

ANTI-HARASSMENT POLICY

Harassment, Violence, and Threats of Violence Prohibited

No student shall engage in or be subjected to harassment, violence, threats of violence, or intimidation by any other student that is based on any of the specific characteristics that have been identified by the Board in this policy. Students who violate this policy will be subject to disciplinary sanctions.

Definitions

1. The term “harassment” as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in item two (2) under Description of Behavior Expected of Students. To constitute harassment, a pattern of behavior may do any of the following:

- a. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
- b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- c. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
- d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

2. The term “violence” as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.

3. The term “threat of violence” as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.

4. The term “intimidation” as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any

school program, benefit, activity or opportunity for which the student is or would be eligible.

5. The term “student” as used in this policy means a student who is enrolled in the Colbert County School System.

Description of Behavior Expected of Students

1. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting harassment, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student; and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.

2. Violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the victim of such conduct:

- a. The student’s race;
- b. The student’s sex;
- c. The student’s religion;
- d. The student’s national origin; or
- e. The student’s disability.

Consequences for Violations

A series of graduated consequences for any violation of this policy will be those outlined in the Code of Student Conduct or any rule or standard adopted under authority of this policy.

Reporting, Investigating, and Complaint Resolution Procedures

1. Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.
2. Upon receipt of the complaint, the principal or the principal's designee will, in their sole discretion, determine if the complaint alleges a violation of this policy. If the principal or the principal's designee determines that the complaint alleges a violation of this policy, the principal or the principal's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system.
3. Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.
4. The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.
5. A threat of suicide by a student made known by a student to another person shall be noticed by the Principal or the Principal's designee to the parent(s) or guardian(s) of the threatening student by the most expeditious means possible.

Promulgation of Policy and Related Procedures, Rules and Forms

This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to student, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Colbert County Board of Education's Web site.

SOURCE: Colbert County Board of Education and the State Department of Education

ADOPTED: Dec 17, 2009

LEGAL REF.: Act of Legislature No. 2009-571

ANTI-HARASSMENT POLICY COMPLAINT FORM

COLBERT COUNTY BOARD OF EDUCATION

Tuscumbia, Alabama

Date Complaint filed with Administration (Principal or Principal's Designee): _____

Name of Complainant: _____

Signature of Complainant: _____

Name of complainant's parent/guardian/custodian: _____

Signature of complainant's parent/guardian/custodian: _____

Complainant's Address: _____

Complainant's Grade: _____ Homeroom Teacher: _____

Student's Complaint (Be specific as to dates, times, and places, name(s) of offender(s) and nature of the violation):

Complainant, student or parent/legal guardian: Waiver of formal complaint resolution.

Student or parent/legal guardian signature: _____

Complaint of Student's Threat of Suicide: _____

SEXUAL HARASSMENT OF STUDENTS

General

It is the policy of the Board that sexual harassment of students by employees or other students is unlawful behavior and will not be permitted in the school setting. The Board is committed to providing an academic environment that is free of unlawful sexual harassment and will seek to utilize available measures to deter such conduct.

Sexual Harassment Defined

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

1. submission to such conduct is made either explicitly or implicitly as a term or condition of the student's academic progress or completion of a school-related activity; or
2. submission to or rejection of such conduct is used as a basis in evaluating the student's performance in a course of study or other school-related activity; or
3. such conduct has the purpose or effect of substantially interfering with the student's educational performance or creating an intimidating, hostile, or offensive working environment.

Examples of Sexual Harassment

Examples of sexual harassment include, but are not limited to the following: 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 objects or pictures.

Designation of Reporting Officer

The Board hereby directs the Superintendent to appoint annually, prior to the beginning of the school year, an administrative employee to serve as the reporting officer for all complaints of sexual harassment involving students of the School District.

Reporting Incidents of Sexual Harassment

A student who feels that he/she has been sexually harassed should report the incident to the school principal and the designated reporting officer. Such report shall be made as soon as possible after the incident or, if a series of incidents, as soon as possible after the latest occurrence. Students are urged to make such report no later than ninety (90) calendar days following the incident or the latest occurrence in the series of such incidents. The complaint may be made verbally to the principal in person or may be made in writing, signed by the complainant, and then delivered to the principal and reporting officer. If such report is first made verbally then it will be the responsibility of the complainant or his/her parent/guardian to reduce the same to writing and to sign the written complaint. Upon delivery of the written complaint to the reporting officer, he/she, with the cooperation of the principal, shall forthwith commence an investigation of such written complaint. Nothing herein shall relieve the principal or other school personnel from reporting wrongful acts against students to the Department of Human Resources as required by law.

Complaint Resolution Procedure

Upon completing an investigation of the complaint, the designated reporting officer shall report to the Superintendent the results of the investigation of the complaint. Such report shall be in writing*. The school principal shall thereupon meet with the complainant and the charged employee or student, together with the designated reporting officer, and make every effort to resolve such complaint. If such complaint cannot be resolved at this level, the Superintendent shall report the same to the Board, and if in his/her discretion it is warranted, he/she may recommend a hearing be held by the Board in accordance with the laws and statutes applicable to such charged employee's contract status or to such charged student's status. In the event that a hearing before the Board is recommended and scheduled, a copy of the reporting officer's written report shall be furnished to the parent/guardian of the complainant and a copy to the charged employee or another student at least five (5) calendar days before the hearing.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jun 8, 1995; REVISED: Aug 5, 2004

LEGAL REF.: *The Code of Alabama*: §16-8-231; Meritor Savings Bank FSB v. Vinson, 477 U.S. 57 (1986); Civil Rights Act of 1964, Title VII; EEOC Guidelines.

SEXUAL HARASSMENT OF EMPLOYEES

General

It is the policy of the Board that sexual harassment of employees by other employees is unlawful behavior and will not be permitted in the employment setting. The Board is committed to providing a working environment that is free of unlawful sexual harassment and will seek to utilize available measures to deter such conduct.

Sexual Harassment Defined

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

1. submission to such conduct is made either explicitly or implicitly, a term or condition of the individual's employment; or
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of substantially interfering with the individual's performance or creating a hostile or offensive working environment.

Examples of Sexual Harassment

Examples of sexual harassment include, but are not limited to, 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 objects or pictures. Sexual harassment does not include personal compliments welcomed by the recipient.

Designation of Reporting Officer

The Board hereby directs the Superintendent to appoint an administrative employee to serve as the reporting officer for all complaints of sexual harassment involving employees of the Board. The name, address, and telephone number of the reporting officer(s) shall be published annually in the School District's Personnel Directory. All employees of the Board are by presentation of this policy duly notified of School District's procedure for making known the reporting officer and the procedure for entering a sexual harassment complaint.

Reporting Incidents of Sexual Harassment

An individual employee who feels that he/she has been sexually harassed should report the incident to the designated reporting officer. Such report shall be made as soon as possible after the incident or, if a series of incidents, as soon as possible after the latest occurrence. The Board requires the employee to make such report no later than ninety (90) calendar days following the incident or the latest occurrence in the series of such incidents. The complaint may be made to the designated reporting officer in person or may be made in writing, signed by the complainant, and so delivered to the reporting officer. If such report is first made verbally then it will be the responsibility of the complainant to reduce the same to writing and to sign the written complaint. The reporting officer shall promptly commence an investigation of such written complaint.

Complaint Resolution Procedure

Upon completing an investigation of the complaint, the designated reporting officer shall report to the Superintendent the results of the investigation of the complaint. Such report shall be in writing and a copy shall be provided both the complainant and the charged employee. The Superintendent shall meet with the complainant and the charged employee, together with the designated reporting officer, and make every effort to resolve such complaint to the satisfaction of both parties. If such complaint cannot be resolved at this level, the Superintendent shall report the same to the Board, and if in his/her discretion it is warranted, he/she may recommend a hearing be held by the Board in accordance with the laws and statutes applicable to such charged employee's contract status. However, after receiving the Superintendent's report, the Board, at its discretion, may by a majority vote decide to conduct a hearing to ascertain any additional information relative to the charge.

Legal Recourse

Provided the complainant is not satisfied with the decision reached through the above administrative remedy, he/she may seek legal redress through the court system.

SOURCE: Colbert County Board of Education, Tuscumbia, Alabama

ADOPTED: Jul 12, 1995

LEGAL REF.: *The Code of Alabama*, §16-8-23; Meritor Savings Bank FSB v. Vinson, 477 U.S. 57 (1986); Civil Rights Act of 1964, Title VII; EEOC Guidelines.

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