

PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING

Policy Code: 1710/4021/7230

The Guilford County Board of Education (the “Board”) acknowledges the dignity and worth of all students and employees and strives to create a safe, positive and caring learning and working environment that facilitates student achievement. It is the policy of the Board to maintain an environment that is free from discrimination, harassment, and bullying in all of its educational programs and employment activities. This includes, but is not limited to discrimination, harassment, and bullying based on an individual’s real or perceived race, color, creed, political belief, ancestry, national origin, religion, linguistic and language differences, sex, gender, sexual orientation, gender identity/expression, socioeconomic status, academic status, height, weight, physical characteristics, pregnancy, marital status, parental status, disability, or age. The Board strictly prohibits and will not tolerate or condone discrimination, harassment, or bullying based upon any of those differences. The board similarly prohibits discrimination, harassment, and bullying, based on a student or employee’s association with others. The Board will provide equal access to designated youth groups as required by law.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment, and Bullying

Students, school system employees and board members (“employees”), volunteers, and visitors are expected to behave in a civil and respectful manner. It shall be a violation of this policy for any student, school system employee, volunteer, or visitor to harass, bully, or discriminate against any person based upon any of the differences listed above or upon any other characteristic or feature that becomes the focus of unwanted and unwelcome behavior as described below. It shall also be a violation of this policy for any school employee to tolerate such harassment, bullying, or discrimination of any person by a student or school employee, or by any third parties subject to the supervision and control of the Guilford County Schools.

2. Consequences

Any violation of this policy is serious and school officials shall promptly take appropriate action.

a. Disciplinary Consequences for Students

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, reassignment or expulsion.

Incidents of misbehavior that do not rise to the level of discrimination, harassment, or bullying may violate acceptable standards of student behavior, including but not limited to the expectation that students will demonstrate civility and integrity in their interactions with others. See policy 4310, Integrity and Civility. The consequences for such behavior will be consistent with applicable board policy and the Student Code of Conduct. This policy shall not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

b. Disciplinary Consequences for Employees

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Nothing in this policy shall preclude the school system from taking disciplinary action against an employee when the evidence does not establish discrimination, harassment, or bullying, but the conduct otherwise violates board policy or expected standards of employee behavior.

c. Consequences for Others

Board members who violate this policy will be subject to any process established by the Board or law for addressing board member violations. 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. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements and suspension from school property or other disciplinary action.

3. Other Responses

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. The actions taken in response to discrimination, harassment or bullying behavior shall be reasonably calculated to end the behavior, eliminate a hostile environment if one has been created, and prevent recurrence of the behavior.

4. Retaliation

The Board prohibits reprisal, harassment, 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 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 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 system.

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; and
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

C. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Discrimination
2. Discrimination for purposes of this policy means any act or failure to act, whether intentional or unintentional, that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category or on a personal characteristic listed in the opening paragraph of this policy. Harassment and Bullying
 - a. Harassment or bullying behavior is conduct intended to intimidate, discredit, injure, or disturb another person or a group of persons. Such

conduct violates this policy when any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication:

- 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 or by adversely affecting an employee's ability to function successfully in the work place..

“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 such as those listed in the opening paragraph of this policy or motivated by an individual's association with a person who has or is perceived to have such a differentiating characteristic. Examples of behavior that may constitute bullying or harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as 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. Harassment and bullying may also occur through electronic means (“cyberbullying”), such as via the internet, emailing, or text messaging, or by use of personal web sites to support deliberate, repeated, and hostile behavior intended to cause harm to persons or groups. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment described below, 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. The board prohibits sexual harassment. Unwanted, unwelcome, and uninvited sexual advances, requests for sexual favors, and other verbal or

physical conduct or communication 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 employment, academic progress, or completion of a school-related activity;
- 2) 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
- 3) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of (1) unreasonably interfering with an employee's work performance or a student's educational performance; (2) limiting a student's ability to participate in or benefit from an educational program or environment or interfering with effective employee-student relations; or (3) creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwanted, unwelcome, and uninvited 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 assault; 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.

As provided in policy 4040/7310, Staff-Student Relations, employees are strictly prohibited from engaging in a romantic or sexual relationship with any student enrolled in the Guilford County Schools whether or not it is consensual. Such conduct is prohibited whether or not it constitutes sexual harassment.

- 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. This includes subjecting another person to demeaning sexual stereotypes, innuendoes, insults, or other conduct that is pervasively intimidating, offensive, or hostile, or that creates an environment that unreasonably interferes with a student's opportunity to learn or an employee's ability to function successfully in the work place.

D. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

Any person who believes that he or she may have been bullied, harassed, or discriminated against in violation of this policy by any student, employee, board member, visitor, or third-party subject to the supervision and control of the school system should inform a school official designated to receive such complaints, as described in administrative regulation 1710/4021/7230-R, Discrimination, Harassment, and Bullying Complaint Procedure.

Any employee who has witnessed or who has reliable information that a person has been subjected to bullying, harassment, or discrimination, has a duty to report such conduct in accordance with administrative regulation 1710/4021/7230-R. If an employee knowingly ignores, fails to report or take proper action, or knowingly provides false information in an incident of bullying, harassment, or discrimination, the employee will be subject to disciplinary action up to and including dismissal.

Students, parents, volunteers, visitors, and others are strongly encouraged to report any actual or suspected incidents of discrimination, harassment, or bullying of others in accordance with administrative regulation 1710/4021/7230-R. Reports may be made anonymously; however, anonymous reports cannot be the sole basis of student or employee discipline and consequently signed reports are encouraged.

All reports and complaints shall be investigated in accordance with administrative regulation 1710/4021/7230-R.

E. TRAINING AND PROGRAMS

The Board directs the Superintendent to establish training and other programs for staff and students that are designed to prevent 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 and provided to all new employees during orientation. The Superintendent is responsible for maintaining records of the training.

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, on cell phones, and on the Internet.

F. NOTICE

The Superintendent is responsible for providing effective notice to students, parents, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying established in administrative regulation 1710/4021/7230-R, Discrimination, Harassment, and Bullying Complaint Procedure. The Superintendent must ensure that each school principal makes a copy of this policy and administrative regulation 1710/4021/7230-R available to students, employees, and parents or other responsible care givers at the beginning of each school year. In addition, both policies must be posted on the school system website and copies of the policies must be readily available at each school and work site. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

G. COMPLIANCE OFFICER

The Superintendent is directed to appoint a Compliance Officer to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The name and contact information for the Compliance Officer (s) shall be provided in an administrative procedure associated with this policy or otherwise publicized to the school community and shall be made available by contacting the Superintendent's office. :

H. RECORDS AND REPORTING

The Superintendent or designee shall maintain confidential records of complaints or reports of discrimination, harassment, or bullying. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination, harassment, and bullying.

The Superintendent shall report to the State Board of Education all verified cases of unlawful discrimination, harassment, or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

I. 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.

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 (Bullying)*, U.S. Department of Education, Office for Civil Rights, (October 2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; *Dear Colleague Letter (Sexual Harassment)*, U.S. Department of Education, Office for Civil Rights, (2006) available at <https://www2.ed.gov/about/offices/list/ocr/letters/sexhar-2006.html>; Q&A on Campus Sexual Misconduct, U.S. Department of Education, Office for Civil Rights, (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.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 HRS-A-000

Cross References: Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Prohibition Against Retaliation (policy 1760/7280), Equal Educational Opportunities (policy 4001), School Plan for Management of Student Behavior (policy 4302), Staff-Student Relations (policy 4040/7310), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030), Recruitment and Selection of Personnel (policy 7100), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Replaces: AC (revised April 14, 2015); GAMA (revised August 10, 2010); GAMAA (revised April 26, 2007); JCDAD (revised December 17, 2009); JCDAE (revised June 26, 2008)

Adopted: