



## **ACS Prohibition Against Discrimination, Harassment and Bullying Policy**

It is the policy of Alamance Community School (ACS) that students should not be subjected to forms of unlawful discrimination, harassment, bullying, or hazing, while at school or school-sponsored activities. Furthermore the policy's intent is to address the issue in a proactive manner through the establishment of a system for educating students and staff at ACS regarding the identification, prevention, intervention, and reporting of such antisocial acts. ACS acknowledges the dignity and worth of all students and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. ACS prohibits discrimination on the basis of race, color, national origin, sex, disability, age or any other classifications prohibited by law. ACS will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities or programs.

### **A. PROHIBITED BEHAVIORS AND CONSEQUENCES**

#### **1. Discrimination, Harassment and Bullying Students,**

Students, employees, contractors, volunteers and visitors are expected to behave in a civil and respectful manner. ACS expressly prohibits unlawful discrimination, harassment, bullying, and hazing. Students are expected to comply with the behavior standards established by board policy, the Code of Student Conduct and any applicable laws. Any violation of this policy is serious and ACS shall promptly take appropriate action. Students will be disciplined in accordance with the ACS's student behavior management plan. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

When considering if a response beyond the individual level is appropriate ACS will consider the nature and severity of the misconduct to determine whether a classroom or school-wide response is necessary. Such classroom or school-wide responses may include staff training, harassment and bullying prevention programs and other measures deemed appropriate by the Head of School or designee to address the behavior.

#### **2. Retaliation**

ACS 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. After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable laws, policies and regulations, the Managing Director or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

## **B. APPLICATION OF POLICY**

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers, contractors and visitors. This policy is intended to apply to students vis a vis other students, faculty, staff, volunteers/visitors or contractors. ACS's policies on unlawful discrimination and harassment as applied to employees, volunteers/visitors, and contractors can be found in the School's Employee Handbook. 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. during car line;
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;
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools; and
7. while using school or personal electronic communications.

## **C. DEFINITIONS**

For purposes of this policy, the following definitions apply:

### **1. Discrimination**

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 that is protected by law, such race, color, national origin, sex, disability, or age or by association with a person who has or is perceived to have one or more of these characteristics. Discrimination may be intentional or unintentional.

### **2. Harassment**

a. Harassment is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:



1) 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

2) creates or is certain 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 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 that is protected by law or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic that is protected by law, such as race, color, religion, national origin, sex, disability or age. 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, exclusion from peer groups, extortion of money or possessions, implied or stated threats, 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 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.

b. 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:

1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's academic progress or completion of a school-related activity;

2) 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

3) such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with 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 educational environment. Sexually harassing conduct includes, 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 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.

c. 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.

### **3. Bullying**

Bullying means unwanted, aggressive behavior that involves a real or perceived power imbalance. Bullying may also place a student in actual and reasonable fear of harm to his or her person or damage to his or her property. Bullying behavior is often repeated, or has the potential to be repeated, over time. Bullying includes intentional actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose or any action that involves a real or perceived power imbalance. Bullying can also include behavior that constitutes harassment or sexual harassment and can include cyberbullying. For **Cyberbullying**: See the Technology Use and Internet Use policy sections.

### **4. Hazing**

North Carolina law makes it unlawful for any student in attendance at any school in the State to engage in hazing, or to aid and abet any other student in the commission of this offense. For the purpose of this section hazing is defined as follows: "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group."

### **5. Electronic Communications:**

Electronic communications apply to employee and student emails, text messaging, instant messaging, chat rooms, blogging, websites and social networking websites (i.e. Snapchat or Instagram). 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. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

#### **E. TRAINING AND PROGRAMS**

The Managing Director, Principal, &/or other designated Title IX Coordinator shall 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. Information about this policy and the related complaint procedure must be included in the training plan. The training or programs should:

- (1) provide examples of behavior that constitutes unlawful discrimination, harassment or bullying;
- (2) teach employees to identify groups that may be the target of unlawful discrimination, harassment or bullying; and
- (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, campus wide locations, on cell phones and on the Internet.

#### **F. NOTICE**

The Managing Director, Principal, &/or designated Title IX Coordinator is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of unlawful discrimination, harassment and bullying. This policy will be posted on the School's website, and copies of the policy are available at the front office. Notice of this policy will appear in all student and employee handbooks and in any School publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

#### **G. COORDINATOR**

The Managing Director or designee shall appoint one or more individuals to coordinate the School's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to ACS alleging noncompliance with Title VII or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The Managing Director or designee shall publish the name, and phone number of the compliance coordinator in a manner intended to ensure that students, employees, parents and other individuals who participate in the School's programs are aware of the coordinator.



## **H. RECORDS AND REPORTING**

The Managing Director or designee shall maintain confidential records of complaints or reports of unlawful discrimination, harassment or bullying. The records will identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Managing Director also shall maintain records of training conducted and corrective action(s) or other steps taken by ACS to provide an environment free of unlawful discrimination, harassment and bullying. The Managing Director shall report to the Board all verified cases of unlawful discrimination, harassment or bullying under this policy.

## **I. EVALUATION**

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

## **J. REPORTING**

1. For bullying, there are multiple ways to report incidents of bullying. Students and families may report directly to any teacher, principal, Managing Director or school counselor verbally, via email or in writing.
2. For discrimination, harassment, and sexual harassment complaints, students or their parents should contact the Principal and/or Managing Director and/or Title IX coordinator immediately and file a complaint.

## **K. INVESTIGATION PROCESS**

1. The Title IX coordinator is charged with ensuring that all such complaints are timely, impartially, and appropriately investigated in accordance with applicable law.
2. Every effort will be made to ensure the confidentiality of the complainant. There may be times where confidentiality may not be possible for ACS to conduct a thorough investigation. There may also be instances where ACS has a legal obligation to report certain information it receives to state or local authorities.
3. While the timeframe for completing an investigation into individual complaints may vary depending on the circumstances, the Title IX coordinator will ensure that timeframes are reasonable and endeavor to complete any investigation, including any decision and hearing, within sixty (60) days of the filing of a complaint.



4. The Title IX coordinator shall designate an impartial investigator to conduct the investigation. The investigator shall have full authority to conduct an investigation, including the authority to interview witnesses and make a decision about the complaint. The investigator shall timely provide written notice of the outcome of the complaint to the relevant parties.
5. In the event a party is not satisfied with the investigator's decision, it may appeal that decision to an impartial hearing panel (explained below). Such appeal shall be made in writing and provided to the Title IX coordinator within five (5) days of the investigator's decision.
6. Upon appeal of the investigator's decision, Alamance Community School's Board of Directors will appoint a panel of three board members to serve as the impartial hearing panel. The hearing will be conducted in accordance with all applicable laws. All parties will have an opportunity to present witnesses and other evidence and to be represented by an attorney or third party of their choosing.
7. After the hearing, the three member hearing panel will make a decision and will provide written notice of the outcome of the appeal.

### **ACS TITLE IX INFORMATION**

**Title IX** requires that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..." As such, Title IX of the Education Amendments of 1972 prohibits discrimination based on sex of students and employees of educational institutions that receive federal financial assistance. ALAMANCE COMMUNITY SCHOOL ("THE SCHOOL") is governed by Title IX.

### **TITLE IX COORDINATOR FOR THE SCHOOL**

**The Title IX Coordinator** at THE SCHOOL is:

Scot Tribotte  
195 Kronbergs Court  
Haw River, NC  
27258

336-270-5052

[stribotte@alamancecommunityschool.net](mailto:stribotte@alamancecommunityschool.net)



## WHO IS COVERED BY TITLE IX?

All educational institutions that receive federal financial assistance are affirmatively required to adhere to Title IX regulations. Even if only one of the institution's programs or activities receives federal funding, all of the programs within the institution must comply with Title IX regulations.

## FACTS ABOUT TITLE IX

Athletic departments are not the only component of the SCHOOL governed by Title IX. The regulations prohibit sex discrimination with regard to all programs, including:

- Course offerings, classroom access, grading, and other academics
- Student counseling and academic support
- Hiring and retention of employees (staff, faculty, and administration)
- Job related benefits and leave
- Pregnancy

In addition to sex discrimination, Title IX also prohibits sexual misconduct (which includes sexual harassment, gender-based harassment, and sexual violence). Additional information regarding what behaviors may constitute sexual harassment and other forms of sexual misconduct is available in the SCHOOL'S Title IX Policy located on its website and in its student, faculty, and employee handbooks.

Title IX serves to protect the rights of men and women. Title IX requires that males and females receive fair and equal treatment in all educational and employment areas.

Title IX also protects individuals who report sex discrimination and sexual misconduct from retaliation by individuals or by institutions. The reporting of incidents of discrimination is integral to the effective enforcement of Title IX law. Therefore, the protection of complainants, as well respondents, is important. *Retaliation against any individual who reports or makes a complaint about a Title IX violation will not be tolerated at THE SCHOOL. The SCHOOL will impose appropriate corrective action against any individual found to have engaged in acts or threats of retaliation.*

## COMPLIANCE WITH TITLE IX – WHO IS RESPONSIBLE?

**All employees of the SCHOOL are required to report instances of alleged violations of Title IX. Without exception, if an employee is not sure if a situation warrants reporting, he/she must seek guidance from the Title IX Coordinator.** It is essential that institutions receiving federal financial assistance operate in a nondiscriminatory manner. To ensure the SCHOOL's compliance with the law, adherence to Title IX regulations is everyone's responsibility. The penalty for



failure to comply with Title IX, in the most extreme circumstances, can include the termination of all or part of an institution's federal funding including grants and student loans. It can also result in the termination of a SCHOOL employee or severe consequences for a student.

### **REPORTING COMPLAINTS UNDER TITLE IX**

**Any member of the SCHOOL community** who believes he/she has been the victim of sex discrimination, sexual misconduct, or who has witnessed such conduct, should report such misconduct or file an informal or formal complaint with the SCHOOL's Title IX Coordinator. While there is no required format for making a report, forms for this purpose are available on the SCHOOL's website or from the Title IX Coordinator. Any victim of sexual misconduct who would prefer to speak with someone and have them complete a form on their behalf should contact the Title IX Coordinator.

**Students** who are, or believe they have been, victims of sex discrimination or sexual harassment, including sexual assault or sexual violence on or off campus, whether by SCHOOL employees, contracted services employees, other students or non-community members, are encouraged to request immediate personal support and assistance from the Title IX Coordinator or any other staff member or administrator with whom they feel comfortable. Student complaints concerning sexual assault, sexual violence, or other sexual misconduct may be made on an informal or formal basis with the SCHOOL's Title IX or with any staff member or administrator with whom they feel comfortable. All complaints filed with or received by any staff or administrator will be forwarded to the Title IX Coordinator, who will direct that an appropriate investigation be conducted.

**Employees** who believe they are being harassed or discriminated against on account of their sex or gender should promptly make a report to the Title IX Coordinator, to his/her supervisor, to Human Resources, the Head of School, or to an administrator with whom the individual feels comfortable. Employees should also follow the SCHOOL's harassment and discrimination policy.

### **IMPORTANT FACTS**

1. The SCHOOL will utilize its best efforts to protect all SCHOOL community members from sex discrimination, gender-based harassment, sexual harassment, sexual assault, and sexual violence.
2. The SCHOOL will take affirmative, corrective (but non-punitive or non-disciplinary, at least prior to a formal disposition regarding responsibility), and supportive action whenever it



becomes aware of possible sex discrimination, sexual assault, sexual violence, or other sexual misconduct within the SCHOOL community, whether or not a complaint has been made.

3. In order to meet its Title IX obligations and to the extent possible, every effort will be made to keep the details of complaints confidential if requested to do so by a victim of sexual misconduct and to follow the SCHOOL's procedures for conducting an investigation and recommendations. As such, every effort should be made to keep the identity of the involved parties confidential to avoid retaliation. However, the SCHOOL's ability to strictly observe confidentiality may be compromised where the safety of members of the community is judged to be at risk.

4. The safety and security of all members of the SCHOOL community is a priority matter.

5. The internal investigation of a complaint will be conducted, and a decision rendered, no matter the timeline or outcome of case adjudication by external authorities.

Expanded information concerning sex discrimination, sexual harassment, sexual assault/violence, and the SCHOOL's *Title IX Policy and Procedures Governing the Reports and Investigation of Title IX Complaints*, can be found in the SCHOOL's student, faculty and employee handbooks, as well as on the SCHOOL's website.

**WHICH FEDERAL AGENCY ENFORCES TITLE IX?**

The United States Department of Education's Office for Civil Rights (OCR) is in charge of enforcing Title IX. Information regarding OCR can be found at [www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html).

**New regulations expressly prohibit the Single Investigator Model**, where the investigator is also the decision-maker determining responsibility in Title IX cases.

**Rationale:** one person cannot effectively serve as detective, prosecutor, judge, and jury.

TITLE IX TEAM	SCHOOL ROLE	PERSON	EMAIL/PHONE
Coordinator	Counselor &/or Social Worker	Scott Tribotte, Counselor Cindy Gittens, Social Worker	<a href="mailto:stribotte@alamancecommunityschool.net">stribotte@alamancecommunityschool.net</a> & <a href="mailto:cgittens@alamancecommunityschool.net">cgittens@alamancecommunityschool.net</a> 336-270-5052



Investigator	Dean of Students	Ana DuBois	<a href="mailto:adubois@alamancecommunityschool.net">adubois@alamancecommunityschool.net</a> 336-270-5052
Decision Maker	Principal &/or Managing Director	Jamie Miller, Principal Leslie Paynter, Managing Director	<a href="mailto:jmiller@alamancecommunityschool.net">jmiller@alamancecommunityschool.net</a> & <a href="mailto:lpaynter@alamancecommunityschool.net">lpaynter@alamancecommunityschool.net</a> 336-270-5052
Appeals Panel	Managing Director &/or Board of Directors	Leslie Paynter, Managing Director Clay Smith, Board Chair	<a href="mailto:lpaynter@alamancecommunityschool.net">lpaynter@alamancecommunityschool.net</a> & <a href="mailto:board@alamancecommunityschool.net">board@alamancecommunityschool.net</a> 336-270-5052