
Faith Academy Charter School Board Book

October 2021

Monday, October 18, 2021

Location: Faith Academy Charter School

School Mission:

Faith Academy Charter School will prepare a diverse student body for college and career through Project Based Learning, life skills courses, and College and Technical Education pathways. Through this challenging and supportive learning environment, students address real-world problems to become successful citizens and community leaders in a rapidly changing world.

Agenda

Open Session

1. Recitation of Mission

2. Approval of October 18 Agenda

3. Approval of September 20 Minutes

[September 20 Minutes](#)

4. Public Comment

5. Lead Administrator Report

Dr. Hensley's Quarterly Review

6. CSP Operations Report

[CSP Operations October Report](#)

7. Financial Report

[August Financial Report](#) - reviewed at September meeting. September report will be reviewed on October 19th with the Finance Committee and presented at the November Board of Directors meeting.

8. Committee Reports

- a. Facility Committee
- b. Sports Committee
- c. Finance Committee

- d. Capital Campaign Committee

9. Covid-19 Protocol Discussion

- a. [Mask Policy](#) - Requires Monthly Board Action; Decision to take action monthly or remain bi-weekly needed
- b. [Draft of Staff Vaccination Policy](#) - Requires Board Action
- c. [NC Department of Health and Human Services School Toolkit](#) - For reference

10. Prohibition Against Bullying, Harrassment, and Discrimination Policy Review

[Prohibition Against Bullying, Harrassment, and Discrimination](#) - For Approval

11. FACS Student Code of Conduct Discussion

- a. [FACS Student Code of Conduct](#) - For Approval
- b. [State Law Article 27: Discipline](#) - For Reference Only. See 115C-390.11. Expulsion
- c. [Charter School Law Regarding State Law Article 27](#) - For Reference Only
- d. [Student Discipline Law: An Overview of NC Law and Constitutional Law and Constitutional Due Process Rights](#) - For Reference Only

12. Security Discussion

Closed Session: Purpose of Closed Session Discussion Item #3: 143-318.11. Closed sessions.(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Faith Road and 8th Grade Pod

Adjournment

Faith Academy Charter School Board Book

September 2021

Monday, September 20, 2021

Location: Faith Academy Charter School

School Mission:

Faith Academy Charter School will prepare a diverse student body for college and career through Project Based Learning, life skills courses, and College and Technical Education pathways. Through this challenging and supportive learning environment, students address real-world problems to become successful citizens and community leaders in a rapidly changing world.

Board Members Present: George Wilhelm, Chairman, Gene Miller, Vice-Chairman, Janna Griggs and Tim Williams, Secretary

Board Members Present via Zoom: Liz Morrow, Treasurer and Howard Torrence

Board Members Absent: Chris Sease

Quorum Present: 6 members present-Quorum Established

CSP Representatives Present: Zac Donahue, CPA

Faith Academy Charter School Lead Administrator: Dr. Sarah Hensley

Time Called to Order: 7:04 pm

Agenda

Open Session

1. **Recitation of Mission:** George Wilhelm, Chairman

2. **Approval of September 20 Agenda**

Motion to Approve: Tim Williams

Seconded: Gene Miller

Discussion: None

Motion Status: Approved Unanimously

3. **Approval of August Minutes**

a. [August 9 Minutes](#) Approved at August 16th meeting

b. [August 16 Minutes](#) Approved at August 30th meeting

c. [August 30 Minutes](#)

Motion to Approve August Minutes: Janna Griggs

Seconded: Howard Torrence

Discussion: None

Motion Status: Approved Unanimously

4. Public Comment: None

5. Lead Administrator Report

[Dr. Hensley's September Report](#)

Dr. Hensley presented her report and is made a part of these minutes. She reported on assessment of kindergarten students, third grade testing and other state testing that is required. She reported on the modular move. All students in 5, 6 and 7 grades are now in the modular to the delight of the Board. She thanked F&M Bank for another gift of furniture and for those that helped to move it into the school. It was reported that at the close of school we had 495 students enrolled at FACS. Zac Donahue explained that the actual number of students that the state will use for our funding determination per student will actually be an average of students present from the beginning of school. Dr. Hensley reported that progress reports for students will go out on September 21th. Teachers will call parents for their conference due to no in person meeting due to Covid.

6. CSP Operations Report

CSP Operations September Report

Zac Donahue reported for CSP, revenues and expenses and showed the Board the extended version of the budget for breakdowns of all of the line items. He commented that we should end the year with a surplus.

7. Financial Report

[August Financial Report](#)

The August Financial Report was reviewed and is made a part of these minutes. Dr. Hensley reported that we have received checks for students in Davie County and Mooresville City Schools. Rowan Salisbury Schools has not sent our check to us as of yet. Board members had questions about state, federal and local funding and when we would see some of these funds coming in. Mr. Donahue reported that in some cases it could be 6 months. Dr. Hensley reported that we could have approximately 25 speech children and that she is working on IEPs and those that need OT and PT.

8. Committee Reports

- a. **Facility Committee:** George Wilhelm, Chairman, reported that he had spoken with Steve Hubrick about needed repairs to our facilities i.e. roofing,

water/sewer leaks, window replacements, leaking AC under the main building etc. Chairman Wilhelm reported that we now have internet in all buildings and that the TVs still need to be installed in the modular. There will be a meeting with Wilscott about remuneration that may be afforded to FACS due to all the delays and problems that the school has encountered during the process of getting the modular completed for our certificate of occupancy.

- b. **Sports Committee:** Liz Morrow reported for the Sports Committee. She presented a stipend schedule for teacher/coach, coaches, assistant coaches, athletic director and summer athletic coaches:

1. **Teacher/Coach: \$1000**
2. **Assistant Coach: \$500**
3. **Athletic Director: \$2100**
4. **Summer Coach: \$500**

All approved by the Board by consensus as a recommendation from the Sports Committee. All Stipend amounts will be paid at the end of the season. Funds for these stipends have been made a part of the budget.

There was discussion about the need for fundraising. Tim Williams presented Randall Barger's name for consideration for Booster Club Chairman. It was decided that we needed to hold off for now with so much going on. There was discussion about the masking policy during athletic play. Liz suggested that we need a policy concerning parent, student and spectator behavior at our games. The policy needs to include acceptable behavior, bad language, etc. It was suggested that parents not be able to speak to coaches for 24 hours to allow a "cooling off period". Dr. Hensley suggested that the policy should be a part of the handbook. Lastly, Liz made the Board aware that we still need a boys basketball coach. Dr. Hensley reported that we have a volunteer that will provide all of our athletes with a "patriot mask".

- c. **Finance Committee:** Nothing new to report
- d. **Capital Campaign Committee:** Tim Williams reported that there will be a meeting with Mike Miller of Miller Davis to begin our preliminary campaign copy for mailings and distribution and visits to individuals and corporations. The meeting will be Monday September 27th at 1:30 pm. George Wilhelm, Liz/Danny Morrow, Cory Draughon and Tim Williams will attend. We will report back to the Board at the next meeting.

9. Covid-19 Protocol Discussion

- a. [Mask Policy](#) - Requires Monthly Board Action; Decision to take action monthly or remain bi-weekly needed

Motion to Approve monthly review of Mask Policy and to amend the policy to include: “the school will provide students and staff with mask breaks. In addition, temporary removal of the mask is permitted where necessary for the following purposes:

Actively engaging in an approved athletic program

Consuming food and/or drink

For any emergency or medical purpose: Janna Griggs

Seconded: Gene Miller

Discussion: none

Motion Status: Approved Unanimously

- b. [Draft of Staff Vaccination Policy](#) - Requires Board Action

Tabled for further review

Motion to _____:

Seconded:

Discussion:

Motion Status:

- c. [NC Department of Health and Human Services School Toolkit](#) - For reference

10. Board Meeting Calendar

By consensus the Board decided to resume monthly meetings beginning with October 18,

Meeting in December will remain as scheduled for 12/20

11. Allergy Policy

[Draft of Allergy Policy](#) - Requires Board Discussion; Action if Desired

Motion to Approve the Allergen Avoidance and Anaphylaxis Policy: Tim

Seconded: Janna Griggs

Discussion: Dr. Hensley stated the the Policy had been reviewed by the School nurse.

Motion Status: Approved Unanimously

12. Charter Agreement Training

[Faith Academy Charter School Charter Agreement](#) - for reference only

[FACS Charter Agreement Training](#) do to the late hour, this item was tabled for Board review

Motion to Go Into Closed Session: Gene Miller

Seconded: Janna Griggs

Discussion: None

Motion Status: Approved Unanimously

Closed Sessions Began at: 9:00 pm

Closed Session: Purpose of Closed Session Discussion Item #3: 143-318.11. Closed sessions.(a) Permitted Purposes. - It is the policy of this State that closed sessions shall be held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a closed session is required:

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee...Final action making an appointment or discharge or removal by a public body having final authority for the appointment discharge or removal shall be taken in an open meeting.

Personnel

(5) To establish, or to instruct the public body's staff or negotiating agents concerning the or position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

Modular Lease

Open Session Resumed at 9:09 pm

Motion to hire the recommended personnel as presented by Dr. Sarah Hensley in Closed Session: Gene Miller

Seconded: Janna Griggs

Discussion: None

Motion Status: Approved Unanimously

Adjournment

Motion to Adjourn: Gene Miller

Seconded: Janna Griggs

Discussion: None

Motion Status: Approved Unanimously

Next Meeting: 10/10/2021

Respectfully Submitted, Tim Williams Secretary



Board of Directors Support Updated for October

Board Members

Board Member	Position	Term Beginning	Term Ending
George Wilhelm	Board Chair	7/1/2021	6/30/2026
Gene Miller	Vice Chair	7/1/2021	6/30/2025
Tim Williams	Secretary	7/1/2021	6/30/2024
Liz Morrow	Treasurer	7/1/2021	6/30/2024
Janna Griggs	Board Member	7/1/2021	6/30/2024
Chris Sease	Board Member	7/1/2021	6/30/2024
Howard Torrence	Board Member	7/1/2021	6/30/2024

Board of Director Recruitment

Date of Next Opening	Board Vacancy (Name/Title)	Search Start Date	# of Applicants	Interview Dates
June 30, 2024	Treasurer / Board Member/ Sec	February 2024		

Board of Director Training

Training	Scheduled	Completed	Attendees
NC Charter Agreement Duties and Obligations	9/20/21	Board tabled due to time and agreed to review independently.	
Board Policies Review - Board Functions Required by Policy	11/15/21		
Board Mechanics - Authority, Rules of Order, Committee Work	Declined by Board Chair		

Board of Directors' Meetings and Other

Board Meeting Dates	Time	% Attendance	Minutes Posted	Board Book Complete
August 9, 2021	7:00 PM	86%	Posted	Yes
August 16, 2021	6:45 PM	86%	Posted	Yes
August 20, 2021	6:45 PM	100%	Posted	No - Emergency Meeting
August 30, 2021	6:45 PM	100%	Posted	Yes
September 20, 2021	6:45 PM	86%	Pending Board Approval on 10/18	Yes
October 18, 2021	6:45 PM			
November 15, 2021	6:45 PM			
December 20, 2021	6:45 PM			
January 17, 2022	6:45 PM			
February 21, 2022	6:45 PM			
March 21, 2022	6:45 PM			
April 18, 2022	6:45 PM			
May 16, 2022	6:45 PM			
June 20, 2022	6:45 PM			

Board Policies for Review in this Meeting

Policy	Link	Status
Covid-19 Mask Policy	https://docs.google.com/doc	Approved; Needs to be re-visited
Covid-19 Staff Vaccination Policy	https://docs.google.com/doc	Draft
Student Code of Conduct	https://docs.google.com/doc	Discussion and approval
Prohibition Against Bullying, Harassment, and Discrimination	https://docs.google.com/doc	Discussion and approval

Board of Directors' Policies

LINK TO BOARD POLICIES
<https://drive.google.com/drive/folders/1FUSAiKzIFptwkpYv0>

Student Information Services Updated for October

SchoolMint

Grade Level	Total Submitted	Accepted	Waitlisted	Goals for 2021-22
K	Awaiting 2022 Application Season			
1st				
2nd				
3rd				



Faith Academy Charter School Covid-19 Mask Policy

Purpose: The purpose of this policy is to describe how, when, and where the staff, students, and visitors of the School will be required to wear a mask over their nose and mouth to reduce the spread of Covid-19 based on the most recent data-driven metrics.

When teachers, staff, and students consistently and correctly wear a mask, they protect others as well as themselves. They also reduce the amount of close contacts who must quarantine and length of quarantine. Consistent and correct mask use is especially important indoors and in crowded settings when physical distancing cannot be maintained. Masks should be worn over the nose and mouth and secured around the ears.

The following policy reflects the latest CDC recommendations on masks:

- ❖ Indoors: Proper mask use (covering nose and mouth) is required for all people including students, teachers, staff, and visitors. Children under 2 years of age should not wear a mask.
 - Gaiters are not accepted in place of masks.
 - Teachers and staff are encouraged to seek positive, innovative and constructive methods of correcting and managing all student behavior in an effort to avoid repeated misbehavior regarding students not wearing masks.
 - Following 504 and Americans with Disabilities Act (ADA), accommodations might be made for staff or students with a documented medical condition or disability that prevents them from wearing a traditional face mask.
 - **Mask breaks will be provided to staff and students. In addition, temporary removal of the mask is permitted when necessary for the following reasons:**
 - consuming food or drink
 - for any emergency or medical situation
- ❖ Outdoors: Masks are optional, but strongly encouraged during recess and other outdoor activities that do not involve sustained close contact with others.
- ❖ School Transportation: All passengers and drivers are required to wear a mask on school buses.
- ❖ **Athletic Programs: Masks may be removed by students actively engaging in approved athletic programs.**

Board Approved: 8/16/21

Board Approved: 9/20/21

Board Approved:

DRAFT

FACS Covid-19 Employee Vaccination Policy

Purpose: The purpose of this policy is to describe how and why vaccination records of FACS staff will be kept on file and the procedures for the treatment of vaccinated and unvaccinated employees, including quarantine.

At Faith Academy Charter School (FACS/School), in person, on campus teaching is essential to our mission and the students and families we serve. As a school, we believe in the efficacy of COVID vaccines and encourage all faculty and staff to be vaccinated in order to best serve and protect our students and families.

Receiving a COVID vaccine is a confidential medical decision involving many factors. ALL members of the School community will respect the privacy of others and refrain from questions or discussions about vaccines. Casual conversations on this topic, inquiries as to whether or not someone has been vaccinated, etc. are strongly discouraged.

In keeping with best practices and current recommendations from NCDHHS, the CDC, and our COVID Task Force, the School policies, procedures and mitigation strategies will remain in place until further notice for all members of the School community, regardless of their vaccination status. However, the School reserves the right to change, modify or eliminate such procedures or mitigation measures at any time. This means that the School may treat vaccinated and unvaccinated employees differently:

Employees who have received the COVID vaccination will provide the Lead Administrator with a copy of their vaccination record. All vaccine records will be kept confidential and will not be disclosed except to those with a need to know. The vaccine record should only include a copy of the vaccine information and no other personal or medical information. The purpose of this record is to assist the School in its decision-making should there be potential exposure or outbreaks on campus or in our community.

Based on current guidance, vaccinated employees will not be required to quarantine after exposure.

Non-vaccinated employees that are exposed to COVID will be required to follow the most current CDC, NCDHHS and COVID Task Force guidance and policies. This means that unvaccinated faculty and staff may need to quarantine if exposure to COVID occurs as defined by the CDC and NCDHHS.

Those staff and faculty required to quarantine will not be permitted to telecommute and will be required to use any available paid time off. Once paid time off is exhausted, any days missed will be unpaid. Should an employee be subject to repeated quarantines, it may result in disciplinary action up to and including termination of employment at the School.

Board Approved:

Student Code of Conduct

Student Expectations

FACS requires good manners, respect for self and others, appreciation for property, honesty, punctuality, reliability and responsibility from all students, staff, parents and community participants. Vital to creating this climate is our social/emotional curriculum delivered during Morning Meetings, Closing Circles, and throughout the school day utilizing Responsive Classroom and Capturing Kids Hearts practices and techniques. It is FACS's intention to use positive reinforcement and to promote ethical responsibility.

FACS's expectation for student behavior are based upon the following governing principles:

1. Students will act with courtesy, consideration, tolerance, and patience in all interactions with others both at school and during school-sponsored activities.
2. Students shall treat school property and facilities with care and respect.
3. Students shall treat the property of others with care and respect.
4. Students will follow FACS's Honor Code and be honest in all academic and social situations.
5. Student behavior will reflect positively upon FACS.

Good discipline is imperative to the success of the school: it is helping a student adjust to the requirements of his/her environment rather than punishment for his/her not having adjusted, it is turning unacceptable conduct into acceptable conduct, and it is not humiliating or embarrassing. The ultimate, unique achievement of good discipline is self-discipline on the part of the student. Each teacher/team has a plan for managing student behavior that incorporates effective strategies consistent with the purpose and principles established by Board policies regarding student behavior. Teachers are encouraged to seek positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

Consequences for violating the policies in this handbook, teacher/team standards, or rules may include, but are not limited to the following:

- Parental involvement
- Loss of privileges
- Behavior improvement agreements (contracts)
- Individual or small group sessions with an administrator
- Detention during lunch or before/after school
- Exclusion from extracurricular activities
- Suspension or exclusion from FACS

FACS is not required to engage in progressive discipline. Some offenses are so serious they warrant more severe consequences including, but not limited to, immediate suspension and/or recommendation for longer-term consequences.

This Student Code of Conduct is not to be seen as all-inclusive. The administration reserves the right to amend or add to these lists as unique situations arise. The administration further reserves the right to deviate from the stated disciplinary action(s) based on unique or aggravating factors.

Failure to follow the instruction of a teacher, administrator or other school official and any conduct in violation of any written rule, policy or procedure or code of FACS will result in appropriate disciplinary measures.

DEFINITIONS

- **Short-Term Suspension:** suspension from school, school activities and school grounds for a period of up to ten (10) school days.
- **Long-Term Suspension:** suspension from school, school activities and school grounds for more than ten (10) school days, but less than exclusion.
- **Exclusion:** Permanent removal of the student from school, school activities and school grounds. A charter school student who has been excluded may return to his local educational agency pursuant to North Carolina law.
- **Expulsion:** Permanent termination of the student-school relationship. This applies only to students 14 years of age or older whose continued presence constitutes a clear threat to the safety of other students or school staff.

CLASS I OFFENSES

Result: Determined by the Lead Administrator/Principal

- Tardies
- Dress Code violations
- Littering on school property
- Repeatedly refusing to complete school assignments
- Violation of the Technology Use Agreement
- Repeatedly neglecting to bring computer, notebook, pencil and/or other learning materials to class

CLASS II OFFENSES

Result: In School Suspension or Short/Long-term Suspension or as determined by the Building Principal

- Repeatedly committing Class I offenses
- Failure to comply with other assigned consequences
- Deliberately disrupting the normal educational process in the classroom
- Failure to attend an assigned class without a valid excuse, skipping school or cutting classes
- Use of profanity and/or an obscene gesture
- Lying to or deliberately deceiving a teacher or a staff member
- Willfully leaving the classroom or school grounds without permission
- Inappropriate public displays of affection
- Failure to follow instructions of school staff
- Unauthorized or inappropriate use of any electronic device while on school property not associated with the educational process during normal school hours.
- Throwing objects in the classroom or on school grounds
- Repeated tardiness
- Use of inappropriate language
- Insubordination
- Violations of the Honor Code such as cheating and/or plagiarism
- Possession and/or distribution of pornography

- Taking unauthorized or inappropriate photos or videos of another individual
- Bullying/harassment
- Any conduct committed off-campus that (a) if committed on campus would constitute a Class II offense and (b) has a reasonable relationship to school operations

CLASS III OFFENSES

Result: Suspension or possible disciplinary hearing for repeated and/or severe behavior, which could include but would not be limited to a Long-Term Suspension or Permanent Exclusion from attending School.

- Committing a combination of or repeated Class I and/or Class II offenses
- Trafficking, possessing and/or using tobacco/nicotine products on school property or at a school-sponsored event including the use or possession of electronic cigarettes or paraphernalia.
 - Stealing or possessing stolen property
 - Threatening to physically harm or attack another student, staff member or adult on school property or at a school-sponsored event
 - Physically striking or attacking a student, staff member or adult whether as an individual act or with the assistance of others
 - Possessing, handling, transferring or bringing a weapon or ammunition (including a toy weapon; example – toy gun, toy knife) on school property or at a school-sponsored event
 - Creating or encouraging other students to join in a disturbance, so as to cause the disruption of normal school operations
 - Possessing, selling, exchanging, distributing, attempting to purchase, using or being under the influence of alcohol, illegal drugs, drug paraphernalia, or any substance purported to be an illegal drug, prescription medicine or alcohol on school property or at a school-sponsored event. This includes distribution of or purposely taking more than the prescribed amount of medically necessary prescription medication
 - Touching or conduct perceived as sexual or inappropriate in nature
 - Damage/destruction/vandalism/arson of or trespassing on school property
 - Hazing
 - Bomb threat/hoax, false alarms
 - Possession or use of explosives, fireworks, sparklers, smoke/stink bombs on school grounds or at a school-sponsored event
 - Any conduct committed off-campus that (a) if committed on campus would constitute a Class III offense and (b) has a reasonable relationship to school operations
 - Creating or encouraging other students to join in a disturbance, so as to cause the disruption of normal school operations

Note: Any student who inadvertently possesses or finds a weapon or illegal substance or stolen property, which may subject the student to exclusion, may or may not be recommended for these sanctions if the student voluntarily surrenders the property to a school staff person prior to discovery by another person. This should be done as soon as the student realizes that he/she is in possession of the weapon, substance or stolen property.

Any student who has been given out-of-school suspension three or more times in the same academic year may be recommended for exclusion.

FACS and its employees shall follow applicable rules concerning the discipline of students who qualify under relevant special education laws.

The Principal/Lead Administrator shall have the authority to suspend a student for up to ten (10) school days at a time (*i.e.*, a Short-Term Suspension). There are no appeals for short-term suspensions of 10 days or less.

For Class III offenses, the Lead Administrator/Principal may recommend a Long-Term Suspension, and/or Exclusion, and/or participation in a Behavioral Contract. Decisions as to Long-Term Suspensions and/or Exclusion shall be made by the Lead Administrator after appropriate written notice to the involved parties and a hearing, if one is requested. In the absence of the Lead Administrator, the Board Chair shall appoint a hearing officer. Student appeals from the decision of the Lead Administrator or hearing officer shall be heard by a panel of three Board members who shall be appointed by the Board Chair. Appeals must be made in writing to the Board Chair within ten (10) days of the decision of the Lead Administrator or hearing officer. The hearing of the panel will occur at the next regularly scheduled Board meeting date, unless the family is otherwise notified. Decisions of the Board panel shall be final, and there will be no further appeal to the full Board of Directors.

FACS's disciplinary procedures will be exercised in a manner consistent with state and federal law, including the Gun Free Schools Act, the Individuals with Disabilities Education Act and the Rehabilitation Act of 1973. The disciplinary procedures applicable to students with disabilities and those who have Section 504 accommodation plans are available on the school's website.

Prohibition Against Discrimination, Harassment and Bullying Policy

It is the policy of FACS that students should not be subjected to forms of unlawful discrimination, harassment, bullying, or hazing, while at school or school-sponsored activities. Furthermore the policy's intent is to address the issue in a proactive manner through the establishment of a system for educating students and staff at FACS regarding the identification, prevention, intervention, and reporting of such antisocial acts. FACS acknowledges the dignity and worth of all students and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. FACS prohibits discrimination on the basis of age, race, color, national or ethnic origin, religion, disability, sexual orientation, gender/gender identity, family status, socioeconomic background, creed, or any other characteristic prohibited by law. FACS will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities or programs.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment and Bullying Students

Students, employees, contractors, volunteers and visitors are expected to behave in a civil and respectful manner. FACS expressly prohibits unlawful discrimination, harassment, bullying, and hazing. Students are expected to comply with the behavior standards established by board policy, the Code of Student Conduct and any applicable laws. Any violation of this policy is serious and FACS shall promptly take appropriate action. Students will be disciplined in accordance with the FACS student behavior management plan. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

When considering if a response beyond the individual level is appropriate FACS will consider the nature and severity of the misconduct to determine whether a classroom or school-wide response is necessary. Such classroom or school-wide responses may include staff training, harassment and bullying prevention programs and other measures deemed appropriate by the Lead Administrator or designee to address the behavior.

2. Retaliation

FACS prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy or participating in the investigation of reported violations of this policy. After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable laws, policies and regulations, the Lead Administrator or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

B. APPLICATION OF POLICY

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers, contractors and visitors. This policy is intended to apply to students vis a vis other students, faculty, staff, volunteers/visitors or contractors. FACS's policies on unlawful discrimination and harassment as applied to employees, volunteers/visitors, and contractors can be found in the School's Employee Handbook. This policy applies to behavior that takes place:

1. In any school building or on any school premises before, during or after school hours;
2. On any bus or other vehicle as part of any school activity;

Board Approved:

3. During car line;
4. During any school-sponsored activity or extracurricular activity;
5. At any time or place when the individual is subject to the authority of school personnel;
6. At any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools; and
7. While using school or personal electronic communications.

C. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category that is protected by law, such race, color, national origin, sex, disability, or age or by association with a person who has or is perceived to have one or more of these characteristics. Discrimination may be intentional or unintentional.

2. Harassment

a. Harassment is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

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. "Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. 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 that is protected by law or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic that is protected by law, such as race, color, religion, national origin, sex, disability or age. 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. 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. It 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.

b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1) Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's academic progress or completion of a school-related activity;

Board Approved:

2) Submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or

3) Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive educational environment. Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual violence, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

c. Gender-based harassment is also a type 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.

3. Bullying

Bullying means unwanted, aggressive behavior that involves a real or perceived power imbalance. Bullying may also place a student in actual and reasonable fear of harm to his or her person or damage to his or her property. Bullying behavior is often repeated, or has the potential to be repeated, over time. Bullying includes intentional actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose or any action that involves a real or perceived power imbalance. Bullying can also include behavior that constitutes harassment or sexual harassment and can include cyberbullying. For Cyberbullying: See the Technology Use and Internet Use policy sections.

4. Hazing

North Carolina law makes it unlawful for any student in attendance at any school in the State to engage in hazing, or to aid and abet any other student in the commission of this offense. For the purpose of this section hazing is defined as follows: "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group."

5. Electronic Communications:

Electronic communications apply to employee and student emails, text messaging, instant messaging, chat rooms, blogging, websites and social networking websites (i.e. Snapchat or Instagram). Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

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E. TRAINING AND PROGRAMS

The Lead Administrator or other designated Title IX Coordinator shall establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan. The training or programs should:

- (1) Provide examples of behavior that constitutes unlawful discrimination, harassment or bullying;
- (2) Teach employees to identify groups that may be the target of unlawful discrimination, harassment or bullying; and
- (3) Train school employees to be alert to locations where such behavior may occur, including locations within school buildings, campus wide locations, on cell phones and on the Internet.

F. NOTICE

The Lead Administrator or designated Title IX Coordinator is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of unlawful discrimination, harassment and bullying. This policy will be posted on the School's website, and copies of the policy are available at the front office. Notice of this policy will appear in all student and employee handbooks and in any School publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

G. COORDINATOR

The Lead Administrator or designee shall appoint one or more individuals to coordinate the School's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to FACS alleging noncompliance with Title VII or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The Lead Administrator or designee shall publish the name, and phone number of the compliance coordinator in a manner intended to ensure that students, employees, parents and other individuals who participate in the School's programs are aware of the coordinator.

H. RECORDS AND REPORTING

The Lead Administrator or designee shall maintain confidential records of complaints or reports of unlawful discrimination, harassment or bullying. The records will identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Lead Administrator also shall maintain records of training conducted and corrective action(s) or other steps taken by FACS to provide an environment free of unlawful discrimination, harassment and bullying. The Lead Administrator shall report to the Board all verified cases of unlawful discrimination, harassment or bullying under this policy.

I. EVALUATION

The Lead Administrator or designee shall evaluate the effectiveness of efforts to correct or prevent unlawful discrimination, harassment and bullying and shall share these evaluations periodically with the Board.

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J. REPORTING

1. For bullying, there are multiple ways to report incidents of bullying. Students and families may report directly to any teacher, principal, Lead Administrator or school counselor verbally, via email or in writing. It can also be reported using the [Bullying Report Form](#) that is linked on the School website.
2. For discrimination, harassment, and sexual harassment complaints, students or their parents should contact the grade-level Principal, Lead Administrator and/or Title IX coordinator immediately and file a complaint.

K. INVESTIGATION PROCESS

1. The Title IX coordinator is charged with ensuring that all such complaints are timely, impartially, and appropriately investigated in accordance with applicable law.
2. Every effort will be made to ensure the confidentiality of the complainant. There may be times where confidentiality may not be possible for FACS to conduct a thorough investigation. There may also be instances where FACS has a legal obligation to report certain information it receives to state or local authorities.
3. While the timeframe for completing an investigation into individual complaints may vary depending on the circumstances, the Title IX coordinator will ensure that timeframes are reasonable and endeavor to complete any investigation, including any decision and hearing, within sixty (60) days of the filing of a complaint.
4. The Title IX coordinator shall designate an impartial investigator to conduct the investigation. The investigator shall have full authority to conduct an investigation, including the authority to interview witnesses and make a decision about the complaint. The investigator shall timely provide written notice of the outcome of the complaint to the relevant parties.
5. In the event a party is not satisfied with the investigator's decision, it may appeal that decision to an impartial hearing panel (explained below). Such appeal shall be made in writing and provided to the Title IX coordinator within five (5) days of the investigator's decision.
6. Upon appeal of the investigator's decision, the FACS Board of Directors will appoint a panel of three board members to serve as the impartial hearing panel. The hearing will be conducted in accordance with all applicable laws. All parties will have an opportunity to present witnesses and other evidence and to be represented by an attorney or third party of their choosing.
7. After the hearing, the three member hearing panel will make a decision and will provide written notice of the outcome of the appeal.

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