

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

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*Rescinds Policy Number:*

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The Orange County Board of Education believes that all employees and students should be free of unlawful discrimination, including harassment and bullying and cyberbullying, as a part of a safe, orderly and inviting working and learning environment. It commits itself to non-discrimination in all its educational and employment activities. The Board expressly prohibits unlawful discrimination, harassment, bullying and cyberbullying however motivated, directed toward any person or group, including, but not limited to members of a socially distinct group or category, race, sex, religion, age, national origin, sexual orientation, pregnancy, or disability.

The Board also prohibits retaliation against an employee or student who has exercised any rights made available through state or federal law, including prohibiting retaliation for reporting violations of this policy.

Any violation of this policy is considered a serious violation and appropriate action will be taken in response to a violation.

A.            Application of Policy

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 state and federal laws and regulations regarding non-discrimination. Visitors also are expected to comply with applicable laws, including the prohibition against harassment, bullying and cyberbullying of students and employees.

This policy will apply in 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; and
6. any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

B.            Definitions

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

1. Unlawful discrimination means any act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, including, but not limited to race, ethnicity, sex, religion, age, sexual orientation or disability. Unlawful discrimination may be intentional or unintentional.
2. Harassment can be a type of unlawful discrimination. Harassment is unwanted, unwelcomed, and uninvited behavior that demeans, threatens, or offends the victim. The 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 epithets, derogatory comments or slurs and lewd propositions, 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 teaching techniques are not considered harassing behavior.

3. Cyberbullying is when one or more people intentionally harm, harass, intimidate, or reject another person using technology. Examples of cyberbullying: sending mean or threatening messages to a classmate via email, IM (instant messaging), or text messages; spreading rumors about classmates through email, IM, or text messages; creating a Web site or MySpace (or other social-networking) account that targets another student; sharing fake or embarrassing photos or videos of classmates with others via a cell phone or the Web; stealing a classmate's login and password to send mean or embarrassing messages from his or her account.
4. Bullying and cyberbullying is a form of harassment. Bullying and cyberbullying means the repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted or emotional abuse or through attacks on the property of another. Bullying and cyberbullying may include, but is not limited to, verbal taunts, name-calling and put-downs, extortion of money or possessions, implied or stated threats, and exclusion from peer groups.

C. Unlawful Discrimination, Harassment, Bullying and Cyberbullying Complaint Procedures

1. Students

Students and parents are encouraged to submit any complaints of unlawful discrimination, harassment, bullying and cyberbullying other than sexual harassment, through the Appeals Policy. The complaint procedure for sexual harassment is established in the Sexual Harassment Complaint Procedure for Students.

2. Employees

Employees are encouraged to submit any complaints of unlawful discrimination, harassment, bullying and cyberbullying other than sexual harassment, through the grievance procedures established in the Employee Complaints and Grievance Policy. The complaint procedure for sexual harassment is established in the Sexual Harassment Policy.

D. Non-Retaliation

The Board prohibits reprisal or retaliation against any person who reports an act of unlawful discrimination, harassment, bullying and cyberbullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Superintendent or his/her designee, after consideration of the nature and circumstances of the act, in accordance with applicable federal, state or local laws, policies and regulations.

E. Training and Programs

The Superintendent shall designate an employee(s) to participate in training by the Department of Public Instruction pertaining to anti-discrimination, anti-harassment, anti-bullying and anti-cyberbullying. The designee will provide leadership and training in the school district regarding this policy and state requirements.

As funds are available, the board will provide additional training for students and staff regarding the Board's policy on unlawful discrimination, harassment, bullying and cyberbullying and will create programs to address these issues. The Superintendent will ensure that any training or programs provided will include identifying groups that may be the target of unlawful discrimination, harassment,

bullying and cyberbullying; identifying places at which such behavior may occur including within school buildings, at school bus stops, via the Internet, etc; and providing clear examples of behavior that constitutes unlawful discrimination, harassment, bullying and cyberbullying.

F. Notice

The Superintendent is responsible for providing effective notice to students, parents, and employees of the procedures for reporting and investigating complaints of unlawful discrimination, including sexual harassment, bullying and cyberbullying. The school district will investigate complaints of unlawful discrimination and harassment and will take reasonable steps to eliminate the unlawful discrimination or harassment.

G. Coordinators

The Superintendent or his/her designee will publish the names, addresses, and phone numbers of the “Title IX Coordinator” (for sex discrimination), “Section 504 Coordinator” (for unlawful discrimination on the basis of disability), and the “ADA Coordinator” (also for unlawful discrimination on the basis of disability) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in school district’s program are aware of the coordinators. The purpose of the coordinator positions is to provide additional protection of nondiscrimination rights. The coordinator must either (1) implement a resolution to unlawful discrimination, harassment, bullying and cyberbullying complaint, to the extent a resolution can be reached and the coordinator has the authority to implement corrective action or (2) notify the Superintendent that intervention by other school officials is required to resolve the situation.

H. Records and Reporting

The Superintendent or his/ her designee shall maintain confidential records of complaints or reports of unlawful discrimination which identify the names of any individuals accused of unlawful discrimination and the resolution of such reports or complaints. The Superintendent also shall maintain records of training, corrective actions, and/or other steps taken by the district to help provide an environment free of unlawful discrimination, harassment, bullying and cyberbullying.

The Superintendent shall report to the State Board of Education all verified cases of unlawful discrimination, harassment, bullying and cyberbullying. The report will be made through the Discipline Data Collection Report or through other means required by the State Board.

I. Diversity Programs

The Board is committed to promoting the worth and dignity of all individuals regardless of race, color, religion, national origin, sex, pregnancy, age, or disability. The Board directs the Superintendent to maintain training and other programs to help eliminate unlawful discrimination, harassment, bullying and cyberbullying and to foster an environment of understanding and respect for all individuals.

J. Evaluation

The Superintendent is required to evaluate the effectiveness of efforts to correct or prevent unlawful discrimination, harassment, bullying and cyberbullying and will share these evaluations periodically with the Board.

All complaints of harassment, bullying and cyberbullying shall be promptly and thoroughly investigated by the school administration and appropriate action shall be taken. Violations shall be considered to be serious disciplinary infractions and may include long-term suspension.

Legal References: 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.; Title IX of the Education Amendments of 1972, 20 U.S.C § 1681 et seq., 34 C.F.R. pt. 106; Equal Employment Opportunity Commission’s “Final Amended Guidelines on Discrimination Because of Sex”; Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.; The Rehabilitation Act of 1973, 29

U.S.C. 701 et seq.; the Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R, pt 35; Office of Civil Rights, Sexual Harassment Guidance: Harassment of Student by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); Office of Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11,448 (1994); G.S. 126-16; State Board of Education Policy Number SS-A-007