The Cleveland County Board of Education (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 prohibits discrimination on the basis of race, color, national origin, sex, sexual orientation, disability, or age and will provide equal access to designated youth groups as required by law. Any form of unlawful discrimination, harassment, or bullying in any educational or employment activities or programs is against Board policy.

A. PROHIBITED BEHAVIORS

1. Discrimination

The Board prohibits all forms of unlawful discrimination. For purposes of this policy, 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, sexual orientation, pregnancy, religion, age, or disability.

2. Harassment and Bullying

The Board prohibits all forms of unlawful harassment and bullying. For purposes of this policy, harassment or bullying behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:

   a. 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

   b. creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities, or benefits or by adversely altering the conditions of an employee’s employment.

“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, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It 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.

3. Cyber-Bullying and Cyber-Harassment

The Board prohibits cyber-bullying and cyber-harassment. Cyber-bullying and cyber-harassment are any words, actions, or conduct that meet the definitions of bullying or harassing behavior described in this policy, and are conveyed via e-mail, text message, Internet message boards, interactions on social media, or other electronic media.

4. Sexual Harassment

The Board prohibits unlawful sexual harassment. 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:

   a. 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;

   b. 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

   c. 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 may include, 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, sexual assault, sexual violence, 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.

Sexual harassment does not include personal compliments welcomed by the recipient or social interactions or relations freely entered into by an employee or prospective employee or appropriate social interactions between students that do not violate the Student Code of Conduct. In the case of consensual relations between students, there may be reason to question the consensual nature of the conduct if one or both of the students are very young or there is a large age disparity between the students. It is possible for sexual harassment to occur at various levels: between peers or coworkers, between supervisors and subordinates, between employees and students, between students, or imposed by non-employees on employees and/or students. Sexual harassment may be committed by members of the same sex or by members of the opposite sex. Romantic or sexual advances toward students by employees or romantic or sexual relationships between school system employees and students are never appropriate, whether they are consensual or otherwise outside the definition of sexual harassment. Such relationships are prohibited. Employees engaging in inappropriate relationships with students will be subject to disciplinary action, up to and including dismissal.

5. Gender-Based Harassment

The Board prohibits unlawful gender-based harassment. 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.

6. 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.

B. APPLICATION OF POLICY

This policy applies to 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.

This policy shall not be construed to allow school officials to punish student expression or speech based on an undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

C. 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.

D. CONSEQUENCES

Any violation of this policy is serious and shall result in prompt and appropriate action. Students who violate this policy will be disciplined in accordance with applicable policies and procedures governing student conduct and discipline. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and/or 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 Visitors to the Schools policy.

The actions taken in response to harassment or bullying behavior shall be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. 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/or other measures deemed appropriate by the Superintendent or designee.
Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish discrimination, harassment, or bullying but the conduct otherwise violates the Code of Conduct.

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. 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, on cell phones, and on the Internet. Information about this policy and the related complaint procedure must be included in the training plan.

As funds are available, the Superintendent is also authorized to 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.

F. NOTICE

The Superintendent is responsible for providing effective notice to students, parents, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying established in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure. The Superintendent or designee must ensure that students, employees, and parents or other responsible care givers are provided effective notice of this policy at the beginning of each school year. In addition, both policies must be posted on the school system website, and copies of the policies must be readily available in the principal’s office, the media center at each school, and the Superintendent’s office. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

G. COordinators

The Superintendent shall appoint one or more individuals to coordinate the school system’s efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The names, titles, and contact information for these individuals will be posted on the district's website and otherwise made publicly available.
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 or designee also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination, harassment, and bullying.

The Superintendent or designee 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 or designee shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying and shall share these evaluations periodically with the Board.


Adopted: February 13, 2017

Replaces: Board policy 3040, Protection Against Sex Discrimination-Title IX, policy 4415, Prohibition Against Discrimination, Harassment and Bullying, policy 5130(4400), Sexual Harassment, and policy 5125 (4410), Harassment