

# 5126 - BULLYING/HARASSMENT

It is the priority of the Durham Public Schools Board of Education to provide every student and employee in the school system with a safe and orderly learning environment. To this end, the Board specifically prohibits harassing or bullying behavior at all levels: between students, between employees and students, between peers or coworkers, between supervisors and subordinates, or between non-employees/volunteers and employees and/or students. This policy is in addition to Policy 4410/5125 – Sexual Harassment.

Students are expected to comply with the behavior standards established by Board Policy and the Student Code of Conduct. Employees are expected to comply with Board Policy and school system regulations. Volunteers and visitors on school property also are expected to comply with Board Policy and established school rules and procedures.

The Board specifically prohibits reprisal or retaliation against any individual who makes a complaint or reports an incident of harassing or bullying behavior or who participates in an investigation or grievance proceeding initiated under this policy. Reprisal or retaliation against any individual who reports an act of harassment or bullying may result in disciplinary action being taken, up to and including dismissal in the case of employees, or up to and including long-term suspension or expulsion in certain cases for students.

This policy shall be distributed annually in the Durham Public Schools Student Handbook and the Durham Public Schools Employee Handbook.

## **A. Definition of Harassment and Bullying**

1. As used in this policy, bullying or harassing behavior is any repeated, systematic pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication on school property; at any school sponsored function; on a school bus; or as otherwise stated in Board Policy 4301 – Student Code of Conduct, and 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. A 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.

2. Bullying or harassing behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived 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, or by association with a person who has or is perceived to have one or more of these characteristics.

## **B. Reporting Bullying and Harassing Behavior**

1. Any student who believes that he or she has been bullied or harassed in violation of this policy should report such behavior immediately to a teacher, counselor or administrator at his/her school.

2. Any employee who believes that he or she has been bullied or harassed in violation of this policy should report such behavior to their immediate supervisor and/or the Assistant Superintendent of Human Resources or designee.

3. A school employee who witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior shall report the incident as follows:

a. To the principal in the case of a student; or

b. To the immediate supervisor of the alleged bully or harasser and/or the Assistant Superintendent of Human Resources.

c. Failure to make such a report may subject the employee to disciplinary action.

4. Any person may report an act of bullying or harassment anonymously. However formal disciplinary action may not be taken solely on the basis of an anonymous report.

## **C. Investigation of Bullying and Harassment Reports**

1. All complaints of bullying or harassing behavior made by students shall be promptly and thoroughly investigated by the principal or designee. If the alleged bully or harasser is an employee, the principal will determine if a referral to Human Resources is warranted.

2. All complaints of bullying or harassment made by employees shall be promptly reported to their immediate supervisor and/or the Assistant Superintendent of Human Resources. The investigation shall be conducted by the Assistant Superintendent of Human Resources or designee.

3. If the individual required to investigate a complaint made under this policy is the alleged bully or harasser, the investigation shall be conducted by an appropriate school system administrator as designated by the Superintendent. If the alleged perpetrator is the Superintendent, the Board attorney is the investigator. In such cases, whoever receives a complaint of bullying or harassment shall immediately notify the Assistant Superintendent of Human Resources, who shall immediately notify the Board Chair. The Board Chair shall direct the Board attorney to respond to the complaint and investigate. If the alleged perpetrator is a member of the Board, the Board attorney is the investigator. In such cases, whoever receives a complaint of bullying or harassment shall notify the Superintendent who shall direct the Board attorney to respond to the complaint and investigate. Unless the Board Chair is the alleged perpetrator, the superintendent shall also notify the Board Chair of the complaint.

4. If at any time during the investigation the school official investigating a student's allegation of bullying or harassment receives information alleging the bullying or harassment was based on sex or gender, the school official shall notify the Title IX Coordinator. In such cases, the procedures outlined in Board Policy 4410/5125 – Sexual Harassment shall be followed. Further, in any case of alleged bullying or harassment, the school system shall notify any other appropriate person or entity if required by law or Board Policy 5215 – Reporting Information to External Agencies.

#### **D. Disciplinary Action**

1. The actions taken in response to evidence of bullying or harassing behavior should be reasonably calculated to end any bullying or harassing, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. In addition to taking disciplinary action as necessary, the principal or other school official shall take appropriate remedial action to address the conduct fully.

2. Violations of this policy shall be considered misconduct and will result in disciplinary action up to and including long-term suspension or expulsion in the case of students and disciplinary action up to and including dismissal in the case of employees.

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

4. Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the school system's high expectations for appropriate conduct.

#### **E. Regulations and Procedures**

The Superintendent shall develop regulations and procedures for implementation of this policy.