

Harassment can be a type of unlawful discrimination. Harassment is unwanted, unwelcomed and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. 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 pedagogical techniques are not considered harassing behavior.

Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristics, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.

As used in this Article, “bullying or harassing behavior” is any pattern or gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that takes place on school property, at any school-sponsored function, or on a school bus, and that:

- a. places a student or school employee in actual and reasonable harm to his or her person or damage to his or her property; or;
- b. creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities, or benefits. For purposes of this section, “hostile environment” means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a person would agree that it is bullying or harassing behavior.

The hostile environment can be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

It is possible for harassment to occur at various levels; between fellow students or co-workers, between supervisors and subordinates, between employees and students, or imposed by non-employees, including visitors, on employees and/or students.

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. 706(8), 794, 34 C.F.R. pt. 104; 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 Students 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, Bullying and harassing behavior 115C-407.5.

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Grievance Procedure for Employees (policy 1750/7220), Standards of Expected Student Behavior #4310

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