



3.02/Discrimination, Bullying, & Harassment

Policy Owner(s): Human Resources, Residential/Day School, Outpatient Services

Effective Date: March 31, 2017 | **Revised Date:** March 22, 2023

1. Policy Objective

Heartspring students, clients, and employees have a right to feel safe, secure, and free from being discriminated against, bullied, or harassed. Discrimination, bullying, and harassment are detrimental to the school, outpatient therapeutic environment, and workplace environments. They interfere with the mission of Heartspring School and the workplace and disrupt the organization's operation. These negative actions and behaviors affect not only victims and targets but also those who witness such behavior. These actions and incidents must be addressed to ensure that all students, clients, and employees enjoy a safe and protected environment.

2. Scope

This policy applies to all Heartspring students, clients, employees, observers, interns, contractors, visitors, parents/guardians, and volunteers.

3. Policy Statement

Discrimination, bullying, and harassment are contrary to any applicable local, federal, and state laws and the culture of the Heartspring School, outpatient services and workplace. Heartspring School, outpatient services, and the workplace are committed to adhering to all applicable local, state, and federal laws and regulations pertaining to discrimination, bullying, and harassment (see section 7). Heartspring does not permit retaliation against employees, students, or clients for complaints submitted under this policy that are made in good faith. This policy aligns with the following policies of the Employee Handbook: Employee Code of Conduct, Anti-Harassment and Bully-Free Workplace, and Abuse and Neglect.

3.1 Types of Bullying

Bullying may take various forms. The following behaviors or actions against students, clients, or employees are prohibited and are subject to disciplinary action:

- Bullying
- Cyberbullying
- Destruction of property

- Discrimination
- Harassment
- Intimidation
- Physical violence
- Public humiliation
- Sexual harassment
- Sexual violence
- Stalking
- Theft
- Threats
- Retaliation against individuals asserting or alleging an act of bullying
- Knowingly making a false accusation of such defined behaviors/actions

3.2 Applicability

This policy applies to actions that include but are not limited to:

- Take place at the Heartspring School, outpatient services, or on Heartspring grounds; this includes Heartspring-owned vehicles, on-campus group homes, and off-campus group homes.
- Take place while students, clients, or employees are driving or transported to or from the Heartspring campus or Heartspring-sponsored events.
- Take place at any Heartspring-sponsored event, activity, function, community outing, program, instruction, or training.
- Take place inside or outside of working hours or work environment.

3.3 Examples of Conduct

3.3.1 Examples of conduct that may constitute “discrimination” include, but are not limited to:

- Refusal of admission of a student to the Heartspring school based on the student’s or family’s protected characteristics.
- Students are excluded from activities based on student's protected characteristics.
- Refusal of services based on the client’s or family’s protected characteristics.
- Clients are excluded from activities based on the client’s characteristics.
- Lack of promotional opportunities for an employee based on the employee’s protected characteristics.
- Differing treatment, qualifications, or requirements for employment, continued employment, or advancement based on an employee’s protected characteristics.

3.3.2 Examples of conduct that may constitute “bullying” include, but are not limited to:

- Repeated or pervasive taunting, name-calling, belittling, mocking, putdowns, or demeaning humor, including sexual comments.
- Behavior that is intended to harm someone by damaging or manipulating their relationships with others, including but not limited to gossip, spreading rumors, and social exclusion.
- Non-verbal threats and/or intimidations, such as aggressive, menacing, or disrespectful gestures.
- Threats of harm to students, clients, employees, their possessions, or others, whether transmitted verbally or in writing.
- Threats or insinuations either explicitly or implicitly that a student, client, or employee’s refusal to submit to sexual advances will affect a student, client, or employee’s access to the Heartspring school, services, and terms and conditions of employment.
- Blackmail, extortion, demands for protection, money, or involuntary loans or donations.
- Blocking access to school property or facilities.
- Stalking or physical contact or injury to another person or their property.
- Inappropriate sexual behavior/unwanted sexual advances towards another person.
- Unwanted physical contact, or conduct of any kind, including sexual flirtations, touching, advances or propositions.

3.3.3 Examples of conduct that may constitute “cyberbullying” include, but are not limited to:

- Posting slurs or rumors or displaying defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually-oriented material about a student, client, or employee on a website or other online application.
- Posting misleading or fake photographs or digital video footage of a student, client, or employee on websites or creating fake websites or social networking profiles in the guise of posing as the target.
- Impersonating or representing another student, client, employee, or individual using an electronic device or account to send e-mail, text messages, instant messages (IM), or phone calls.
- Sending e-mail, text messages, IM, or leaving voice mail messages that are mean or threatening, or so numerous as to bombard the target’s e-mail account, IM account, or cell phone.
- Using a camera phone or digital video camera to take and/or send embarrassing or “sexting” photographs of other students, clients, or other employees.

3.3.4 Examples of conduct that may constitute “sexual harassment” include but are not limited to:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats; requests for any sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, social media and/or Internet posts; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.
- QUID PRO QUO sexual harassment includes when a supervisor or someone in power or authority over another person threatens to fire an employee if he or she does not have sex with the supervisor or any other sexual favor.

3.6 School Bullying Evaluation Process

The Heartspring bullying policy evaluation process will include, but is not limited to:

- Student, client, staff, family, and school/community partner assessment of safety at school.
- Routinely scheduled reviews of Student-on-Student Contact Reports and Special Incident Reports to evaluate the following:
 - The potential and intentional targeting of a student, client, or employee.
 - Types of bullying that commonly occur.
 - Frequency of victimization.
 - Intervention or participation of staff or bystanders.
 - Identification of the area on the school campus or in the community setting where bullying occurs.

3.7 Reporting Procedure

Discrimination, bullying, suspected bullying, or harassment is reportable in person or writing (including anonymously) to designated personnel (see definition of designated personnel in 3.7.1). All complaints will be kept confidential and only shared on a need-to-know basis.

- All Heartspring staff are required to report incidents of discrimination, bullying, or harassment to designated personnel.
- Students, clients, or employees who have been discriminated against, bullied, or harassed or are aware of discrimination, bullying, or harassment, are required to report these incidents to any designated personnel.
- Parents and other adults aware of discrimination, bullying, or harassment incidents are encouraged to report these incidents to any designated personnel.
- Acts of reprisal or retaliation against any person who reports an incident of discrimination, bullying, or harassment in good faith are prohibited. Any student, client, or employee who has knowingly made false accusations against another individual shall be subject to disciplinary measures up to and including termination.

3.7.1 Designated Personnel

Student/ Client Discrimination, Bullying, or Harassment

Employees, students and/or clients should report incidents of discrimination, bullying, or harassment of students and/or clients using the Abuse/Neglect/Exploitation form on the intranet, following Heartspring's Abuse/Neglect/Exploitation reporting process, or by contacting the Heartspring Chief People Officer:

Makala Navarro

316.634.8817

mnavarro@heartspring.org

Employee Discrimination, Bullying or Harassment

Employees should report incidents of bullying or harassment of themselves or other employees using the chain of command as outlined in the Heartspring Employee Handbook. The designated personnel for this type of incident are your immediate supervisor, the perpetrator's immediate supervisor (if they are your supervisor), the Division Director, and the Director of Human Resources. Any employee who is made aware of an instance of sexual harassment or discrimination must report the incident within 24 hours to one of the following:

- Director of Human Resources
- Chief People Officer
- CEO

Any supervisor who fails to notify Human Resources or the CEO of harassment or discrimination within 24 hours, will be subject to discipline up to and including immediate termination.

3.7.2 In the Heartspring School setting:

Any student-to-student incidents of discrimination, bullying, or harassment will be handled in accordance with each student's Behavior Intervention Plan and addressed by appropriate team members. The students served at Heartspring have a primary diagnosis of autism and/or another developmental disability, and an incident of this nature may not necessarily be intentional or malicious. Therefore, any potential disciplinary action will be addressed individually, according to each student's team and as they believe is appropriate for that student. Consistent with federal and state laws and rules governing student, client and/or individual privacy rights, parents or guardians who have a student(s) who are the victim or instigator of discrimination, bullying, or harassment will be contacted and made aware of the situation within three (3) days by the Division Director of Heartspring School, Director of Educational Services and/or Director of Residential Services. The Director of Human Resources will conduct an internal investigation, and once complete, parents will be made aware of the outcome. Additional information, including community resources and/or intervention strategies to teach appropriate behavior, including meeting with clinicians, and/or psychiatrists, and counseling, may be provided as deemed necessary by the Division Director of Heartspring School.

3.7.3 Response to Reports of Discrimination, Bullying or Harassment Involving a student/client

The Director of Human Resources and/or other Human Resources representative shall investigate any reported incidents of client/student-involved discrimination, bullying, or harassment, including any reported act of bullying outside of the permissible scope of the jurisdiction of Heartspring School according to the Heartspring Abuse/Neglect/Exploitation process. All reasonable efforts will be made to complete the investigation within ten (10) school days after the report of the incident of discrimination, bullying, or harassment is received. In addition, any reported act of bullying of a Heartspring student or client will be handled by contacting one or more of the following internal and/or external entities:

- Division Director of Heartspring School
- Heartspring Director of Educational Services
- Division Director of Outpatient Services
- Parents/guardians
- School districts
- 911 emergency
- Wichita Police Department's Critical Intervention Team
- Kansas Department for Children and Families
- Counseling, support services, and other programs

3.7.4 Response to Reports of Bullying or Harassment Involving Employees (no student involvement)

The Director of Human Resources and the appropriate department director will handle reports of bullying or harassment between employees, contractors, volunteers, vendors, and/or visitors.

4. Policy Violations

Heartspring employees are trained on this policy during new-hire orientation and once per year. Employees who violate this policy or retaliate against an employee, student, or client who has reported a violation, or filed a false complaint, will face disciplinary action, up to and including termination.

Contractors, volunteers, vendors, or any other visitors who violate this policy may be asked to leave the campus grounds. Any parent, guardian, or family member of a Heartspring client or student and/or receiving any Heartspring services found to have violated this policy will be subjected to restricted access to the Heartspring campus and reduced visitation hours. Additionally, the parent, guardian, or family member will be restricted from having contact with any students or clients other than their child(ren); and may be required to have visits supervised by a Heartspring staff member. This policy will be made available on the Heartspring website, School and Outpatient Parent Handbook, and provided to parents and guardians yearly.

Heartspring will address policy violations by students and clients individually and in accordance with the student's/client's unique abilities and challenges, based on his/her ability to understand the impact of the violation(s). This may include school counseling services, personalized visual support/narrative, individualized direct services with his/her Board Certified Behavior Analyst, social-emotional learning activities, training on managing emotions, and other appropriate researched-based interventions to address bullying behaviors.

5. Definitions

- **Bullying/Cyber-bullying** – includes but not limited to any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student(s), client(s), or employee(s) that have or can be reasonably predicted to have the effect of one or more of the following:
 - (1) placing the student(s), client(s), or employee(s) in reasonable fear of harm to the student(s), client(s), or employee(s) person or property;
 - (2) causing a substantially detrimental effect on the student(s), client(s), or employee(s) physical or mental health;
 - (3) substantially interfering with the student(s), client(s) or employee(s) academic or work performance; or

(4)substantially interfering with the student(s), client(s), or employee(s) ability to participate in or benefit from the services, activities, or privileges provided by a school or workplace.

- **Discrimination** – includes but not limited to unfair or unequal treatment of an individual (or group) based on certain characteristics, including race, color, sex, national origin, ancestry, age, marital status, disability or genetics, pregnancy, sexual orientation, veteran status, or any other classification protected by applicable local, state, or federal law.
- **Harassment** - a knowing and intentional course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- **Behavior Intervention Plan (BIP)**- a comprehensive, progressive, personalized plan that includes all behavioral program components. It is person-centered and addresses personalized goals and objectives, including recommendations from the functional behavioral assessment and Behavior Intervention Plan. The BIP is a more specific treatment plan which specifies the details of programs addressing target interfering behaviors and replacement behaviors.
- **Retaliation** – includes but not limited to an act or gesture against an individual for asserting or alleging an act of bullying. Retaliation also includes reporting bullying or harassment when it is not made in good faith.
- **Sexual Harassment**- includes but not limited to unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature: (1) is made explicitly or implicitly a term or condition of education, services, or employment; (2) is used as a basis for an education, services, or employment decision; or (3) Unreasonably interferes with a student’s, client’s, or an employee's education, services or work performance or creates an intimidating, hostile or otherwise offensive environment.

6. Forms or Related Policies

- Employee Handbook
- Student to Student Contact Report
- Special Incident Report

7. Applicable Laws/Regulations

- CARF Medical Rehabilitation Standard 1.K.H
- [Federal Laws and Resources](#)
- [Kansas Statue K.S.A. 72-6147. Bullying, school district policies](#)
- [Illinois Compiled Statutes 105 ILCS 5/27-23.7. Bullying Prevention](#)
- [Los Angeles U.S.D. Title IX Policy/Nondiscrimination Complaint Procedures](#)

REVISION RECORD

DATE	VERSION	REVISION DESCRIPTION
11/17/21	v1.1	The following sections were modified: Sections 3, 3.2 and 3.7.2
3/22/23	v1.2	The following section(s) were modified: Section 1, 3.2, 3.7.1, and 3.7.2