

**PROHIBITION AGAINST DISCRIMINATION,  
HARASSMENT, AND BULLYING**

Policy Code: **1710/4021/7230**

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1 The Transylvania County Board of Education (the “board”) acknowledges the dignity and worth  
2 of all students and employees and strives to create a safe, orderly, caring, and inviting school  
3 environment to facilitate student learning and achievement. The board prohibits discrimination  
4 on the basis of race, color, national origin, sex, disability, or age and will provide equal access to  
5 the Boy Scouts and other designated youth groups as required by law. The board will not  
6 tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or  
7 employment activities or programs. Any violation of this policy will be considered serious and  
8 school officials shall promptly take appropriate action to address the violation.  
9

10 **A. PROHIBITED BEHAVIOR**

11  
12 Students, school system employees, volunteers, and visitors are expected to behave in a  
13 civil and respectful manner. The board expressly prohibits unlawful discrimination,  
14 harassment, and bullying by students, employees, board members, volunteers, or visitors.  
15 “Visitors” includes parents and other family members and individuals from the  
16 community, as well as vendors, contractors, and other persons doing business with or  
17 performing services for the school system.  
18

19 Students are expected to comply with the behavior standards established by board policy,  
20 the Code of Student Conduct, and school and classroom rules. Employees are expected  
21 to comply with board policy, school system regulations, and school rules. Volunteers and  
22 visitors on school property also are expected to comply with board policy, school system  
23 regulations, and school rules and procedures.  
24

25 This policy applies to behavior that takes place: (1) in any school building or on any  
26 school premises before, during, or after school hours; (2) on any bus or other vehicle as  
27 part of any school activity; (3) at any bus stop; (4) during any school sponsored activity  
28 or extracurricular activity; (5) at any time or place when the individual is subject to the  
29 authority of school personnel; or (6) at any time or place when the behavior has a direct  
30 and immediate effect on maintaining order and discipline in the schools.  
31

32 **B. DEFINITIONS**

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

35  
36 1. Discrimination

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38 Discrimination means any act or failure to act, whether intentional or  
39 unintentional, that unreasonably and unfavorably differentiates treatment of others  
40 based solely on their membership in a socially distinct group or category, such as  
41 race, ethnicity, sex, pregnancy, religion, age, or disability.  
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43 2. Harassment and Bullying

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~~a. Harassment or bullying behavior is deliberate conduct intended to harm another person or 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 altering the conditions of an employee’s employment.~~

~~“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, 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 occur through electronic means (“cyberbullying”), such as through the Internet, e-mailing, or text messaging, or by use of personal websites to support deliberate and repeated behavior intended to cause harm to persons or groups. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.~~

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86 Harassment, including sexual or gender based harassment, as described  
87 below, is not limited to specific situations or relationships. It may occur  
88 between fellow students or co workers, between supervisors and  
89 subordinates, between employees and students, or between non-  
90 employees, including visitors, and employees or students. Harassment  
91 may occur between members of the opposite sex or the same sex.  
92

93 b. Sexual harassment is a form of harassment that violates this policy.  
94 Unwelcome sexual advances, requests for sexual favors, and other verbal  
95 or physical conduct of a sexual nature constitute sexual harassment when:  
96

97 1) submission to the conduct is made, either explicitly or implicitly, a  
98 term or condition of an individual's employment, academic  
99 progress, or completion of a school-related activity;

100  
101 2) submission to or rejection of such conduct is used as the basis for  
102 employment decisions affecting the individual, or in the case of a  
103 student, submission to or rejection of such conduct is used in  
104 evaluating the student's performance within a course of study or  
105 other school-related activity; or

106  
107 3) such conduct is sufficiently severe, persistent, or pervasive that it  
108 has the purpose or effect of (a) unreasonably interfering with an  
109 employee's work or performance or a student's educational  
110 performance, (b) limiting a student's ability to participate in or  
111 benefit from an educational program or environment, or (c)  
112 creating an abusive, intimidating, hostile, or offensive work or  
113 educational environment.  
114

115 Sexually harassing conduct includes, but is not limited to, deliberate,  
116 unwelcome touching that has sexual connotations or is of a sexual nature,  
117 suggestions or demands for sexual involvement accompanied by implied  
118 or overt promises of preferential treatment or threats, pressure for sexual  
119 activity, continued or repeated offensive sexual flirtations, advances or  
120 propositions, continued or repeated verbal remarks about an individual's  
121 body, sexually degrading words used toward an individual or to describe  
122 an individual, sexual assault, sexual violence, or the display of sexually  
123 suggestive drawings, objects, pictures or written materials. Acts of verbal,  
124 nonverbal, or physical aggression, intimidation, or hostility based on sex,  
125 but not involving sexual activity or language, may be combined with  
126 incidents of sexually harassing conduct to determine if the incidents of  
127 sexually harassing conduct are sufficiently serious to create a sexually  
128 hostile environment.

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130 As provided in policy 4040/7310, Staff Student Relations, employees are  
131 strictly prohibited from engaging in a romantic or sexual relationship with  
132 any student enrolled in the school system, whether or not the relationship  
133 is consensual. Such conduct is prohibited whether or not it constitutes  
134 sexual harassment.

135  
136 e. Gender based harassment is also a type of harassment that violates this  
137 policy. Gender based harassment may include acts of verbal, nonverbal,  
138 or physical aggression, intimidation, or hostility based on sex or sex-  
139 stereotyping but not involving conduct of a sexual nature.

141 **C. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR**  
142 **BULLYING**

143  
144 Any person who believes that he or she has been discriminated against, harassed, or  
145 bullied in violation of this policy by any student, employee, or other person under the  
146 supervision and control of the school system, or any third person who knows or suspects  
147 conduct that may constitute discrimination, harassment, or bullying, should inform a  
148 school official designated to receive such complaints, as described in policy  
149 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

150  
151 Any employee who has witnessed or who has reliable information that another person  
152 may have been subjected to discrimination, harassment, or bullying in violation of this  
153 policy has a duty to report such conduct in accordance with policy 1720/4015/7225.  
154 Employees who observe an incident of harassment or bullying are expected to intervene  
155 to stop the conduct in situations in which they have supervisory control over the  
156 perpetrator and it is safe to do so. If an employee knows of an incident involving  
157 discrimination, harassment, or bullying and the employee fails to report the conduct or  
158 take proper action or knowingly provides false information in regard to the incident, the  
159 employee will be subject to disciplinary action up to, and including, dismissal.

160  
161 Reports, except mandatory employee reports, may be made anonymously, and all reports  
162 will be investigated in accordance with policy 1720/4015/7225.

164 **D. RESPONDING TO OCCURRENCES OF DISCRIMINATION, HARASSMENT, OR BULLYING**

165  
166 1. Consequences for the Perpetrator

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168 a. Disciplinary Consequences for Students

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170 Students will be disciplined in accordance with the school's student  
171 behavior management plan (see policy 4302, School Plan for Management

172 of Student Behavior). Based on the nature and severity of the offense and  
173 the circumstances surrounding the incident, the student will be subject to  
174 appropriate consequences and remedial actions ranging from positive  
175 behavioral interventions up to, and including, expulsion. In addition, the  
176 violation may also be reported to law enforcement, as appropriate.  
177

178 Incidents of misbehavior that do not rise to the level of discriminatory  
179 harassment or bullying may violate acceptable standards of student  
180 behavior, including, but not limited to, the expectation that students will  
181 demonstrate civility and integrity in their actions and interactions with  
182 others. See policy 4310, Integrity and Civility. The consequences for  
183 such behavior will be consistent with applicable board policy and the  
184 Code of Student Conduct.  
185

186 This policy will not be construed to allow school officials to punish  
187 student expression or speech based on undifferentiated fear or  
188 apprehension of a disturbance or out of a desire to avoid the discomfort  
189 and unpleasantness that may accompany an unpopular viewpoint.  
190

191 **b. Disciplinary Consequences for Employees**  
192

193 Employees who violate this policy will be subject to disciplinary action up  
194 to, and including, dismissal. In addition, the violation may also be  
195 reported to law enforcement, as appropriate. Nothing in this policy will  
196 preclude the school system from taking disciplinary action against an  
197 employee when the evidence does not establish unlawful discrimination,  
198 harassment, or bullying, but the conduct otherwise violates board policy or  
199 expected standards of employee behavior.  
200

201 **c. Consequences for Other Perpetrators**  
202

203 Volunteers and visitors who violate this policy will be directed to leave  
204 school property and/or reported to law enforcement, as appropriate, in  
205 accordance with policy 5020, Visitors to the Schools. A third party under  
206 the supervision and control of the school system will be subject to  
207 termination of contracts/agreements, restricted from school property,  
208 and/or subject to other consequences, as appropriate.  
209

210 **2. Consideration of Need for More Extensive Response**  
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212 School administrators shall consider whether the misconduct warrants more than  
213 just a response at the individual level. Given the nature and severity of the  
214 misconduct, the administrators may determine that a classroom, school-wide, or

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215 ~~school system wide response is necessary. Such classroom, school wide, or~~  
216 ~~school system wide responses may include additional staff training, harassment~~  
217 ~~and bullying prevention programs, and other measures deemed appropriate by the~~  
218 ~~superintendent to address the behavior. The actions taken must be reasonably~~  
219 ~~calculated to end the behavior, eliminate a hostile environment and its effects if~~  
220 ~~one has been created, and prevent recurrence of the behavior.~~

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222 **3. ~~Retaliation Prohibited~~**

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224 ~~The board prohibits reprisal or retaliation against any person for (a) reporting or~~  
225 ~~intending to report violations of this policy, (b) supporting someone for reporting~~  
226 ~~or intending to report a violation of this policy, or (c) participating in the~~  
227 ~~investigation of reported violations of this policy.~~

228  
229 ~~After consideration of the nature and circumstances of the reprisal or retaliation~~  
230 ~~and in accordance with applicable federal, state, or local laws, policies, and~~  
231 ~~regulations, the superintendent or designee shall determine the consequences and~~  
232 ~~remedial action for a person found to have engaged in reprisal or retaliation.~~

233  
234 **E. ~~TRAINING AND PROGRAMS~~**

235  
236 ~~The board directs the superintendent to establish training and other programs that are~~  
237 ~~designed to prevent discrimination, harassment, and bullying and to foster an~~  
238 ~~environment of understanding and respect for all members of the school community.~~  
239 ~~Information about this policy and the related complaint procedure must be included in the~~  
240 ~~training plan.~~

241  
242 ~~As funds are available, the board will provide additional training for students, employees,~~  
243 ~~and volunteers who have significant contact with students regarding the board's efforts to~~  
244 ~~address discrimination, harassment, and bullying and will create programs to address~~  
245 ~~these issues. The training or programs should (1) provide examples of behavior that~~  
246 ~~constitutes discrimination, harassment, or bullying; (2) teach employees to identify~~  
247 ~~groups that may be the target of discrimination, harassment, or bullying; and (3) train~~  
248 ~~school employees to be alert to locations where such behavior may occur, including~~  
249 ~~locations within school buildings, at school bus stops, on cell phones, and on the Internet.~~

250  
251 **F. ~~NOTICE~~**

252  
253 ~~The superintendent is responsible for providing effective notice to students, parents, and~~  
254 ~~employees of this policy and of the procedures for reporting and investigating complaints~~  
255 ~~of discrimination, harassment, and bullying established in policy 1720/4015/7225,~~  
256 ~~Discrimination, Harassment, and Bullying Complaint Procedure. The superintendent~~  
257 ~~must ensure that each principal provides a copy of this policy and policy 1720/4015/7225~~

258 to students, employees, and parents or other responsible care givers at the beginning of  
259 each school year. In addition, both policies must be posted on the school system website,  
260 and copies of the policies must be readily available at each school and worksite. Notice  
261 of the policies must appear in all student and employee handbooks and in any school or  
262 school system publication that sets forth the comprehensive rules, procedures, and  
263 standards of conduct for students and employees.  
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265 **G. COORDINATORS**

266  
267 The superintendent has appointed the following individuals to coordinate the school  
268 system's efforts to comply with and carry out its responsibilities under federal non-  
269 discrimination laws. These responsibilities include investigating any complaints  
270 communicated to school officials alleging noncompliance with Title VI or Title IX of the  
271 Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities  
272 Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions  
273 which would be prohibited by those laws.  
274

275 **1. Title IX Coordinator**

276 Position Title: District Athletic Director  
277 Office Address: Morris Education Center  
278 225 Rosenwald Lane  
279 Brevard, NC 28712  
280 Phone Number: (828) 884-6173  
281

282 **2. Section 504 Coordinator**

283 Position Title: Exceptional Children Program Director  
284 Office Address: Morris Education Center  
285 225 Rosenwald Lane  
286 Brevard, NC 28712  
287 Phone Number: (828) 884-6173  
288

289 **3. ADA Coordinator**

290 Position Title: Exceptional Children Program Director  
291 Office Address: Morris Education Center  
292 225 Rosenwald Lane  
293 Brevard, NC 28712  
294 Phone Number: (828) 884-6173  
295

296 **4. Age Discrimination Coordinator**

297 Position Title: Human Resources Director  
298 Office Address: Morris Education Center  
299 225 Rosenwald Lane  
300 Brevard, NC 28712

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Phone Number: (828) 884-6173

**5. Coordinator for Other Non-discrimination Laws**

Position Title: Human Resources Director

Office Address: Morris Education Center

225 Rosenwald Lane

Brevard, NC 28712

Phone Number: (828) 884-6173

**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 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 (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>



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344 [2006.html](#); *Q&A on Campus Sexual Misconduct*, U.S. Department of Education, Office for Civil  
345 Rights (2017), available at [https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-](https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf)  
346 [201709.pdf](#); *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C 335.5,  
347 407.15 through 407.18; 126-16; State Board of Education Policy SSCH-000

348  
349 Cross References: ~~Discrimination, Harassment, and Bullying Complaint Procedure (policy~~  
350 ~~1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231),~~  
351 ~~Prohibition Against Retaliation (policy 1760/7280), Equal Educational Opportunities (policy~~  
352 ~~4001), Staff Student Relations (policy 4040/7310), School Plan for Management of Student~~  
353 ~~Behavior (policy 4302), Visitors to the Schools (policy 5020), Community Use of Facilities~~  
354 ~~(policy 5030), Recruitment and Selection of Personnel (policy 7100), Professional Employees:~~  
355 ~~Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy~~  
356 ~~7940)~~

357  
358 Adopted: February 7, 1994  
359  
360 Revised: ~~August 16, 2004; December 21, 2009; January 21, 2014; September 21, 2015;~~  
361 ~~November 19, 2015; February 19, 2018 (legal references only); July 16, 2018~~