

## HARASSMENT/BULLYING

### Policy: 4047

The Currituck County Board of Education is committed to providing a nondiscriminatory environment that is conducive to learning. To this end, the Board specifically prohibits bullying and harassing behavior as defined below. This policy is in addition to the Board's Sexual Harassment policy.

As used in this policy, bullying or harassing behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that takes place on school property, at any school-sponsored function, or on a school bus, and 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 environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. 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 it is bullying or harassing behavior.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any 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.

Bullying or harassing behavior is prohibited at all levels: between students, between employees and students, between peers or coworkers, between supervisors and subordinates, or between nonemployees and employees and/or students. Any person may report an act of bullying or harassment anonymously. However, formal disciplinary action may not be taken solely on the basis of an anonymous report. In addition, this policy may not be construed to allow school officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

Any student who believes that he or she has been bullied or harassed in violation of this policy should report such behavior immediately to a teacher, counselor or administrator at his/her school.

Any employee who believes that he or she has been bullied or harassed in violation of this policy should report such behavior to the principal, Director of Human Resources or Superintendent. Any supervisor who reasonably believes that an employee has been subjected to harassment in

the workplace shall report the information promptly to the Director of Human Resources or the Superintendent.

A school employee who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident as follows: 1) to the principal in the case of a student; or 2) to the immediate supervisor of the alleged bully or harasser or other appropriate school official in the case of an employee. Failure to do so make such a report may subject the employee to disciplinary action.

If the individual to whom a report under this policy is required to be made is the alleged bully or harasser, then the report should be made to that person's immediate supervisor or other appropriate school official.

All complaints of bullying or harassing behavior made by students shall be promptly and thoroughly investigated by the principal or designee. All complaints of bullying or harassing made by employees shall be promptly and thoroughly investigated by the Director for Human Resources or designee. If the individual required to investigate a complaint made under this policy is the alleged bully or harasser, the investigation shall be conducted by an appropriate school system administrator as designated by the Superintendent. If at any time during the investigation the school official investigating an allegation of harassment or bullying receives information alleging the harassment or bullying was based on sex or gender, the school official shall notify the Title IX Coordinator and any other appropriate person as required by law and Board Policy 4046/5125.

The actions taken in response to evidence of bullying or harassing behavior should be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. *Violations of this policy shall be considered misconduct* and may include long-term suspension or expulsion in the case of students and disciplinary action up to and including dismissal in the case of employees.

The Board specifically prohibits reprisal or retaliation against any individual who makes a complaint or reports an incident of bullying or harassing behavior or who participates in an investigation or grievance proceeding initiated under this policy. Reprisal or retaliation against any individual who reports an act of bullying or harassment may result in disciplinary action being taken, up to and including dismissal in the case of employees, or up to and including long-term suspension or expulsion in certain cases for students.

Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the school system's high expectations for appropriate conduct.

This policy shall be distributed annually in the Currituck County Schools Student Handbook and Employee Handbook.

LEGAL REF: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*; 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.*; Rehabilitation Act of 1973, 29 U.S.C. § 701 *et seq.*; G.S. 126-16; North Carolina School Violence Prevention Act.

ADOPTED: May 9, 2005  
REVISED: Jan. 11, 2010