

## **ANTI-DISCRIMINATION, HARASSMENT AND BULLYING**

The Board of Education is committed to promoting the worth and dignity of all individuals. It believes that all employees and students should be treated with respect and be free of unlawful discrimination, harassment, and bullying as a part of a safe, orderly, caring and inviting working and learning environment. The Board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

### **I. Definitions**

For purposes of this policy, the following definitions apply:

#### **A. 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.

#### **B. Harassment and Bullying**

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

It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, 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.

2. 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:
  - a. submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, academic progress or completion of a school-related activity;
  - b. submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in

the case of a student, 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

- c. such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or 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 work or 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, 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 conduct are sufficiently serious to create a sexually hostile environment.

3. 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.

## II. Application of Policy

This Policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors and organizations doing business with or performing services for the School District.

This Policy applies to behavior that takes place:

- A. in any school building or on any school premises before, during or after school hours;
- B. on any bus or other vehicle as part of any school activity;
- C. during any school-sponsored activity or extracurricular activity;
- D. at any time or place when the individual is subject to the authority of school personnel; and
- E. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

## III. Prohibited Behaviors and Consequences

Students, School District 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 in the Student/Parent Handbook, the Code of Student Conduct, and/or Board policies. 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 Procedure 10.206-P (Code of Student Conduct) and/or other appropriate policies/procedures.

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.

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.

#### **IV. Procedure for Reporting Discrimination, Harassment, and Bullying**

Pitt County Schools is committed to taking reasonable steps to eliminate discrimination, harassment or bullying. All complaints shall be promptly investigated and, if found to be true, appropriate consequences and remedial actions shall be undertaken.

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of this Policy must report the offense. An employee who does not promptly report possible discrimination, harassment or bullying may be subject to disciplinary action.

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. However, disciplinary action may not be taken solely on the basis of an anonymous report.

#### **Reporting**

Students and/or their parents (or legal guardians) are encouraged to submit any complaints of discrimination, harassment or bullying through the complaint process established in Procedure 10.212-P (Procedure for Student and Parent Grievances).

A copy of a student and/or parent grievance (10.212-X, Form A) concerning an allegation of discrimination, harassment, or bullying, also should also be submitted to the Executive Director of Student Services, 1717 West Fifth Street, Greenville, who is Pitt County Schools' designated Anti-Harassment Coordinator.

When a discrimination, harassment or bullying complaint is not resolved at the school principal level, the parent or student shall notify the Director of Student Services, 1717 West Fifth Street, Greenville, NC (830-4237) prior to appealing the matter to the Superintendent.

All complaints made to the Director of Student Services shall be investigated and, if found to be true, appropriate consequences and remedial actions shall be undertaken. Every effort will be made to bring the discrimination, harassment or bullying complaint to a satisfactory resolution. If, however, the student and/or parent remains dissatisfied with the result, they may appeal to the Superintendent as outlined in Procedure 10.212-P.

**V. Procedure for Prompt Investigation of Discrimination, Harassment, and Bullying**

All allegations of discrimination, harassment, and/or bullying will be investigated and acted on promptly in accordance with Procedure 10.212-P (Procedure for Student and Parent Grievances).

Failure to promptly investigate and/or address claims of discrimination, harassment or bullying may result in disciplinary action.

**VI. Non-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.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies and

regulations, the Superintendent (and/or designee) shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

## **VII. Notice**

The Superintendent 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 must be posted on the school system website, and copies of the Policy must be readily available in the principal's office, the media center at each school and the superintendent's office. Notice of this Policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

## **VIII. Training Programs**

The Board directs the Superintendent to make all staff and students aware of all policies, procedures, etc. concerning discrimination, harassment, and bullying.

As funds are available, the Board will provide additional training for students, employees and volunteers who have significant contact with students regarding the board's efforts to address discrimination, harassment and bullying and will create programs 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.

**IX. Anti-Discrimination Coordinator**

The Director of Student Services is Pitt County Schools' designated Anti-Discrimination, Harassment and Bullying Coordinator / Section 504 Coordinator and shall participate in training by the Department of Public Instruction pertaining to anti-discrimination, anti-harassment and anti-bullying.

The Coordinator shall coordinate the school system's efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504 or the ADA or alleging actions which would be prohibited by those laws.

**X. Records and Reporting**

The Anti-Discrimination Coordinator shall maintain confidential records of complaints or reports of discrimination which (1) identify the names of any individuals accused of discrimination and (2) report the resolution of the complaint. The Coordinator shall also maintain records of training as well as of any corrective action or other steps taken by the district to help provide an environment free of discrimination, harassment and bullying.

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.



**XI. Evaluation**

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

**Last Revision/Adoption:** March 21, 2005

**Legal References:** Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 et seq.; 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; 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); Oncale v. Sundowner Offshore Services, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

**Cross References:** Procedure 10.212-P (Procedure for Student and Parent Grievances).