

**Prohibition Against Discrimination, Harassment, and Bullying – Prohibited Conduct and Reporting Process**

The Magellan Charter School (“Magellan”) is committed to maintaining a safe, orderly, caring, educational and professional environment for its students and employees that is free of unlawful discrimination, harassment, and bullying. Magellan prohibits unlawful discrimination on the basis of race, color, national origin, sex (including gender, gender identity, and sexual orientation), religion, disability, or age (over 40). Magellan will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs. Any violation of this policy will be considered serious and Magellan shall promptly take appropriate action to address the violation.

**I. SCOPE OF POLICY**

**A. Prohibited Behaviors and Conduct**

Students, school employees, volunteers, and visitors are expected to behave in a civil and respectful manner. Magellan expressly prohibits unlawful discrimination, harassment, and bullying by students, employees, Board members, volunteers, or visitors. “Visitors” includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school.

**B. Location of Coverage**

This policy applies to behavior that takes place: (1) in any school building or any school premises before, during, or after school hours; (2) on any vehicle as part of any school activity; (3) during any school-sponsored activity or extracurricular activity; (4) at any time or place when the individual is subject to the authority of school personnel; or (5) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the school.

**C. Title IX Sexual Harassment**

The United States Department of Education has adopted formal rules governing sexual harassment under Title IX of the Education Amendments of 1972. These regulations require additional procedures and policies not generally applicable to harassment under Title VII (including harassment on the basis of sex, race, color, etc. in employment) and other laws and policies prohibiting unlawful discrimination and harassment. Accordingly, for any definitions and procedures applicable solely for sexual harassment under Title IX, the relevant Magellan Charter School policy is [Under Review]; and, in addition, relevant procedures may also be found in Administrative Regulation [Under Review].

**D. Section 504 and IDEA Complaints**

Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 of the Rehabilitation Act of 1973, as amended (“Section 504”) or the Individuals with Disabilities in Education Act (“IDEA”) may be raised through the system of procedures described in the *Parents’ Rights Handbook*, published by the North Carolina Department of Public Instruction (for IDEA complaints) and in accordance with Section 504 of the Rehabilitation Act (for Section 504 complaints).

## II. DEFINITIONS

For the purposes of this policy, the following definitions apply:

### A. Discrimination

Discrimination means any act or failure to act, whether intentional or unintentional, that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex (including gender, gender identity, and sexual orientation), pregnancy, religion, age (over 40), or disability, or by association with a person who has or is perceived to have one or more of these characteristics.

### B. Harassment or Bullying

Harassment or bullying behavior is deliberate conduct intended to harm another person or group of persons. Such conduct violates this policy when a pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication:

1. places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or
2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities, or benefits or by adversely altering the conditions of an employee’s employment.

“Hostile environment” means that the victim subjectively views the conduct as harassing or bullying behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassing or bullying behavior. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socio-economic status, academic status, sex (including gender, gender identity, and sexual orientation) physical appearance, or mental, physical, developmental, or sensory disability.

Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment and bullying may occur through electronic means ("cyberbullying"), such as through the Internet, emailing, or text messaging, or by use of personal websites to support deliberate and repeated behavior intended to cause harm to persons or groups. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. Harassment may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex. Gender-based harassment and sexual harassment are types of harassment. Gender-based harassment may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature. Sexual harassment may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may violate this policy and/or Magellan Title IX policy [Under Review].

### **III. REPORTING**

Any person who believes he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school, or any third person who knows or suspects that conduct that may constitute unlawful discrimination, harassment, or bullying has occurred should inform a school official.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to, unlawful discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct. Employees who observe an incident of unlawful discrimination, harassment, or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving unlawful discrimination, harassment, or bullying and the employee fails to report such conduct or take proper action or knowingly provides false information in regard to the incident, he or she will be subject to disciplinary action, up to, and including, dismissal.

**IV. COORDINATOR CONTACT INFORMATION**

**Title IX Coordinator and ADA Coordinator:**

Name: Jessica O'Donovan, The Magellan Charter School  
Address: 9324 Baileywick Road, Raleigh, NC 27615  
Phone: 919-844-0277 (Office)  
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**Section 504 Coordinator:**

Name: Laura Clougherty, The Magellan Charter School  
Address: 9324 Baileywick Road, Raleigh, NC 27615  
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**Board Chairperson:**

Name: Alison Pulley  
Address: 9324 Baileywick Road, Raleigh, NC 27615  
Phone: 919-485-2752  
[apulley@magellancharter.org](mailto:apulley@magellancharter.org) (Email)

**V. FILING A COMPLAINT**

Any individual who believes that he or she has been the victim of unlawful discrimination, harassment, or bullying may file a grievance pursuant to the Student and Parent Grievance Policy.

**VI. CONSEQUENCES FOR PROHIBITED CONDUCT**

Any employee or student determined to have violated this policy will be subject to appropriate discipline, up to, and including, suspension and expulsion for a student, or

termination of employment for an employee. All applicable due process procedures will be followed.

In addition, where appropriate or required, reports will be made to local law enforcement, the State Board of Education, and any other state and local agencies to whom reports are required to be made.

**VII. RETALIATION PROHIBITED**

Retaliation against an employee or student for filing a harassment complaint or participating in the investigation of a complaint is strictly prohibited and will result in appropriate disciplinary action, up to and including termination for employees or academic suspension or exclusion for students.

**VIII. FALSE INFORMATION PROHIBITED**

Any individual who knowingly provides false information will be subject to appropriate disciplinary action, up to and including termination for employees, or academic suspension or exclusion for students.

**Adopted: June 1, 2015**

**Revised: March 23, 2022**