

## PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING

The board believes that all employees, students and their parents/families should be free of unlawful discrimination, harassment, and bullying as a part of a safe, orderly, caring 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, harassment or bullying, 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, including prohibiting retaliation for reporting violations of this policy.

Any violation of this policy is considered a serious violation and appropriate action will be taken in response to a violation.

### A. 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. Visitors also are expected to comply with applicable laws, including the prohibition against harassment and bullying of students or harassment of employees.

This policy will apply in the following circumstances:

1. while in any school building or on any school premises before, during or after school hours;
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any bus stop;
4. during any school function, extracurricular activity or other activity or event;
5. when subject to the authority of school personnel; and
6. any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the school

### B. DEFINITIONS

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

1. **Discrimination** means any 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, religion, age, or disability. Discrimination may be intentional or unintentional.

2. **Harassment** can be a type of unlawful discrimination. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the targeted individual and results in a hostile environment for the targeted individual. The hostile environment can be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe. Harassing behavior may include but is not limited to epithets, derogatory comments or slurs and lewd propositions, 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 harassing behavior.

It is possible for harassment to occur at various levels; between fellow students or co-workers, between supervisors and subordinates, between employees and students, or imposed by non-employees, including visitors, on employees and/or students and their families.

3. **Bullying** is a form of harassment. Bullying means the intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted or emotional abuse or through attacks on the property of another.

#### **C. DISCRIMINATION, HARASSMENT OR BULLYING COMPLAINT PROCEDURES**

Students and parents are encouraged to submit any complaints of discrimination, harassment or bullying through the complaint procedure established in Policy 9510.

#### **D. NON-RETALIATION**

The board prohibits reprisal or retaliation against any person who reports an act of discrimination, harassment or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the appropriate administrator, after consideration of the nature and circumstances of the act, in accordance with applicable federal, state or local laws, policies and regulations.

#### **E. TRAINING AND PROGRAMS**

The superintendent shall designate an employee(s) to participate in training by the Department of Public Instruction pertaining to anti-discrimination, anti-harassment and anti-bullying. The designee will provide leadership and training in the school system regarding this policy and state requirements.

As funds are available, the board will provide additional training for students and staff regarding the board's policy on discrimination, harassment and bullying and will create programs to address these issues. The superintendent will ensure that any training or programs provided will include identifying groups that may be the target of discrimination, harassment or bullying; identifying places at which such behavior may occur including within school buildings, at school bus stops, via the Internet, etc.; and providing clear examples of behavior that constitutes discrimination, harassment or bullying.

#### **F. NOTICE**

The superintendent is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination.

#### **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" (for discrimination on the basis of disability) and the "ADA Coordinator" (also 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 system's program are aware of the coordinators. The purpose of the coordinator positions is to provide additional protection of non-discrimination rights. The coordinator either must (1) implement a resolution to a discrimination, harassment or bullying complaint, to the extent a resolution can be reached and the coordinator has the authority to implement corrective action or (2) notify the superintendent that intervention by other school officials is required to resolve the situation.

#### **H. RECORDS AND REPORTING**

The superintendent or his or her 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 also shall maintain records of training, corrective action or other steps taken by the system 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 will be made through the Discipline Data Collection Report or through other means required by the State Board.

## **I. DIVERSITY PROGRAMS**

The board is committed to promoting the worth and dignity of all individuals regardless of race, color, religion, national origin, sex, age or disability. The board directs the superintendent to establish training and other programs to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of understanding and respect for all individuals.

## **J. EVALUATION**

The superintendent is required to evaluate the effectiveness of efforts to correct or prevent discrimination, harassment and bullying and will share these evaluations periodically with the board.

Adopted: 04/04/05

**LEGAL REFS:** 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.; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., 34 C.F.R. pt. 106; Equal Employment Opportunity Commission's "Final Amended Guidelines on Discrimination Because of Sex"; Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.; The Rehabilitation Act of 1973, 29 U.S.C. 706(8), 794, 34 C.F.R. pt. 104; The Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); Office of Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11,448 (1994); G.S. 126-16; State Board of Education Policy Number SS-A-007.

**CROSS REF:** Student and Parent Grievance Procedure (Policy 9510), Policy, Rules and Procedures Relative to Student Discipline in the New Hanover County Schools (Policy 8410)