

NINER UNIVERSITY ELEMENTARY PROHIBITION AGAINST BULLYING AND HARASSING BEHAVIOR

Niner University Elementary (“NUE”) is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. NUE expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. NUE recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, NUE prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. “Visitors” includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing 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 student, employee, or other person is subject to the authority of school personnel; or (6) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the school.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

A. Relationship to Other Policies

This policy applies to bullying and harassing behavior that does not otherwise constitute discriminatory harassment in violation of federal law, including but not limited to: Title VI, Title VII, Title IX, and the Americans with Disabilities Act.

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristics addressed by federal law should refer to and follow the reporting processes provided in the NUE Nondiscrimination Notice (“Notice”).

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with other applicable policy(ies). If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other policies or school rules.

B. Conduct That is Considered Bullying or Harassing Behavior

1. Definitions of Prohibited Conduct

a. Bullying is physical, verbal, or nonverbal behavior that is intended to or that reasonably and actually harms another person or group of persons. It is characterized by unwanted aggressive behavior that may involve a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, age, intellectual ability, or authority. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, social media, or websites.

b. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.

c. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.

4.2. Non-Exhaustive List of Examples of Bullying and Harassment

a. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.

b. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances or propositions, 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.

c. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

3. Permitted Conduct

a. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

C. When Bullying or Harassing Behavior Violates this Policy

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or
2. creates or is reasonably likely 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 bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior. A hostile environment may be created through pervasive or persistent misbehavior or through a single incident, if sufficiently severe.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in N.C.G.S. § 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, or religion may also constitute discriminatory harassment in violation of federal law and other NUE policies as described in Section A, above.

D. Reporting Bullying and Harassing Behavior

1. Reports by Students and/or Parents and Guardians

- a. NUE encourages students or parents/guardians of students who have been the victim of or who have witnessed or been notified of bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, administrator, or the principal.
- b. Reports may be made orally or in writing and may be made anonymously.
- c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.
- d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, or religion, the matter will be investigated in accordance with the applicable policy listed in Section A above.

2. Mandatory Reporting by School Employees

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the principal immediately. If sexual harassment is suspected, the employee also must report the incident to either the principal or the UNC Charlotte Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties

Other members of the school community are strongly encouraged to report actual or suspected incidents of bullying or harassment to the principal or designee.

4. Reporting False Allegations

It is a violation of NUE policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

E. Reports of Bullying or Harassing Behavior Based On Sex, Race, Color, National Origin, Disability, or Religion

Bullying or harassing behavior that is based on sex, race, color, national origin, disability, or religion may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the principal or the UNC Charlotte Title IX coordinator. If the reported behavior appears to be based on any other such personal characteristic, the employee must immediately notify the appropriate person designated in the Notice. Uncertainty as to whether alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion should be resolved by notifying the principal or the UNC Charlotte Title IX Coordinator.

F. Response to Reports of Bullying or Harassing Behavior

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or the principal's designee. If the principal is the alleged perpetrator, the dean of the UNC Charlotte Cato College of Education will designate an appropriate investigator.
2. If at any time before, during, or after the investigation under this policy, the principal or designee determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the principal or designee shall notify the appropriate person designated in the Notice. However, referral to the appropriate person will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.
3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

G. Consequences

1. Students

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The principal or designee shall list in the Code of Student Conduct the range of consequences that may be imposed on a student for behavior that violates this policy.

A student who is convicted under N.C.G.S. § 14-458.2 of cyberbullying a school employee will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The principal may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

2. Employees

Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

3. Others

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 NUE policy Visitors to the School. A third party under the supervision and control of the school will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

H. Other Interventions

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

I. Notice

This policy must be provided to employees, students, parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. The principal is encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

J. Records

The principal or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The principal also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

History:

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Authority: Chancellor

Responsible Office: Academic Affairs