

# ASSAULTS, THREATS AND HARASSMENT

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Assaults, threats or harassment will not be tolerated from any student. Any student exhibiting such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning. Except when certain consequences for misbehavior are required by law, principals in the elementary grades are directed to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or school rules.

## A. ASSAULT, INJURY

### 1. Prohibited Behavior

Students are prohibited from assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.

### 2. Consequences

#### a. General Consequences

Violation of this section may result in short-term suspension up to 10 days, long-term suspension, 365 day suspension or expulsion. The procedures for long-term suspension or expulsion are provided in board Policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy except as otherwise provided below. Placement in an alternative educational setting may be made in lieu of suspension in accordance with Policy 4353, Long-term Suspension, 365 Day Suspension, Expulsion, and/or as provided in Sections A.2.b and A.2.c of this policy.

#### b. Consequences for Serious Assaults on School Personnel

Any student who is found by the superintendent to be at least 13 years of age and to have physically assaulted and seriously injured school personnel must be removed to an alternative educational setting in accordance with G.S. 115C-391(d2). If an appropriate alternative educational setting is not available, the superintendent, upon recommendation of the principal, must suspend the student for no less than 300 days but no more than 365 days. A student may also be expelled for assaultive conduct when his or her behavior constitutes a clear threat to the safety of others. The principal shall make recommendations to the superintendent regarding placement decisions and the recommended length of the placement or the suspension, within the limits established by law, based at least in part upon recommendations of the principal of the school that constitutes the alternative setting.

#### c. Consequences for Certain Physical Assaults of Adults and Students

Upon the recommendation of the principal, the superintendent may remove a student to an alternative educational setting if the student is at least 13 and has:

- 1) physically assaulted a teacher or other adult who is not a student;
- 2) physically assaulted another student if the assault is witnessed by school personnel;

- or
- 3) physically assaulted and seriously injured another student.

This section applies to behavior that occurs on school property or at a school-sponsored or school-related event. It does not apply when a student was acting in self-defense. If no appropriate alternative educational setting is available, the superintendent may suspend the student for up to 365 days. A student may also be expelled for assaultive conduct when his or her behavior constitutes a clear threat to the safety of others. The principal will make recommendations to the superintendent regarding placement decisions and the recommended length of the placement or suspension, within the limits established by law.

If the student is under age 13, the consequences for assault will be determined in accordance with the general guidelines in Policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion, and the school behavior management plan.

**B. THREATENING ACTS****1. Prohibited Behavior**

Students are prohibited from directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

**2. Consequences**

Violation of this section may result in short-term suspension up to 10 days, long-term suspension or expulsion. The procedures for long-term suspension or expulsion are provided in Policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension in accordance with Policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. Consequences for bomb and terrorist threats are addressed in Policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, and may include a 365 day suspension.

**C. HARASSMENT****1. Prohibited Behavior**

Students are prohibited from engaging in or encouraging any form of harassment, including bullying or cyber bullying against students, employees or any other individuals on school grounds or at school-related functions. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Harassment and bullying are further defined in Policy 7230, Prohibition Against Discrimination and Harassment. Sexual harassment is further defined in Policy 7235, Sexual Harassment.

**2. Consequences**

Complaints of harassment will be investigated pursuant to Policy 1740, Student and Parent Grievance Procedure. The consequences for harassment will be more severe than for violations of the standards of integrity and will be decided pursuant to Policy 7235 Sexual Harassment. Consequences may include disciplinary action up to and including expulsion, as appropriate.

Legal References: G.S. 14-33, -34 to -34.2; 115C-47, -276(r), -288, -307, -390, -391

Cross References: Prohibition Against Discrimination and Harassment (Policy 7230), Sexual Harassment (Policy 7235), Student and Parent Grievance Procedures (Policy 1740), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (Policy 4333), Long-Term Suspension, 365 Day Suspension, Expulsion (Policy 4353)

Adopted: