engage in hostile environment harassment. Harassment can be peer to peer, teacher (or employee) to student or third party to student, (e.g., where an independent contractor or member of the public engages in harassment on school grounds or at a school-sponsored event).

### Prohibited Conduct and Behavior

Examples of racially harassing conduct include, but are not limited to:

Derogatory remarks of a racial nature or relating to actual or perceived race, color, religion, national origin, sex, age, disability, gender identify or expression, or any other classification protected by law;

Demeaning racial jokes or comments;

Racial slurs or name calling;

Physical contact or acts of aggression that are motivated by the individual's perceived race, color or national origin;

Intimidating and threatening behavior motivated by perceived race, color, or national origin;

Graffiti and other display of written materials or pictures depicting racial/ethnic slurs or derogatory sentiments.

These examples can be staff-to-student, student-to-student conduct, or third party to student.

### **Formal Complaint Procedures**

All Discriminatory and/or Harassment Complaints, both informal and formal, will be investigated by the School. The School's established protocol for recordkeeping complies with the recordkeeping requirements for Arizona Charter Schools.

**How to File a Complaint.** All complaints of suspected, observed or experienced harassment based on race shall be reported immediately to:

Chelsea Sage Gaberdiel  
Legal Counsel & Director of Exceptional Student Services  
BASIS.ed  
7975 N. Hayden Road, Suite B100  
Scottsdale, AZ 85258  
480-289-2088

A complaint may, but is not required to be, written on the Harassment and/or Bullying Complaint Form, a copy of which is available from the School. Any teacher or employee of the School who either reasonably believes a student has been harassed or who receives a complaint or notice of harassment must immediately report the alleged behavior or notice to the above-named individual. A staff member's failure to comply with this Policy shall be grounds for disciplinary action, up to and including termination.

**Initial Review of Allegations.** Upon receipt of information of a complaint of harassment the school will take prompt and immediate steps to investigate. The investigator will discuss the alleged harassment with the complainant and the actions the complainant is seeking in response to the harassment. If a school employee has directly observed racial harassment of a student, the investigator shall immediately contact the student who was harassed (or the parent, depending upon the age of the student), explain that the school is responsible for taking steps to correct the harassment, and discuss the harassment and desired actions with the student (or the parent). The School will take reasonable steps to intervene to attempt to stop the harassment unless circumstances would make such intervention inappropriate or dangerous.

**The Investigation.** Every instance of racial harassment of which the school has notice shall be promptly investigated and may be reported to the local police department for independent investigation depending upon the nature, frequency and severity of the alleged harassment. The School will conduct adequate, reliable and impartial investigations of reported incidents. If deemed appropriate based on the circumstances, the school may take reasonable action(s) that are intended to stop the harassment, remedy the harassment, and prevent recurrence during the investigation to protect the alleged victim of harassment including, but not limited to, segregating the alleged harasser from the alleged victim, placing the alleged harasser on paid leave, etc. Responsive measures will be designed to minimize, as much as possible, the burden on the alleged victim. Whenever possible, the alleged victim shall not be removed from class or an activity, and the alleged harasser will be separated from the alleged victim, and if appropriate, other students. BASIS uses a preponderance of the evidence standard (i.e., it is more likely than not that the harassment occurred) to resolve complaints of harassment or discrimination. The investigation will be grounded in reasonableness and the school will have flexibility to determine appropriate responses.

**Limited Confidentiality.** The investigator will make every effort to keep the investigation and the parties thereto, including witnesses, confidential, except as necessary to carry out the investigation.

**Factors for Consideration.** Factors that may be considered during the investigation include the following:

The degree to which the conduct affected one or more students' education. A hostile environment can occur even if the harassment is not targeted specifically at the individual complainant. For example, if a student, group of students, or a teacher regularly directs racial comments toward a particular student, a hostile environment may be created not only for the targeted student, but also for others who witness the conduct.

The type, frequency, and duration of the conduct. The more severe the conduct, the less the need to show a repetitive series of incidents; this is particularly true if the harassment is physical. A single or isolated incident of harassment may, if

sufficiently severe, create a hostile environment.

The identity of, and relationship between, the alleged harasser and the subject or subjects of the harassment. For example, due to the power a teacher has over a student, harassment based on race conduct by a teacher toward a student is more likely to create a hostile environment than similar conduct by another student.

The number of individuals involved. Harassment may be committed by an individual or a group.

The age and sex of the alleged harasser and the subject or subjects of the harassment. For example, in the case of younger students, harassing conduct is more likely to be intimidating if coming from an older student.

The size of the school, location of the incidents, and context in which they occurred. Harassing conduct occurring on a school bus may be more intimidating than similar conduct on a school playground because the restricted area makes it impossible for students to avoid their harassers.

Other incidents at the school. A series of incidents at the school, not involving the same students, could, if taken together, create a hostile environment, even if each incident by itself would not create a hostile environment.

**Relevant Information for Investigation.** The investigator may collect and consider the following types of information:

Statements by any witnesses to the alleged incident;

Evidence about the relative credibility of the allegedly harassed student and the alleged harasser;

Evidence that the alleged harasser has been found to have harassed others;

Evidence that the allegedly harassed student has made false allegations against other individuals;

Evidence of the allegedly harassed student's reaction or behavior after the alleged harassment;

Evidence as to whether the student claiming harassment filed a complaint or took other action to protest the conduct soon after the alleged incident occurred; and

Other contemporaneous evidence of the harassment (e.g., reporting conduct to parents, friends, etc.).

#### **Report and Communication of Finding and Recommendations to Parties**

Within 30 school days following the receipt of a complaint of racial harassment or, as soon thereafter as practicable based on all of the facts and circumstances, the investigator will provide written notice of his/her findings to the complainant and accused harasser ("Parties"). The findings will include, but not be limited to, whether the allegations of racial harassment were substantiated, and, if so, the disciplinary and remedial measures recommended to address/remedy the substantiated harassment claims.

If the investigator determines that the harassment claim is substantiated, he/she will recommend immediate action to end the harassment and prevent its recurrence. The recommended action will depend upon the degree of control the school has over the harasser and the nature, frequency and severity of the substantiated racial harassment. The recommended action could include a verbal warning, written reprimand, a no-contact requirement, short-term or long-term suspension, expulsion or termination, consistent with the BASIS School Disciplinary Code. Counseling for the victim and the harasser will also be considered as possible remedial action.

If the harasser is a teacher or school employee, the investigator will recommend discipline commensurate with the substantiated violation, up to and including, immediate termination.

If the harasser is another student or students, the investigator will recommend discipline commensurate with the substantiated violation, up to and including immediate expulsion.

If the harasser is a third party over which the school has some control, such as an independent contractor working for the school, the investigator may recommend immediate termination of the relationship and steps to prohibit entry on school grounds or at school-sponsored activities.

If the harasser is a third party over which the school has little or no control, the investigator may recommend that the school call upon the principal, parent or other person/entity who has some control over the third party and request that the third party take steps to immediately and appropriately discipline the harasser.

If the substantiated racial harassment denied or limited the victim's ability to participate in or benefit from a school program, the investigator will recommend the steps deemed necessary to remedy these effects of harassment and work with the victim and his/her parents, as warranted under the circumstances.