

STUDENT RULES AND REGULATIONS Grades 9-12

It is necessary for all students to abide by the rules and regulations established. The purpose of these rules and regulations is to promote an atmosphere conducive to learning and proper behavior. The following rules and regulations are adopted as county procedures for dealing with discipline situations in the 9-12 grades of Columbus County Schools.

Every student is expected to follow all instructions and directions given by teachers, the administration, or other school employees. This includes the school policies presented in this handbook and those conveyed orally by the teachers, substitute teachers, student teachers, school employees, or administrators. More importantly, students are expected to discipline themselves and assume full responsibility for their participation in the total school program. Infractions of written or verbal policies will be handled according to the established procedure to be found in the student handbook. Each student must be handled according to the established procedure to be found in the student handbook. Each student must remember that he is a student and is expected to conduct himself accordingly.

The following rules and regulations are recommended punishments. **The principal has the discretion to interpret and implement the following policies. Schools without ISS will modify the consequences as needed. Recorded offense may result in recommendation for Alternative Academy.**

COUNTY POLICY

Procedures for Implementing the Code of Conduct

Under 16 years of age

1. Most cases will be handled by the local administration using their best judgement.
2. If suspension is involved, parents are to be called immediately.
3. For a student under 16, the principal can suspend a child and file a referral for a juvenile petition with juvenile services if the offense is of such nature to warrant more than suspension.
4. All rules apply at school during transportation to and from school and during extracurricular activities.
5. Mandatory metal detector and book bag checks will be held.

16 years of age and over

1. After a disturbance, investigate and call parents if necessary.

2. If the principal deems necessary, then call the sheriff's department.
3. If the sheriff's department is called, they will do a brief investigation and where appropriate, issue a citation to the parties involved. (These citations serve purpose as a warrant. The student will have to appear in court).
4. The principal may suspend the student if warranted.
5. Once a citation has been issued, further contact will be with the sheriff and the parties involved. School personnel will serve only as witnesses when subpoenaed.

Gang Awareness/Activity

Gang activity, dress, and/or signs which may cause:

- A disruption in the learning environment
- Create or cause disruptive or aggressive behavior
- Lead to violence or illegal activity will not be tolerated. Consequences will be at the discretion of the principal.

First Offense: 3 days ISS/OSS/meet with parents
Second Offense: 5 days ISS/OSS
Third Offense: 10 days OSS, Recommendation for Alternative Academy.

A. ASSAULT

Pushing or shoving.

First offense: 3 days ISS/OSS
Second offense: 5 days ISS/OSS
Third offense: 10 days, Recommendation for Alternative Academy

B. BOMB THREAT

First offense: Recommendation for expulsion. Call Law Enforcement. File Juvenile petition. Recommendation for Alternative Academy.

C. CHEATING

Cheating includes having a copy of a test about to be given, using notes during a test (without permission), or other evidence of any dishonest practice.

First offense: 3 days ISS, plus a zero will be recorded for the given test. Club constitutions, character, etc. may call for additional penalties and parent contact.

Second offense: 5 days ISS/OSS, plus a zero will be recorded for the given test, parent conference. Club constitutions, character, etc. may call for additional penalties.

Third offense: 10 days ISS/OSS, plus a zero will be recorded for the given test

D. CONFRONTATIONAL FUSSING

Students become loud and boisterous toward each other causing other students to gather with the possibility of a fight occurring.

First offense: 3 days ISS/OSS, same day informal suspension, parent called

Second offense: 5 days ISS/OSS, same day informal suspension, parent conference

Third offense: 10 days OSS, Recommendation for Alternative Academy.

E. ASSEMBLIES

1. Follow assembly instructions as given to you by a teacher, administrator, or adult speaker.
2. Sit where you are assigned to sit. Sit only with the class with which you go to the assembly.
3. Avoid talking, yelling, clapping, or indicating your approval or disapproval when such is not appropriate
4. Honor and respect the dignity of the program.

First Offense: 3 days ISS/OSS

Second Offense: 5 days ISS/OSS

Third Offense: 10 days ISS/OSS, Recommendation for Alternative Academy.

F. UNAUTHORIZED AREA

Being in the auditorium, gym, classroom, restroom, hall, parking lot, bus courtyard, main lobby, front entrances, or any designated area without permission.

First Offense: 3 days ISS/OSS

Second Offense: 5 days ISS/OSS

Third Offense: 10 days ISS/OSS, Recommendation for Alternative Academy.

G. COMMON AREAS

In order to protect property, maintain an orderly relationship among students, establish a clean eating environment, and make everyone's lunch break a pleasant and enjoyable time, we ask your cooperation with the following rules:

1. Do not sit on tables or on the back of chairs. Do not "beat" on the tables or stand or walk on them.

2. Put all trays, trash, and food scraps in their proper places once you have eaten.
3. Cooperate with the cafeteria staff and follow instructions given by teachers and administrators
4. Do not break line
5. Use only appropriate language, no profanity or vulgarity

H. FAILING TO KEEP HANDS AND FEET TO SELF/BODY FLUIDS

(Hitting, kicking, shoving, pushing, pinching another person, biting, spitting, etc.)

First Offense: 3 days ISS/OSS
Second Offense: 5 days ISS/OSS
Third Offense: 10 days OSS, Recommendation for Alternative Academy.

I. FAILURE TO SIGN OUT WHEN LEAVING SCHOOL EARLY

Regarded the same as skipping

First Offense: 3 days ISS/OSS, Parent called.
Second Offense: 5 days ISS/OSS
Third Offense: 10 days OSS, Recommendation for Alternative Academy.

J. REFUSAL TO ATTEND ISS

Recommend Alternative Academy or recommendation for expulsion

First Offense: 5 days OSS
Second Offense: 10 days OSS, Recommendation for Alternative Academy

K. REFUSAL TO IDENTIFY SELF

First Offense: 3 days ISS/OSS
Second Offense: 5 days ISS/OSS
Third Offense: 10 days OSS, Recommendation for Alternative Academy.

L. DISRUPTION

A student shall not, by noise, coercion, intimidation, fear, passive resistance, or any other conduct, cause substantial and material disruption or obstruction of any lawful right, mission, process, or function of any school, school bus (throughout these rules, "school bus" means any bus, public or private, being used at the time for school purposes), school personnel or student: nor shall any student engage in such conduct in an attempt to cause any such disruption or obstruction; nor shall any student urge others to engage in any such disruptive or obstructive conduct.

First offense: 3 days ISS/OSS
Second offense: 5 days ISS/OSS
Third offense: 10 days OSS, Recommendation for Alternative Academy.

M. DISRESPECT TO STAFF/INSUBORDINATION

A student shall not direct to any school personnel or other adult language which is abusive, profane, or insulting. Students will comply with the reasonable requests of their teachers. Magnitude of offense will determine the extent of punishment.

First offense: 3 days ISS/OSS
Second offense: 5 days ISS/OSS
Third offense: 10 days OSS, Recommendation for Alternative Academy.

N. DRUG POLICY (STUDENTS)

1. Statement of belief

The Columbus County Board of Education has the responsibility of creating an atmosphere conducive to learning in our public schools. It further believes that the use of illicit drugs and alcohol is harmful, and that drug-free schools lead to drug-free communities. Therefore, with this in mind, the Columbus County Board of Education requires that all K-12 teachers within the Columbus County School System incorporate the drug education prevention/intervention strategies and curriculum provided through the Drug Free Schools and Communities Act of 1986 within their regular classroom content areas, and use all available resources to enhance the “no drug” message within all classrooms as appropriate.

2. Possession, use, and/or sale of drugs including alcohol

a. No student shall possess, use, transmit, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or other drug defined as a controlled substance pursuant to Chapter 90 of the North Carolina General Statutes, or any alcoholic beverage or other intoxicating liquor, as defined in Chapter 18A of the North Carolina General Statutes, or possess, use or transmit drug paraphernalia, as defined in Chapter 90 of the North Carolina General Statutes, or inhale or ingest any chemicals or products with the intention of bringing about a state of exhilaration or euphoria while in any school building, on any school premises, on any school bus, or off the school grounds at any school activity, function, or event before, during or after school hours, or during any period of time when he/she is subject to the authority of school personnel, unless such possession, use or transmission is authorized by law and school regulations.

(1) The word “possession: shall mean having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to, the

possession of a prohibited substance in a student's automobile, locker, book bag, desk, or on a student's person at school or any school-related activity.

- (2) The word "use" shall mean the consumption, injection, inhalation, or absorption of a prohibited substance into a student's body by any means at any time when they prohibited substance would influence a student's behavior to any degree at school or a school-related activity.
- (3) The word "sale" shall mean the exchange of a prohibited substance for money or other consideration.

b. Over the counter medication/prescribed drugs/counterfeit controlled substance

- (1) No student shall distribute to any student an over the counter medication in their possession. Any student caught distributing over-the-counter medication to another student shall mean a 3 day out-of-school suspension. At the principal's discretion, this may be adjusted to a 5 day period in ISS.
- (2) Use of a drug authorized by a valid medical prescription from a registered physician shall not be considered a violation of this rule when the drug is taken by the person for whom the drug is prescribed. All medications at school should be in pharmacy labeled and dispensed containers with the name of physician, date, name of medication, time and directions for administration, and student's name.

c. Definition – prohibited substances include:

- (1) Wine, beer, and any other malt beverage, alcohol, liquor, liqueurs, and mixed alcoholic beverages
- (2) Any chemical compound which will induce a condition of intoxication when inhaled for the purpose (see NCGS 90-113.10)
- (3) Any drugs listed in the North Carolina Controlled Substance Act (NCGS 90-86 et. seq.) or its successor but not necessarily limited to: narcotics depressants, stimulants, hallucinogens, and cannabis which drugs are commonly known as: marijuana, acid, LSD, speed, Quaaludes, Valium, and other names: i.e., any substance which the student represents by reference or otherwise as being a controlled substance

d. Possession or use of a prohibited substance first offense

Violation of the above policy will mean an automatic 10-day out-of-school suspension and possible recommendation for placement in the Alternative Academy. In addition to the out-of-school suspension the student and parent/guardian must obtain a substance abuse evaluation by Columbus County

Mental Health Center and participate in any recommended treatment and assume/pay the cost thereof. If a student or parent/guardian should decide against the program, the school will be notified and the principal may recommend expulsion.

The student also will be prosecuted under the juvenile or criminal laws of the state.

e. Second offense

The second offense will mean an automatic expulsion from school programs for the remainder of the year from all Columbus County Schools. In addition, in regards to possession, the student will be prosecuted under the juvenile or criminal laws of the state.

f. Sale of a prohibited substance

(1) Any student caught selling, with the intent to sell, or distributing illegal drugs shall be expelled for the remainder of the school year without the option of attending any school under the jurisdiction of the Columbus County Board of Education. Also, the student will be prosecuted under the juvenile or criminal laws of the state.

(2) The above policies will be enforced in grades 9-12 and/or 12 years of age in any grade. If the offender is a child below grade 7 and/or under 12 years of age, the Superintendent and/or principal may consider this a factor which can justify a less serious disciplinary action.

3. Notification and involvement of parents/law enforcement officers

a. Notification and involvement of parents

(1) The principal or his/her designee shall notify as soon as possible the parent/guardian of a student who has violated or is believed to have violated the above policy.

(2) Following this notification, a scheduled conference will be held with all involved persons.

b. Notification and involvement of law enforcement officials

(1) The principal or his/her designee shall inform the appropriate law enforcement agency when the controlled substance is possessed, used, sold or distributed at school or at any school related activity.

(2) Any controlled substance confiscated by school officials shall be turned over to the police or sheriff for identification, if necessary, and for

disposal. A signed receipt should be requested from the law enforcement officer. The report of the law enforcement agency attesting to the nature of any confiscated substance shall be admissible as prime factual evidence of the identity of the substance at any student disciplinary hearing.

- (3) School officials shall assist the law enforcement officials with prosecution of any person who has possessed, used, distributed, sold or who is believed to have sold any controlled substance at school or a school-related activity.

4. Policy violations during the last ten (10) days of school

Students whose violations meet the criteria for long-term suspensions, during the last ten (10) days of school shall be suspended for the remainder of the year and allowed to take their exams after the end of the normal 180 days of instruction but before the teachers leave for summer vacation. The student and his or her parent/guardian must complete a substance abuse evaluation offered by the Columbus County Mental Health Center before his/her grades are finalized and transcripts and/or diplomas made available. In addition, a senior whose violation meets the above criteria during the last ten (10) school days or at any school related function after the end of the normal school year shall not participate in any remaining school related activities, including graduation ceremonies.

5. Authority of school officials to search

- a. Lockers and Desks: School officials have the authority to search a student's locker and desk at any time. Students should have no expectation of privacy with respect to lockers and desks and shall be made aware of the condition. If a search is made of a locker or desk, it shall be made in the presence of the school administration and with a written record of the results of the search.
- b. Personal possessions of students may be searched under reasonable suspicion of possession of a controlled substance. There shall be no frisk or strip searches. All searches shall be made in the presence of another staff member and not in the presence of the class. A written record of the results of the search shall be made.
- c. Schools which allow students to drive to school shall require a permit. This permit must give consent for searches of vehicles driven to school if there is a reasonable suspicion that they may contain prohibited substances. All searches shall be made in the presence of a member of the school administration. A written record of the results of the search shall be made.

6. A list of the in-county and out-of-county agencies, public and private, will be on file at the Columbus County Board of Education for persons who are interested in

receiving help with their drug/alcohol problem. The contact person for this list is the Drug/Alcohol Abuse Coordinator and this office is located at the Central Office.

7. Annual notification of parents, students and periodic review of Board policy
 - a. Parents and students will receive annual notification through the student handbook that compliance with this policy is mandatory, and disciplinary sanctions will be consistently reinforce.
 - b. This policy and the programs covered will be periodically reviewed to determine effectiveness.

8. Methamphetamine protocol and strategic plan

Methamphetamine is a stimulant that can be snorted, smoked, taken orally or injected. Methamphetamine is the most common illicit amphetamine and is the most commonly synthesized controlled substance. Most of the chemicals needed to produce methamphetamines are easily obtained or can be manufactured in secret often in vehicles, abandoned buildings, and individual homes. The chemicals present hazards both during the production process and during disposal.

In an effort to combat the growing crisis of methamphetamine use and the multiple locations of methamphetamine labs, Columbus County Schools has developed a guide which will serve as a resource for all employees. This guide contains several strategic initiatives to provide a clear understanding of roles and responsibilities if methamphetamine use or exposure is detected. The plan will consist of three elements: Public Awareness, Training, and a Response Plan.

Columbus County Schools will develop a committee responsible for developing initiatives for public awareness, training, and a response plan. This will include training for all employees of the Columbus County School system in the proper procedures in detection or use of methamphetamine. Increasing public awareness of methamphetamine use and production will be addressed as well as who to contact and when contact is necessary.

- a. Public Awareness

Columbus County Schools will produce a flyer to distribute to all school employees. It will include telephone numbers of local agencies that need to be contacted as well as proper procedures when dealing with the use or detection of methamphetamine. It will include tips for recognizing methamphetamine use and procedures to follow if one should come in contact with methamphetamine. Steps to take if children have been exposed will also be included.

b. Training

Every employee of the Columbus County School system will be trained annually to review procedures when exposed to methamphetamine. It will also include current information relating to use and detection of methamphetamine. Specific training will be provided for first responders as well as those whose jobs may take them to residents where methamphetamine may be detected. Training will also be included if children have been exposed.

c. Response Plan

A strategic plan developed by a committee of Columbus County School employees will contain specific protocol when dealing with children or school employees who have been exposed to methamphetamine.

d. Protocol

(1) Assessment of Scene by School Personnel - Not on School Property

Procedures will be as follows:

- Recognize location as methamphetamine site
- Vacate immediately
- Do not remove any items from location
- Find a safe location and call school administrator
- School administrator will call 911 for law enforcement
- Alert law enforcement if children are involved
- School administrator will contact school superintendent
- Follow law enforcement protocol
- After situation has been assessed by law enforcement and children have been assessed—responders should consult with their medical provider for an individual evaluation

(2) Assessment of Scene by School Employee - On School Property

Procedures are as follows:

- Recognize location as methamphetamine site
- Vacate immediately
- Do not remove any items from location
- Contact school administrator immediately
- School administrator will contact school resource officer
- School resource officer will call 911 for additional law enforcement
- Alert law enforcement if children are involved
- Follow law enforcement protocol

- After situation has been assessed—responders should consult with their medical provider for an individual evaluation

(3) Exposure to Children

For children who are not injured or ill:

- Perform a basic assessment of the situation
- Check vital signs—temperature, blood pressure and pulse
- Assess for heat or chemical burns
- Clothing should be changed from outside the methamphetamine site
- Alert School Social Worker to contact Department of Social Services
- If exposure is severe--call 911 for transport of child to hospital
- If exposure is limited—contact parents encouraging them to seek evaluation from their medical provider
- Alert school administrator if children other than those residing in residence are involved

O. EXTORTION/INTIMIDATION/BULLYING/HARASSMENT

A student shall not obtain or attempt to obtain from a person, by force or threat, money or other property, devices or considerations of any sort, nor shall a student frighten or deter by or as if by threats. Please refer to Columbus County Schools prohibition against discrimination, harassment and bullying policy *code: 1710/4021/7230*.

First offense: 5 days OSS
Second offense: 10 days OSS, Recommendation for Alternative Academy.
Recommendation for expulsion

P. FALSE FIRE ALARM

First offense: 10 days OSS, call law enforcement
Recommendation for expulsion

Q. FELONIES

Any student, who has been charged with a felony and is waiting the disposition of the case by court, will be automatically suspended. If the suspension exceeds 10 days, the student may apply for admission to the Alternative Academy. Students are suspended from the public school until the case has been settled.

R. FIGHTING

In the event a fight breaks out, students are advised to move away from the area of the disturbance, tend to their own business, and not get in the way of administration or teachers who are trying to deal with the situation. Standing around, standing on tables,

standing in aisles so as to hinder school officials, and refusing to leave the scene when asked to do so are violations of the no fighting policy. If it can be determined by clear and convincing evidence who instigated a fight, that person may be punished to a greater degree than others involved in the fight. The amount of punishment will be at the principal's discretion. This does not absolve any parties in the fight from their role. All parties involved in a fight will be disciplined.

First offense: 5 days OSS
Second offense: 10 days OSS, Recommended for Alternative Academy
Recommendation for expulsion.

S. FIREWORKS/SMOKEBOMBS OR SIMILAR DEVICES

Students who are found with fireworks in their possession, or who discharge fireworks on the school grounds, are subject to suspension and/or expulsion. Call law enforcement.

First offense: 10 days OSS, Recommendation for Alternative Academy.
Recommendation for expulsion.

T. HORSEPLAYING, WRESTLING

First offense: 3 days ISS/OSS
Second offense: 5 days ISS/OSS
Third offense: 10 days OSS, Recommendation for Alternative Academy.

U. INAPPROPRIATE AFFECTION

First offense: 3 days ISS/OSS
Second offense: 5 days ISS/OSS
Third offense: 10 days OSS, Recommendation for Alternative Academy.

V. INITIATING A FIGHT/BOOSTING A FIGHT, CARRYING NEWS/CAUSING DISSENSION

Any student who encourages, aids or abets any conduct which may or does result in physical violence against any person. Law Enforcement may be called. If it can be determined by clear and convincing evidence who instigated a fight, that person may be punished to a greater degree than others involved in the fight. The amount of punishment will be at the principal's discretion. This does not absolve any parties in the fight from their role. All parties involved in a fight will be disciplined.

First offense: 3 days ISS/OSS
Second offense: 5 days ISS/OSS
Third offense: 10 days OSS, Recommendation for Alternative Academy.

W. LEAVING CLASS WITHOUT PERMISSION

First offense: 3 days ISS/OSS
Second offense: 5 days ISS/OSS
Third offense: 10 days OSS, Recommendation for Alternative Academy.

X. MODE OF DRESS

1. General Grades 9-12

Clothing or jewelry must be age-appropriate, not disruptive to the teaching-learning process, and cannot be provocative, revealing, indecent, vulgar, or obscene.

- a. For sanitary and safety reasons and in accordance with State Health regulations, all children are required to wear shoes to school.
- b. Dress for special school sponsored activities that occur outside the regular school day may be determined and regulated at the discretion of the principal.
- c. Sunglasses and hats are not to be worn inside. Headdress including kerchiefs, bandanas, sweatbands, and rags are not allowed.
- d. There shall be no jewelry or any other article affixed to a student's nose, tongue, lips cheek, eyebrow, or any other visible part of the body, with the exception of the ears. Articles on the ears must not promote alcoholic beverages, tobacco, or the use of controlled substances, depict violence, or are of a sexual or disruptive nature.
- e. All tattoos must be covered.
- f. No article shall be worn in the eyes other than medically prescribed corrective lenses.
- g. All Shirts and blouses must be appropriately tucked in.
- h. All pants that are made with belt loops must be worn with an appropriate length belt.
- i. All belts buckles must not exceed the width of the belt worn.

2. Grades 9-12

Clothing will not be allowed which promotes alcoholic beverages, tobacco, and the use of controlled substances, depicts violence, is of a sexual nature, or is of a disruptive nature.

- a. Clothing must not disrupt the learning environment and must be free of any provocative or suggestive symbols, words, slogans, and advertisements. Additionally, clothing that is torn, cut, sliced, or shredded is unacceptable. Altered gloves, chains, spikes, or any other accessories that would interrupt the learning environment are not acceptable.
- b. Leggings may not be worn.
- c. Garments for the upper body section must be attractive, neat, and, as a minimum, cover the upper torso. These garments include shirts, blouses, and any other appropriate apparel. Tank tops and halter tops are not to be worn at school.

Penalties for Body Piercing, Tattooing, Eye Lenses other the Prescribed Corrective Lenses and mouthpieces

First Offense:	3 days ISS/OSS, Parent Notification
Second Offense:	5 days ISSOSS
Third Offense:	10 days OSS, Recommendations for Alternative Academy.

Y. PROFANITY/INSULTING GESTURES

Punishment depends on severity.

First offense:	3 days ISS/OSS
Second offense:	5 days ISS/OSS
Third offense:	10 days OSS, Recommendation for Alternative Academy.

Z. RADIOS, TAPE PLAYERS, WALKMANS, CAMERAS, CELL PHONES, PAGERS, BEEPERS, IPODS AND OTHER ELECTRONIC DEVICES

The school is not responsible for the loss of any electronic devices.

Unauthorized electronic devices not allowed during the instructional day include but are not limited to: calculators with a typewriter-style (QWERTY) keyboard, calculators that include a computer algebra system (CAS) and are capable of doing symbolic algebra, cell phones (including cell phones with calculators), handheld microcomputers, pen-input devices (such as personal digital assistants, tablets, or pen scanners), digital cameras (or devices that have cameras) or laptop/notebook computers.

Punishment may be used at the discretion of the principal.

Any such item will be confiscated and may be returned to parents, at the discretion of the principal.

First offense:	Take up and return to parents
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Second offense: Keep until end of school year

AA. SKIPPING CLASS

A student who does not have his parents' or guardians' permission to miss school (the whole day or any portion of it) or to leave campus after arriving is skipping. Everyone must sign out in the office.

First offense: 3 days ISS/OSS

Second offense: 5 days ISS/OSS

Third offense: 10 days OSS, Recommendation for Alternative Academy.

BB. STEALING

ISS/OSS, Law Enforcement at principal's discretion.

CC. SEXUAL HARASSMENT

Verbal, written, or physical conduct which is sexual in nature. Principal/designee should be contacted immediately for determination of facts. Magnitude of offense will determine the extent of punishment.

First Offense: 3 days ISSOSS

Second Offense: 5 days ISS/OSS

Third Offense: 10 days OSS, Recommendation for Alternative Academy.

DD. TARDIES

Tardy 1: Warning

Tardy 2: Warning

Tardy 3: 1 day ISS

Tardy 4: 2 days ISS

Tardy 5: 3 days ISS

The principals have the discretion to interpret and implement the following policies. Schools without ISS will modify the consequences as needed. Repeated offenses may result in recommendation for Alternative Academy.

EE. THREATS TO STUDENTS/BULLYING

A student shall not direct, to any student/staff, language which threatens force, violence, or bodily harm, language which is abusive, profane, or insulting; sign gestures or acts which constitutes a threat of force or violence. Students will comply with the reasonable request of their teachers. Magnitude of offense will determine the extent of punishment.

First Offense: 3 days ISSOSS
Second Offense: 5 days ISS/OSS
Third Offense: 10 days OSS, Recommendation for Alternative Academy.

FF. VANDALISM

Destruction of school property is a violation of public law, as well as school regulations.

First offense: 3 days ISS/OSS, plus restitution
Second offense: 5 days ISS/OSS, plus restitution
Third offense: 10 days OSS, Recommendation for Alternative Academy and restitution.

GG. TOBACCO

The possession or use of tobacco and non- tobacco products at school is a violation of the Columbus County Board of Education policy. (See attached policy.) Penalties are a follows:

First offense: 3 days ISS/OSS, Parent notification
Second offense: 5 days ISS/OSS
Third offense: 10 days OSS, Recommendation for Alternative Academy

HH. WEAPONS

The local school board requires that for any student who possesses a firearm or who brings a weapon onto school property will be suspended for 365 days. The local superintendent can modify the suspension on a case-by-case basis. The local Board of Education can provide an alternative school setting for any student removed under this act.

Any student who possesses a weapon, facsimile of a weapon, an object through which its usage becomes a weapon, and then attempts to inflict serious injury upon another student, or creates disruption in the school environment may automatically result in a warrant sought against the student. Punishment, depending upon the type of weapon may result in ISS, OSS, or expulsion.

II. SCHOOL BUSES

School buses are operated for the safe transportation of students traveling to and from school and school activities. Riding the bus is a privilege, which may be revoked when the general conduct of the student is detrimental to the safety and comfort of others on the bus.

General

1. Each student is required to ride his/her assigned bus and get on and off at his/her designated stop.
2. A student may be allowed to ride a bus other than the assigned bus and/or get off at a stop other than the designated stop if the student has written permission from the parent, approved by the school principal.
3. Students are under the authority of the school board while riding the bus and while waiting at the bus stop.

Meeting the School Bus

1. Students should be at their bus stop at least five minutes before the bus is scheduled to arrive.
2. Students should stand away from the road when waiting for the bus.
3. Student behavior, at the bus stop, should be comparable to behavior expected at school.
4. Students must wait until the bus has stopped and walk to the front door. Students must not run along the side of a moving bus.

If the students are to board the bus across the road from a bus stop, they must proceed as follows:

- a. Wait until the bus has come to a complete stop.
 - b. Walk to ten feet or more in front of the bus and wait for a signal from the bus driver to cross the road. Students should cross only in front of the bus.
5. Students should board the bus in an orderly manner and be seated as quickly as possible.

Conduct on the Bus

1. While riding on a bus, students are subject to all rules and regulations.
2. The bus driver is in charge of all passengers and has the authority to assign seats and make other arrangements deemed necessary to maintain a safe and orderly environment. Students are required to obey the directions of the driver.
3. Students should remain seated unless granted permission to stand, by the driver.

4. Students must not engage in any behavior on the bus that might distract the driver or cause a safety hazard. This includes any form of misbehavior, rule violation, loud talking or laughter, or talking to the bus driver while the bus is in motion (except in an emergency).
5. Waving or shouting to others, extending arms, legs, head, or objects through the window, or riding on the outside of the bus is prohibited.
6. Food and beverages of any type are not to be consumed on the bus.
7. Radios, televisions, tape players, IPODs, MP-3 players, cell phones and other items that may cause problems such as water bottles or pistols, noisemakers, etc. are similarly prohibited.

Leaving the bus

1. Students are to remain seated until the bus has come to a full stop. They must leave the bus in an orderly manner with students in the front seat leaving first.
2. Students should go directly home when leaving the bus.

Consequences of Misbehavior on the Bus

- First offense:
- a. A conference will be held to determine the facts.
 - b. A warning or bus suspension may be assigned.

Repeated offenses: All of the above and possible revocation of bus riding privileges for the remainder of the year.

SUSPENSION OF STUDENTS

If students persistently misbehave they may be suspended from school and their return contingent upon parents or guardians having a conference with their principal. Prior to their suspension, the principal shall give students notification of charges against them, and if students deny them, they will be given explanation of the evidence against them and an opportunity to present their side. However, in case the students are presenting a clear and present danger of disruption, the principal or designee shall have the option of suspending immediately. In this case, the necessary notice and hearing will follow as soon as possible.

Students and their parent/guardian have the right to appeal to the Superintendent regarding the suspension.

Short term suspension: Suspension from school for a period not exceeding 10 days.

Long term suspension: Suspension from school for a period exceeding 10 days and approval by the Superintendent.

Expulsion: A means by which the Board of Education may permanently bar a student from school. Three criteria are established for such action.

1. Must be at least 14 years of age.
2. Has been convicted of a felony.
3. Constitutes a clear threat to the safety and health of other students or employees.

Procedures before Suspension

Before a student is suspended, the principal or designee must talk to the students in person, and the conversation must include the following:

- a. The student shall be informed of the act or conduct that is in violation of the stated school board policy or regulation and which gives rise to the question of suspension.
- b. The principal or designee shall make sure that the conversation informs the student of the basis for the belief that the student committed the offense.
- c. The student shall be afforded the opportunity to present his/her version of what occurred.

Criteria for Suspension

The suspension shall meet the following criteria:

- a. The suspension shall not exceed 10 school days.
- b. The principal or designee shall inform the student, the student's parent/legal guardian, and the Superintendent the following, in writing:
 1. The reason for the suspension
 2. The length of the suspension
 3. The right to appeal the suspension to the Superintendent

In cases where the principal feels that the student should be kept out of school longer than 10 days, he/she shall refer the case to the Superintendent. The Superintendent will establish a hearing to determine the status of the recommendation.

Terms of the Suspension

- a. Except when a student is immediately suspended, the period of suspension shall begin at the end of the instructional day.
- b. The suspension does not end until the next school day following the student's suspension.
- c. Suspended students are not to be on school property during the period of suspension and shall not participate in any school sponsored activities.

Immediate Removal of Students

Student whose conduct poses a danger to persons or property or a continuous disruption of the academic process may be immediately removed from school. In such cases, the necessary notice hearing shall follow as soon as possible.

In cases of serious or continuous misconduct, the principal or designee may suspend a student and request a joint conference with the parent/guardian and the student.

Appeals

The parent shall have the right to appeal to the Superintendent if they feel that the suspension is unreasonable.

After receiving the decision from the Superintendent, the parent may appeal to the School Board at its next regular meeting.

Student Dress Code, Policy 4316

The board believes that the dress and personal appearance of students greatly affect their academic performance and their interaction with other students. The board requests that parents outfit their children in clothing that will be conducive to learning. Generally, dress and grooming standards as determined by the student and his or her parents will be deemed acceptable. However, the board requires that appearance and clothing comply with the following board standards.

1. For sanitary and safety reasons and in accordance with State health regulations, all students are required to wear appropriate shoes to school.
2. Dress for special school sponsored activities that occur outside the regular school day may be determined and regulated at the discretion of the principal.
3. Sunglasses and hats may not be worn inside. Headdress, including kerchiefs, bandanas, sweatbands and rags, are prohibited.
4. No article shall be worn in the eyes other than medically prescribed corrective lenses.

5. There shall be no jewelry or any other article affixed to piercings in a student's nose, tongue, lips, cheek, eyebrow or any other visible part of the body, with the exception of the ears. Articles on the ears must not promote illegal drug, alcohol or tobacco use or be provocative, obscene or substantially disruptive.
6. Visible tattooing which promotes illegal drug, alcohol or tobacco use or is provocative, obscene or substantially disruptive is not allowed.
7. Clothing which promotes illegal drug, alcohol or tobacco use or is provocative, obscene or substantially disruptive is prohibited.
8. Clothing that is torn, cut, sliced or shredded is prohibited.
9. Garments for the lower body section must be attractive and neat and must fall to at least four inches above the kneecap when the student is standing erect. These garments include dresses, skirts, shorts and any other appropriate apparel. These garments, including uniforms, must fit snugly around the waist.
10. Garments for the upper body section must be attractive and neat and, as a minimum, must cover the upper torso. These garments include shirts, blouses and any other appropriate apparel. Tank tops and halter tops may not be worn at school.

A student who is not in compliance with this policy or a school dress code will be given a reasonable period of time to make adjustments so that he or she will be in compliance. Failure to comply will result in the student being removed from school until his or her appearance or clothing meets school system policy or rules. The student's parent or guardian will be notified prior to any such removal.

Legal References: G.S. 115C-47, -390, -391

Cross References: School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted: February 22, 2010

DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT PROCEDURE

Policy Code: 1720/4015/7225

The board takes seriously all complaints of unlawful discrimination, harassment and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

A. DEFINITIONS

1. Alleged Perpetrator

The alleged perpetrator is the individual alleged to have discriminated against, harassed or bullied the complainant.

2. Complaint

A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment or bullying.

3. Complainant

The complainant is the individual complaining of being discriminated against, harassed or bullied.

4. Days

Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

5. Investigative Report

The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

6. Investigator

The investigator is the school official responsible for investigating and responding to the complaint.

7. Report

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment or bullying.

B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES

1. Mandatory Reporting by School Employees

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 policy 1710/4021/7230 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

All members of the school community including students, parents, volunteers and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment or bullying.

3. Anonymous Reporting

Reports of discrimination, harassment or bullying may be made anonymously but formal disciplinary action may not be taken solely on the basis of an anonymous report.

4. Investigation of Reports

Reports of discrimination, harassment or bullying shall be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

C. COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT OR BULLYING

1. Filing a Complaint

Any individual, who believes that he or she has been discriminated against, harassed or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

- a. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- b. an immediate supervisor if the individual making the complaint is an employee;
- c. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);
- d. the Title IX coordinator for claims of sex discrimination or sexual harassment; or
- e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability.

2. Time Period for Filing a Complaint

A complaint should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

3. Informal Resolution

The board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the procedures outlined in the remainder of this policy.

D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT OR BULLYING

1. Initiating the Investigation

- a. Whoever receives a complaint of discrimination, harassment or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:

- i. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.
 - ii. If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.
 - iii. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent or a member of the board.
 - iv. If the alleged perpetrator is the assistant superintendent for human resources, the superintendent or designee is the investigator.
 - v. If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)
 - vi. If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)
- b. As applicable, the investigator shall immediately notify the Title IX, Section 504 or ADA coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
 - c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
 - d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.

- e. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.

2. Conducting the Investigation

- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.
- b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.
- c. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

3. Investigative Report

- a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504 or ADA coordinator.
- b. The investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
 - i. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;
 - ii. as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and
 - iii. as needed, reasonable steps to protect the complainant from

retaliation as a result of communicating the complaint.

- c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
- d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 1710/4021/7230. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
- e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment or bullying.

4. Appeal of Investigative Report

- a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent for human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection E.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
- b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board will

provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

E. TIMELINESS OF PROCESS

The number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process.

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review or report. The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

F. GENERAL REQUIREMENTS

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school system officials will consider requests to hear complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.
4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.
5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

G. RECORDS

Records will be maintained as required by policy 1710/4021/7230.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 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; *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); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-407.10; State Board of Education Policy HRS-A-007

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Assaults, Threats and Harassment (policy 4331)

Adopted: December 17, 2009

**PROHIBITION AGAINST DISCRIMINATION,
HARASSMENT AND BULLYING**

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

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment and Bullying

Students, school system employees, volunteers and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment and bullying.

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

Any violation of this policy is serious, and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

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, as appropriate, in accordance with policy 5020, Visitors to the Schools.

When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide or school system-wide response is necessary. Such classroom, school-wide or school system-wide responses may include staff training, harassment and bullying prevention programs and other measures deemed appropriate by the superintendent to address the behavior.

2. Retaliation

The board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy or participating in the investigation of reported violations of this policy.

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

B. APPLICATION OF POLICY

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors and organizations doing business with or performing services for the school system.

This policy applies to behavior that takes place:

1. in any school building or on any school premises before, during or after school hours;
2. on any bus or other vehicle as part of any school activity;

3. at any bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the authority of school personnel; and
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

C. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.

2. Harassment and Bullying

a. Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any 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 environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.

“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, 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. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, harassment may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

- b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- (1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress or completion of a school-related activity;
 - (2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
 - (3) such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an employee's work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's

body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

- c. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

D. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT OR BULLYING

Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. All reports should be made in accordance with policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

E. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.

As funds are available, the board will provide additional training for students, employees and volunteers who have significant contact with students regarding the board's efforts to address discrimination, harassment and bullying and will create programs to address these issues. The training or programs should:

1. provide examples of behavior that constitutes discrimination, harassment or bullying;
2. teach employees to identify groups that may be the target of discrimination, harassment or bullying; and
3. train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, and on cell phones and the Internet.

F. Notice

The superintendent is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal's office, the media center at each school and the superintendent's office. Notice of this policy must 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. COORDINATORS

The superintendent or designee shall publish the names, office addresses and phone numbers of the "Title IX coordinator" (for sex discrimination) and the "Section 504" and "ADA coordinator(s)" (for discrimination on the basis of disability) in a manner intended to ensure that students, employees, applicants, parents and other individuals who participate in the school system's programs are aware of the coordinators. The coordinators shall coordinate the school system's efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504 or the ADA or alleging actions which would be prohibited by those laws.

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 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.*; 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; *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); *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (1730/4022/7231), Prohibition Against Retaliation (1760/7280), School Plan for Management of Student Behavior (policy 4302), Professional Employees: Demotion and Dismissal (7930), Classified Personnel: Suspension and Dismissal (7940)

Adopted: December 17, 2009