

1 **A. APPLICATION OF POLICY**

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3 All persons, agencies, vendors, contractors and other persons and organizations doing
4 business with or performing services for the school district must comply with all
5 applicable federal and state laws and regulations regarding nondiscrimination. Visitors
6 also are expected to comply with applicable laws, including the prohibition against
7 harassment and bullying of students or harassment of employees.
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9 This policy will apply in, but is not limited to, the following circumstances:

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11 1. While in any school building or on any school premises before, during or after
12 school hours;
13 2. While on any bus or other vehicle as part of any school activity;
14 3. While waiting at any bus stop;
15 4. During any school function, extracurricular activity or other activity or event;
16 5. When subject to the authority of school personnel;
17 6. While using school or personal electronic communications; and
18 7. Any time or place when the behavior has a direct and immediate effect on
19 maintaining order and discipline in the schools.
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21 **B. DEFINITION**

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23 For the purposes of this policy the following definitions have been provided:

- 24
25 1. *Actual or Perceived Differentiating Characteristics* include, but are not limited to,
26 race; color; religion; ancestry; national origin; gender; sex; age; socioeconomic
27 status; academic status; gender identity; physical appearance; sexual orientation;
28 pregnancy; or mental, physical, developmental or sensory disability or by
29 association with a person who has or is perceived to have one or more of these
30 characteristics.
31
32 2. *Bullying* is deliberately hurtful behavior repeated often over a period of time or on
33 isolated occasions, where a student or group of students deliberately intimidate,
34 threaten or harass another student. Acts of bullying may be psychological or
35 physical in nature and occur in the form of written, spoken, or gestured words.
36 Bullying may include, but is not limited to, acts as defined in this section that are
37 reasonably perceived as being motivated by an actual or perceived differentiating
38 characteristic or by association with a person who has or is perceived to have a
39 differentiating characteristic. Examples of bullying include, but are not limited to,
40 taunting, intimidation, cyber harassment, rumor spreading, extortion of money or
41 personal items, and playing abusive tricks.
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- 43 3. *Electronic communications* applies to employee and student e-mails, text
44 messaging, instant messaging, chat rooms, blogging, websites and social
45 networking websites (i.e., MySpace or Facebook).
46
- 47 4. *Harassment* is unwanted, unwelcome and uninvited behavior, including gestures,
48 written, electronic or verbal communications, or any physical act or any
49 threatening communication that places the person in actual or reasonable fear of
50 harm to his person or property or that results in a hostile environment that
51 interferes with or impairs the person's educational or work environment. A
52 hostile environment can be created through pervasive or persistent misbehavior or
53 a single incident, if sufficiently severe. Harassing behavior may include, but it
54 not limited to, acts as defined in this section that are reasonably perceived as
55 being motivated by an actual or perceived differentiating characteristic or by
56 association with a person who has or is perceived to have a differentiating
57 characteristic. Examples of harassing behavior include, but are not limited to,
58 epithets, derogatory comments or slurs and lewd propositions, assaults, impeding
59 or blocking movement, offensive touching or any physical interference with
60 normal work or movement and visual insults, such as derogatory posters or
61 cartoons. Legitimate age-appropriate pedagogical techniques are not considered
62 harassing behavior.
63
- 64 5. *Hazing* is subjecting "another student to physical injury as part of an initiation, or
65 as a prerequisite to membership into any organized school group, including any
66 society, athletic team, fraternity or sorority or other similar group" (N.C.G.S. §
67 14-35). Any violation of this section shall constitute a Class 2 misdemeanor.
68
- 69 6. *Discrimination* is any act or failure to act that unreasonably and unfavorably
70 differentiates treatment of others based solely on their membership in a socially
71 distinct group or category such as race, ethnicity, sex, pregnancy, religion, age or
72 disability. Discrimination may be intentional or unintentional.
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C. COMPLAINT PROCEDURES

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76 If a student or employee believes that he or she has been subjected to forms of bullying,
77 harassment, hazing or discrimination, whether verbal, nonverbal, written, visual or
78 physical, the student or student's parent/guardian should immediately report the situation
79 to the school principal at the school where the student attends. The complaint may be
80 submitted anonymously; however, an anonymous report shall not be construed to permit
81 formal disciplinary action based solely on this report. If for any reason the student or
82 employee is not comfortable reporting the incident to the school principal, then the
83 complaint should be reported to the Policy Chairman at the Transylvania County Schools
84 Administrative Offices. This person may be contacted by calling the Transylvania

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85 County Schools Administrative Offices at (828) 884-6173. Inherent within this policy is
86 the prohibition of reprisal or retaliation against any individual who is involved in the
87 reporting of acts associated with bullying, harassing, hazing or discrimination.
88

89 ~~Any student in the school community who believes he or she has been subjected to~~
90 ~~inappropriate behavior or language resulting in bullying, harassment, and/or~~
91 ~~discrimination shall report the incident(s) to his/her principal/designee/supervisor.~~
92 ~~Anonymous reports of bullying/harassing behavior to school/system administrators are~~
93 ~~permitted under this policy. An anonymous report shall not be construed to permit~~
94 ~~formal disciplinary action solely based on this report. This report does place a burden on~~
95 ~~the school/system administrator receiving the report to begin an investigation or inform~~
96 ~~the appropriate administrator so that an investigation shall begin.~~
97

98 An attempt to resolve the problem shall then be made through the following process:
99

- 100 1. Within two (2) school days, the principal/designee to whom the problem has been
101 reported shall confer with the charging party in order to obtain a clear understanding
102 of ~~that~~ **the** grieving party's statement of the facts.
103
- 104 2. Within two (2) school days, the principal/designee shall meet with the charged party
105 in order to obtain his or her response to the complaint.
106
- 107 3. Within three (3) school days, the principal/designee will fully investigate all charges,
108 and on the basis of the principal/designee's perception of the situation, he or she may:
109
 - 110 (1) Attempt to resolve the matter informally through conciliation/mediation.
111
 - 112 (2) Follow the student discipline policy (JFC-R) and place a record of the
113 incident in the charged student's disciplinary record or in ~~an~~ **the charged**
114 employee's personnel file.
115
- 116 4. Any student **or employee** not satisfied with the decision of the principal/designee may
117 request a review of the record by the superintendent/designee. This request for
118 review of the record must be in writing and presented to the superintendent/designee
119 within five (5) school days after the principal's decision.
120
- 121 5. Within five (5) school days after receiving the written request to review the record,
122 the superintendent/designee may attempt to gather more evidence necessary to decide
123 the case, and thereafter impose any sanctions deemed appropriate, including a
124 recommendation to the Board for termination or suspension for **a** charged employee.
125 The written decision of the superintendent/designee will be given to the grieving

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126 party no later than fifteen (15) school days after receiving the request to review the
127 record.

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129 Any violation of this policy is considered serious and appropriate action will be taken in
130 response. Students and employees are expected to comply with the behavior standards
131 established by Board policy and the Student Code of Conduct. Students or employees in
132 violation of this or any affiliated policy or the Student Code of Conduct will be
133 disciplined in accordance with Board policy.

134
135 The principal is responsible for reporting and documenting verified acts of bullying,
136 harassment or hazing on the Annual School Violence Report. Responsibility also extends
137 to providing students, parents, and school staff access to this policy and relevant
138 procedures in writing. All Transylvania County employees shall report any known
139 violations of this policy to the school principal or the Policy Chairman.

140
141 **D. TRAINING**

142
143 The Board directs the superintendent to establish training and other programs that are
144 designed to help eliminate bullying, harassment, hazing and discrimination and to foster
145 an environment of understanding and respect for all members of the school community.
146 Information about this policy and related complaint procedures must be included in the
147 training plan.

148
149 **E. NOTICE**

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151 The superintendent is responsible for providing effective notice to students, parents and
152 employees of the procedures for reporting and investigating complaints of bullying,
153 hazing and discrimination. This policy shall be posted on the school system’s website
154 and copies of the policy shall be available in the principal’s office, the media center at
155 each school and the superintendent’s office. Notice of this policy shall appear in all
156 student handbooks and in any school publication that sets forth the comprehensive rules,
157 procedures and standards of conduct for students.

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159 **F. NO PROTECTED CLASS**

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161 Nothing in this policy shall be construed to create any classification, protected class,
162 suspect category or preference beyond those existing in state or federal law or case law.
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INTERPERSONAL HUMAN RELATIONS AND ~~STUDENT~~ GRIEVANCE PROCEDURES

FILE: ACB-R

- 166 1. ~~A staff member who witnesses a violation of this policy shall report the incident~~
167 ~~immediately to the principal. Failure to report shall be a violation of the policy and may~~
168 ~~warrant disciplinary action.~~
169
170 2. ~~All matters involving interpersonal human relations complaints shall remain confidential.~~
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172 3. ~~Acts of retaliation against a student for filing a report under the provisions in this policy~~
173 ~~will not be tolerated.~~
174
175 4. ~~Information related to this policy shall be made available to all students, parents, and~~
176 ~~employees associated with Transylvania County Schools.~~
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180 APPROVED BY BOARD
181 AND EFFECTIVE 2/7/94
182 REVISED 8/16/04
183 REVISED 3/7/05
184 ~~REVISED~~ _____