

BULLYING, HARASSMENT, HAZING, AND DISCRIMINATION

It is the policy of the Buncombe County Board of Education that students and employees should not be subjected to forms of bullying, harassment, hazing, or discrimination while at school or school-sponsored activities. Furthermore the policy's intent is to address this issue in a proactive manner through the establishment of a system for educating students and staff at the school level regarding the identification, prevention, intervention, and reporting of such anti-social acts. An integrated curricular effort at the K-12 levels should enhance efforts of awareness through programs of character education and prevention of school violence.

The responsibility for effective prevention and response to acts of bullying, harassment, hazing, and discrimination lies within a collaborative effort of administrators, teachers, school staff, students, parents, school communities, and appropriate community support agencies. The process at the school level to establish educational procedures and programs should include a comprehensive representation of the participants identified above. Within such programs and procedures a focus shall be placed on training school staff and students regarding the recognition and reporting of incidents through a systematic process respective of state and federal laws.

A. APPLICATION OF POLICY

This policy applies to all students, employees and volunteers of Buncombe County Schools. Furthermore, all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the school district must comply with all applicable federal and state laws and regulations regarding nondiscrimination. Visitors also are expected to comply with applicable laws, including the prohibition against harassment and bullying of students or employees.

This policy will apply in, but is not limited to, the following circumstances:

1. while in any school building or on any school premises before, during or after school hours;
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any bus stop;
4. during any school function, extracurricular activity or other activity or event;
5. when subject to the authority of school personnel;
6. while using school or personal electronic communications; and
7. any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

B. DEFINITION

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

1. *Actual or Perceived Differentiating Characteristics:* This includes but is not limited to: race, color, religion, ancestry, national origin, gender, sex, age, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, pregnancy or mental, physical development or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics.
2. *Bullying:* Bullying is deliberately hurtful behavior repeated often over a period of time or on isolated occasions, where a student or group of students deliberately intimidate, threaten or harass another student. Acts of bullying may be psychological or physical in nature and occur in the form of written, spoken, or gestured words. Bullying may include, but is not limited to, acts as defined in this section that are reasonably perceived as being motivated by an actual or perceived differentiating characteristic or by association with a person who has or is perceived to have a differentiating characteristic. Examples of these behaviors include, but are not limited to taunting, intimidation, cyber harassment, rumor spreading, extortion of money or personal items, and playing abusive tricks. Bullying is a form of harassment.
3. *Electronic Communications:* Electronic communications apply to employee and student e-mails, text messaging, instant messaging, chat rooms, blogging, websites and social networking websites (i.e. MySpace or Facebook).
4. *Harassment:* Harassment is unwanted, unwelcomed and uninvited behavior, including gestures, written, electronic or verbal communications, or any physical act or any threatening communication that places the person in actual or reasonable fear of harm to his person or property or that results in a hostile environment that interferes or impairs the person's educational or work environment. A hostile environment can be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassing behavior may include, but is not limited to, acts as defined in this section that are reasonably perceived as being motivated by an actual or perceived differentiating characteristic or by association with a person who has or is perceived to have a differentiating characteristic. Examples of harassing behavior include, but are not limited to, epithets, derogatory comments or slurs and lewd propositions, assaults, impeding or blocking movement, offensive touching or any physical interference with normal work or movement and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassing behavior. See also Policies 461-Student Sexual Harassment and 745-Employee Sexual Harassment for further definitions.

Adopted – March 3, 2005
Revised – June 30, 2008
Revised – January 7, 2010

Page 2 of 4 Pages

5. *Hazing*: GS 14-35. It is unlawful for any student in attendance at any university, college, or school in this State to engage in hazing, or to aid or abet any other student in the commission of this offense. For the purpose of this section hazing is defined as follows: "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group." Any violation of this section shall constitute a Class 2 misdemeanor. Hazing is a form of harassment.

6. *Discrimination*: Discrimination means any act that unreasonably and unfavorably differentiates treatment of others based on their membership in a socially distinct group or category such as race, ethnicity, sex, religion, age or disability.

C. PROHIBITED CONDUCT AND COMPLAINT PROCEDURES

Students, employees, volunteers and visitors are expected to behave in a civil and respectful manner. The Board expressly prohibits unlawful discrimination, bullying, harassment and hazing as defined in this policy. Any violation of this policy is considered serious and appropriate action will be taken in response. The Board also prohibits retaliation against a student or an employee who exercises any rights made available through state or federal law, including prohibiting retaliation for reporting violations of this policy.

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed, or bullied in violation of this policy must report the offense immediately to the appropriate administrator or supervisor. An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action. Students and parents are encouraged to submit any complaints of discrimination, hazing, harassment, bullying or retaliation to the school principal. Complaints or reports may be made anonymously. If for any reason, the student is not comfortable reporting to the school principal, then the complaint should be reported to the Associate Superintendent for the Buncombe County School System. This individual may be contacted by calling the Buncombe County Schools Administrative Offices at 255-5884.

BUNCOMBE COUNTY SCHOOL BOARD POLICY	STUDENTS Bullying, Harassment, Hazing, and Discrimination	464
--	--	------------

The principal or appropriate supervisor will promptly initiate an investigation of the complaint. The consequences and appropriate action for a person who engages in discrimination, harassment, hazing, bullying, or retaliation shall be determined by the principal or appropriate supervisor after consideration of the nature and circumstances of the act, in accordance with applicable federal, state, or local laws, policies and regulations, including the Student Code of Conduct/Student Handbook. Students are expected to comply with the behavior standards established by Board policy and the Student Code of Conduct. Students in violation of this policy or the Student Code of Conduct will be disciplined in accordance with the Code of Conduct. Employees who violate this policy will be subject to disciplinary action, up to and including dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement.

If appropriate, the person making the complaint shall be notified of the results of the investigation and what, if any, disciplinary action the school system shall take against the individual accused of bullying, harassment, hazing or discrimination.

The principal is responsible for reporting and documenting verified acts of bullying or hazing on the Annual School Violence Report. Responsibility also extends to providing students, parents, and school staff access to **Policy 464** and relevant procedures in writing.

D. NOTICE

The Superintendent shall include a copy of this policy in all student and employee handbooks and, in his discretion, shall make it available by other reasonable means. Nothing in this policy shall be construed to create any classification, protected class, suspect category, or preference beyond those existing in state and federal law or case law.