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## HARASSMENT AND BULLYING

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The Board is committed to providing a learning and working environment that is safe and orderly. The Board expects students, school employees, volunteers, and visitors to behave in a manner that shows respect for others. Bullying and harassing behavior will not be tolerated.

To this end, the Board specifically prohibits harassing or bullying behavior on school property, at any school-sponsored function or activity, on a school bus or at a bus stop. Harassment or bullying behavior is prohibited at all levels: between students, between employees and students, between peers or co-workers, between supervisors and subordinates, and between non-employees/volunteers and employees/students. This policy is in addition to board policy 3035/4035/8306, Sexual Harassment.

Students are expected to comply with the behavior standards established by board policy and the Rules of Student 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.

The Board prohibits reprisal or retaliation against any individual who reports harassing or bullying behavior or who participates in an investigation initiated under this policy. Such reprisal or retaliation may result in disciplinary action being taken, up to and including dismissal in the case of employees, and up to and including long-term suspension or expulsion for students.

### **A. Definition of Harassment and Bullying**

As used in this policy, harassing or bullying behavior refers to any pattern of gestures or written, electronic or verbal communications, or any physical act or threatening communication, that:

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 learning or working environment. A "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that is bullying or harassing behavior.

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Harassing or bullying behavior includes verbal or physical conduct that is intended to intimidate, injure, degrade, or disgrace another student or person, or that has such an effect. It may include a pattern of abuse over time and may involve a student's being "picked on." It can include a variety of behaviors, such as but not limited to the following:

- Physical intimidation or assault
- Derogatory verbal comments (e.g., name-calling, hostile teasing, cruel rumors, taunts, put-downs, epithets, false accusations, harassment or discriminatory acts, slurs and mean-spirited jokes)
- Threatening gestures or actions; oral, cyber, or written threats
- Extortion or stealing money and possessions
- Shunning and exclusion from peer group
- Hazing

Harassing or bullying behavior includes, but is not limited to, behavior described above that is reasonably perceived as being motivated by an actual or perceived 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, or by association with a person who has or is perceived to have one or more of these characteristics.

**B. Reporting Harassing and Bullying Behavior**

1. Any student who believes that he or she has been harassed or bullied in violation of this policy should report such behavior immediately to a teacher, counselor or administrator at his or her school. In the case of alleged harassment or bullying of a student by a school employee, a report also may be made to the Assistant Superintendent of Human Resources or designee.
2. Any employee who believes that he or she has been harassed or bullied in violation of this policy should report such behavior promptly to his/her immediate supervisor and/or the Assistant Superintendent of Human Resources or designee.
3. Any school employee who observes or becomes aware of alleged harassing or bullying behavior shall promptly report the incident as follows:

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- a. If the alleged perpetrator is a student, the report shall be made to the principal;
  - b. If the alleged perpetrator is a school employee, the report shall be made to the alleged perpetrator's immediate supervisor and/or the Assistant Superintendent of Human Resources;
  - c. If the alleged perpetrator is some other person, the report may be made to the principal and/or the Assistant Superintendent of Human Resources;
  - d. Failure to make such a report required by this section may subject the employee to disciplinary action.
4. Any person may report an act of harassment or bullying anonymously. However, formal disciplinary action may not be taken solely on the basis of an anonymous report.
  5. If the person to whom a report should be made under this section is the alleged perpetrator, or in circumstances not otherwise provided above, a report of harassing or bullying behavior may be made to the Assistant Superintendent of Human Resources, the Superintendent, or the Board attorney.

**C. Investigation of Harassment and Bullying Reports**

1. All reports of alleged harassment or bullying behavior shall be promptly and thoroughly investigated.
2. Investigation of alleged harassing or bullying behavior by a student shall be conducted by the principal or designee.
3. Investigation of alleged harassing or bullying behavior by an employee shall be conducted by the Assistant Superintendent of Human Resources or designee.
4. Investigation of alleged harassing or bullying behavior by a volunteer or visitor shall be conducted by the principal or designee if the behavior occurred on school grounds or at a school activity, and otherwise by the Assistant Superintendent of Human Resources or designee.

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5. If the individual designated as investigator under this policy is the alleged perpetrator, the investigation shall be conducted by an appropriate person designated by the Superintendent. If the alleged perpetrator is the Superintendent or a member of the Board, the Board attorney shall be the investigator.
6. If at any time the investigator receives information alleging that the harassment or bullying was based on sex or gender, the investigator shall notify the school system's Title IX Coordinator. In such case, the procedures outlined in Board Policy 3035/4035/8306 (Sexual Harassment) shall be followed.
7. The school system shall notify law enforcement and other appropriate external agency if required by law or board policy.

**D. Intervention and Disciplinary Action**

1. The actions taken in response to harassing or bullying behavior should be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been created, and prevent harassment or bullying from occurring again. In addition to taking disciplinary action as necessary, the principal or other school official shall take appropriate remedial action to address the conduct fully.
2. Violations of this policy shall be considered misconduct and will result in disciplinary action up to and including long-term suspension or expulsion in the case of students and disciplinary action up to and including dismissal in the case of employees.
3. This policy shall not be construed or applied so as to discipline students or other persons for expression protected by the First Amendment, or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.
4. Nothing in this policy precludes the school system from taking appropriate disciplinary action against a student or employee where the evidence does not establish harassment or bullying behavior but the conduct fails to satisfy the school system's high expectations for appropriate conduct.

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**E. Employee Training Program**

The Superintendent shall ensure that information about this policy and reporting procedure is included in the school system's employee training program. To the extent funding is made available, the Superintendent shall provide training on the policy to school employees and volunteers who have significant contact with students.

**F. Notice**

The Superintendent is responsible for providing effective notice of this policy to students, parents and employees. This policy shall be posted on the school system website, and copies of the policy should be readily available in the principal's office, the media center at each school and the Superintendent's office. Notice of this policy shall 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.

**G. Records and Reporting**

The Superintendent or designee shall maintain confidential records of all reports of harassment or bullying. The records shall 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 or other steps taken by the school system to provide an environment free of harassment and bullying.

The Superintendent shall report to the State Board of Education all verified cases of harassment or bullying, as required by the State Board.

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Legal References: North Carolina School Violence Prevention Act, G.S. §115C-407.5 et seq.; State Board Policy HRS-A-007.

Cross Reference: Policy 3035/4035/8306, Sexual Harassment; Policy 6401.15, Rules of Student Conduct.

Adopted: December 14, 2009