

**PROHIBITION AGAINST DISCRIMINATION, BULLYING
AND HARASSMENT**

Policy Code: 1710/4021/7230

The board believes that all employees and students should be free of unlawful discrimination, bullying, and harassment, as a part of a safe, orderly and inviting working and learning environment. The board commits itself to nondiscrimination in all its educational and employment activities. The board expressly prohibits unlawful discrimination, bullying, or harassment, including on the basis of race, color, national origin, sex, pregnancy, religion, age or disability. The board also prohibits retaliation against an employee or student who has exercised any rights made available through state or federal law. Any violation of this policy is considered a serious violation and appropriate action will be taken in response to a violation.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment and Bullying

Students, school system employees, volunteers and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment and bullying.

Students are expected to comply with the behavior standards established by board policy and the student code of conduct. Employees are expected to comply with board policy and school system regulations. Volunteers and visitors on school property also are expected to comply with board policy and established school rules and procedures.

Any violation of this policy is serious, and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). 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.

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools.

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

2. Retaliation

The board 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.

B. APPLICATION OF POLICY

All persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the school district must comply with all applicable federal and state laws and regulations regarding nondiscrimination, bullying, and harassment. Visitors also are expected to comply with applicable laws, including the prohibition against these behaviors.

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;
3. at any bus stop;
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. in an electronic format, as described in NC General Statute as cyber bullying.

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, such as race, ethnicity, sex, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.

2. Harassment and Bullying

a. Harassment or bullying behavior 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

- (2) harm to his or her person or damage to his or her property; or 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 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, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

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.

D. REPORTING AND INVESTIGATING COMPLAINT PROCEDURES

1. **Students, Parents, Volunteers, and/or Visitors**
Students, parents, volunteers, and/or visitors are encouraged to submit any complaints of discrimination or harassment, other than sexual harassment, through the grievance procedure established in policy 1740/4010, Student and Parent Grievance Procedure. The complaint procedure for sexual harassment is established in policy 1745/4027, Sexual harassment Complaint Procedure for Students.
2. **Employees**
Employees are encouraged to submit any complaints of discrimination or harassment, other than sexual harassment, through the grievance procedure established in policy 1750/7220, Grievance Procedure for Employees. The complaint procedure for sexual harassment is established in policy 1736/4026/7236, Sexual Harassment.

Reports may be made anonymously and all reports shall be investigated in accordance with said policy.

E. TRAINING AND PROGRAMS

The superintendent/designee shall establish training 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.

Additional programs for students, employees and volunteers who have significant contact with students should be created to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination, harassment or bullying; (2) teach employees to identify groups that may be the target of discrimination, harassment or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, and on cell phones and the Internet.

F. NOTICE

The superintendent or designee is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This policy will be posted on the school system website, and made readily available in the principal's office and the superintendent's office. Notice of this policy will appear in student and employee handbooks that set forth the comprehensive rules, procedures and standards of conduct for students and employees.

G. COORDINATORS

The superintendent or designee will publish the names, addresses and phone numbers of the "Title IX coordinator" (for sex discrimination), "Section 504 coordinator" and the "ADA coordinator" (for discrimination on the basis of disability) in a manner intended to ensure that employees, applicants, students, parents and other individuals who participate in the school district's program are aware of the coordinators. The purpose of the coordinator positions is to provide additional protection of nondiscrimination rights. The coordinator must (1) investigate any complaints alleging non-compliance (2) implement a resolution to discrimination complaint, to the extent a resolution can be reached and the coordinator has the authority to implement corrective action or (3) notify the superintendent or designee that intervention by other officials is required to resolve the situation.

H. RECORDS AND REPORTING

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination which identify the names of any individuals accused of discrimination and the resolution of such reports or complaints. The superintendent or designee also shall maintain records of training, corrective action or other steps taken by the district to help provide an environment free of discrimination and harassment.

The superintendent shall report to the State Board of Education all verified cases of

discrimination, harassment or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights, (October 26, 2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights, (April 4, 2011) available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>; *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.15 through -407.18; 126-16; State Board of Education Policy SSCH-000

Cross References: Discrimination, Harassment, and Bullying Complaint Procedure (Policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Sexual Harassment Complaint Procedure for Students (policy 1745/4027), Grievance Procedure for Employees (policy 1750/7220), Equal Educational Opportunities (policy 4001), Sexual Harassment (policy 1736/4026/7236) Nondiscrimination on the Basis of Disabilities (1730/4022/7231), Prohibition Against Retaliation (1760/7280), School Plan for Management of Student Behavior (policy 4302), Assaults, Threatening Acts, and Harassment (policy 4331); Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030), Recruitment and Selection of Personnel (policy 7100), Career Employees: Demotion and Dismissal (policy 7930).

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