

CHARLOTTE-MECKLENBURG SCHOOLS

POLICY

Harassment of Students by Employees

CMS/NEPN Code:

JBA

Proposed Revision 6/2/16

Prohibited Harassment

The Board of Education forbids harassment of any student by employees on the basis of race, color, religion, sex, age, national origin or disability.

Harassment is conduct that has the purpose or effect of substantially interfering with a student's educational opportunity; creates an intimidating, hostile or offensive school environment; or otherwise affects a student's educational opportunities.

Harassment may include, but is not limited to:

- A. Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age or disability, or that of his or her relatives, friends or associates;
- B. Epithets, insults, jokes, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, color, religion, sex, national origin, age or disability; or
- C. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, sex, national origin, age or disability that is placed, disseminated or circulated in the work place.

Harassment also includes unwelcome sexual advances, unwelcome requests for sexual favors and other unwelcome conduct of a sexual nature if:

- A. Submission to or tolerance of such conduct is made either an explicit or implicit condition of student activities;
- B. Submission to or tolerance or rejection of such conduct is used as a basis for a decision affecting a student;
- C. The conduct has the purpose or effect of substantially interfering with a student's performance;
- D. The conduct creates an intimidating, hostile or offensive school environment; or

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Previous CMS Policy #: 4100

Cross Reference: GBA, GBAA, GBEB, GBEBB, JLF

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E. The conduct otherwise adversely affects a student's educational opportunities.

Other Prohibited Conduct

The Board of Education also prohibits any conduct of a sexual nature directed toward students by employees.

Employees are prohibited from kissing students, dating students, asking students for kisses or dates, engaging in lascivious or romantic activities with students, asking students to engage in lascivious or romantic activities, or engaging in any activities designed to encourage or which does encourage an inappropriate romantic or sexual relationship with a student.

Reporting By Employees

Any employee who believes that a student is being subjected to harassment by another employee, including sexual harassment, or other conduct prohibited by this policy, shall report such conduct to their principal (if they work in a school) or a staff member in the Employee Relations Department or the Assistant Superintendent of Human Resources.

Any person who has cause to suspect child abuse or neglect shall report the case of the child to the Director of Social Services of the County, in accordance with Policy JLF, Reporting Child Abuse, Neglect and Dependency/Child Protection.

Reporting By Students Claiming Harassment

Any student who believes that he or she has been subjected to harassment by an employee, including sexual harassment, or other conduct prohibited by this policy, shall report such conduct to the principal or any assistant principal of their school, or a staff member in the Employee Relations Department or the Assistant Superintendent of Human Resources.

Alternative Reporting Option

If there is no principal or assistant principal to whom the student feels comfortable reporting, the student may bypass the school administrators in the reporting process and

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report directly to a staff member in the Employee Relations Department or the Assistant Superintendent of Human Resources.

Investigative Process

The principal should report to the Employee Relations Department or the Assistant Superintendent of Human Resources any reports made to the principal under this policy. All reports under this policy should be reviewed and/or investigated as deemed appropriate by the administration, and appropriate action taken to address the matter.

During the investigative process, information should be shared on a need to know basis so as to be sensitive to the privacy concerns of the reporting student.

If at any time during the reporting process, or thereafter, additional conduct occurs which the student believes is a violation of this policy, the student immediately shall report such conduct as a new violation in accordance with the procedures in this policy.

Non-Retaliation

Any attempt to coerce, intimidate or retaliate against anyone who makes a report about conduct prohibited by the policy, or who assists in an investigation of such matters, will not be tolerated and will result in disciplinary action, up to and including termination.

Nondiscrimination Notice

In compliance with Federal Law, Charlotte-Mecklenburg Schools administers all education programs, employment activities and admissions without discrimination against any person on the basis of gender, race, color, religion, national origin, age, or disability. Inquiries regarding compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs or activities, may be referred to the District's Title IX Coordinator at titleixcoordinator@cms.k12.nc.us or at <http://www.cms.k12.nc.us/titleix>, or to the Office for Civil Rights, United States Department of Education.

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