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### Off-campus Consumption of Alcohol/Controlled Substances

The rule is violated when a student consumes any amount of alcohol or prohibited substance off-campus and then presents him or herself on school property-owned or leased by the local Board of Education, school bus stop, or any other school-sponsored event and a school official detects the physical characteristics of, e.g., odor, slurred speech, erratic behavior, bloodshot/glassy eyes, etc., the student’s consumption of alcohol or prohibited substance.

### Possession of a weapon

Possessing, handling or transferring, whether openly or concealed, without educational permission or consent any BB gun, stun gun, gun, air rifle, air pistol, pistol, facsimile of a gun, knife, ice pick, dagger, slingshot, leaded cane, loaded cane, sword cane, machete, switchblade knife, blackjack, metallic knuckles, razors, razor blades, box cutters, pepper spray, ammunition, explosives, explosive-making material, chemicals, or any other object that can reasonably be considered a weapon or dangerous instrument.

### Possession of a Controlled Substances/Distribution/Selling

This offense includes possession, distribution or sale by a student of a controlled substance of the N. C. Controlled Substances Act or any counterfeit controlled substance. This includes, but is not limited to, marijuana, synthetic marijuana (spice or similar product), Cannabidiol (CBD), Hemp extract, MDPV and mephedrone (e.g., bath salts), cocaine, methamphetamine, barbiturate, heroin, mescaline, LSD, codeine, opium, ecstasy, Vicodin, Percocet, oxycodone (or generic derivatives) or any other hallucinogenic drug. Possession shall be defined as the substance being on the person, in the student’s personal effects, vehicle, locker or desk, or in the immediate control of the student in any amount or in any form. This offense also includes the unauthorized distribution of any prescription drug. (Please note Substance Abuse Policy Statement)

### Property Damage – More than \$1000

Damage is intentionally damaging, or attempting to damage, any school property or private property while under school jurisdiction.



### Robbery (with or without a dangerous weapon)

The taking or attempting to take anything of value from another's person, by force, or by an act threatening force or violence, which puts a victim in fear, without the use of a weapon. The stealing of someone's property without the use of force or from a source other than the victim's person is not included in this offense. If the taking from the person involves use of a dangerous weapon the incident is reported as a robbery with a dangerous weapon. Robbery with a dangerous weapon would include robbery with an instrument, article or substance likely to produce great bodily harm.

### Sexual Assault

To be defined as the unauthorized and unwanted, intentional, or forcible touching of a person of either sex. This category includes forcibly and intentionally grabbing the clothed or unclothed private areas of a person.

### Sexual Offense

Sexual offense may be forcible or statutory. Forcible Sexual Offense is committed by force and without the consent of the victim. Statutory Sexual Offense is a sexual act committed on a child under the age of 18 by a person who is at least 12 years old and at least four years older than the victim, regardless of whether the victim consented. If the person is 13, 14, or 15 years of age the defendant has to be at least six years older than the victim. Statutory Sexual Offense is also sexual acts committed on a person who is mentally handicapped or incapacitated or physically helpless, regardless of whether the victim consented.

Note: The difference in sexual assault and sexual offense is that sexual assault involves forcible and intentional touching without penetration.

### Sexual Misconduct

No student shall engage in behavior, which is indecent, disreputable, or of a sexual nature to include consensual sex and/or sexual acts.

### Theft – Value More than \$1000

Theft is stealing or attempting to steal, or possessing stolen property having reason to know it was stolen. Theft includes stealing Rowan-Salisbury devices, which have an overall value of \$1000 (i.e., laptops,

iPads, and school computers).

### Unlawfully Setting a Fire

Intentionally starting a fire or attempting to start a fire or aiding and abetting in the starting or attempting to start a fire without educational permission or consent is prohibited.

### Use of and/or Distribution of Alcoholic Beverages

Consumption and/or distribution of an alcoholic beverage in any amount or form on school property owned or leased by the local Board of Education, school bus stop or at any school-sponsored event is prohibited. (Please note Substance Abuse Policy Statement)

### Use of Controlled Substances

This offense includes the use of, but not limited to, marijuana, synthetic marijuana (spice or similar product), MDPV and mephedrone (e.g., bath salts), cocaine, methamphetamine, barbiturate, heroin, mescaline, LSD, codeine, opium, ecstasy, Vicodin, Percocet, oxycodone, CBD oil, Cannabidiol, or hemp extracts (or generic derivatives), hallucinogenic drug or any other chemical or product that may bring about a state of exhilaration or euphoria or otherwise alter the student's mood or behavior while on school property owned or leased by the local board of Education, school bus stop, or at any school sponsored event. (Please note Substance Abuse Policy Statement)

## **Level IV Violations**

### Possession of a Firearm or Destructive Device

Bringing or possessing a firearm or destructive device on educational property or to a school-sponsored event off of educational property, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, or any firearm muffler or firearm silencer. A destructive device is a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, device similar to those above. The term shall not include inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol.

## **Level V Violations**

Behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or school personnel. This includes any student subject to sex offender registration pursuant to NC Gen. Statute §14-208.18.

### Death by Other than Natural Causes

Death by other than natural causes is the killing of a living person done by another person including, but not limited to, murder, manslaughter and death by vehicle.

## **SECTION V: SUBSTANCE ABUSE POLICY STATEMENT**

No student shall possess, use, transmit, conspire to transmit, sell, solicit/conspire to purchase, or be under the influence of any narcotic drug (hallucinogen, amphetamine barbiturate, marijuana) or any other controlled substance as designed by State or Federal Law, or any alcoholic beverage or “designer drugs” or counterfeit drugs (e.g. student says a substance is a drug) or any drug paraphernalia, or any inhalants, chemicals or products which when used may alter the student’s mood or behavior. In simple terms, no illegal drugs are allowed at school.

This policy shall apply to all students, before, during, and after school hours at school, in any school building and on any school premises; on any school-owned vehicle or in any other school approved vehicle used to transport students to and from school or school activities; off school property at any school sponsored or school approved activity, event or function; or during any period of time when students are subject to the authority of school personnel. The policy shall apply regardless as to how school officials become aware of the possession, use, or transmission of a controlled counterfeit substance (e.g., through first-hand observation by a school official or by reports made to school officials)

If a principal or administrator has reason to believe a student has consumed an alcoholic beverage, malt beverage, or fortified wine or other intoxicating liquor, he or she may request that the student submit to an Alcohol Screening Test. An Alcohol Screening Test device approved and recommended by the North Carolina Department of Human Resources and purchased and maintained by the school must be used. Law enforcement personnel who have been certified by the North Carolina Department of Human Resources must administer this test. If a student refuses to perform the Alcohol Screening Test at the principal or administrator’s request, penalties under Sections B and C will apply. This policy shall not apply to the proper possession and use of prescription medicine or to the legal possession of any of the above listed substances in connection with an approved school project. The Rowan-Salisbury Board of Education realizes that under certain circumstances it may be necessary for students to take medication during school hours. Students requiring the use of medication

(prescription or non-prescription) during the times they are under the supervision of the Board must have a medication Permission Form, signed by a licensed health care provider, on file in the school office for each medication to be administered by school personnel. For more information, see Rowan-Salisbury Board of Education Policy 6125, or call your school office, or contact Student Services at 704-630-6001.

### **Penalty for Policy Violations**

The first violation of this policy by a student in grades K-12 will result in a ten-day short-term suspension. The first and subsequent violations may result in a recommendation for long-term suspension depending on extenuating circumstances. The student shall be recommended for chemical dependency assessment and intervention, except as outlined in the Policy Exceptions and Intervention Option section included below.

### **Policy Exceptions and Intervention Option**

An alternative to suspension may be made only in cases involving a first offense of this policy during a given school year where the infraction does not involve the sale, intent to sale, or distribution a substance prohibited by this policy. A student in violation of this policy for the first time shall be suspended for a minimum of ten (10) days and shall be recommended for intervention.

In order to participate in the intervention, the student must receive a chemical dependency assessment at the student's/parent's expense from a licensed chemical dependency assessment center approved by the Board of Education. The school intervention specialist will monitor the student's progress toward fulfilling the recommendations provided by the assessment. The student shall remain suspended from the school where the violation occurred for no less than ten (10) school days. If a chemical dependency assessment has not been initiated within ten (10) school days, the student may be recommended for suspension for the remainder of the school year. Re-entry into school is assured after an assessment has been completed and treatment (if recommended) is in progress. If a suspension occurs within the last ten days of school, a student shall not be enrolled in a Rowan-Salisbury school for the next school year until an assessment is completed and treatment (if recommended) is in progress. The Board continually seeks to explore and implement other intervention alternatives. Other such alternatives may be implemented after this document is printed.

Administrators at each school are updated on intervention alternatives as they become available and are approved by the Board of Education.

## **SECTION VI: PROVISIONS FOR ENFORCEMENT OF CODE OF CONDUCT VIOLATIONS**

### **Temporary Suspension**

The principal/assistant principal may impose a temporary suspension prior to a hearing if the presence of the student creates a direct and immediate threat to the safety of other students or staff, or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the principal shall give notice of the charges and an opportunity for an informal hearing as soon as practicable.

### **Short-Term Suspension**

The exclusion of a student from school attendance for disciplinary purposes for up to 10 school days from the school to which the student was assigned at the time of the disciplinary action. A short-term suspension does not include the removal of a student from class by the classroom teacher, principal or other authorized school personnel for the remainder of the subject period or one-half of a school day and/or changing the student's location to another room or place on the school premises. A student subject to short-term suspension shall be provided the following:

1. The opportunity to take textbooks/one-to-one devices home for the duration of the suspension.
2. Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with the assignment.
3. The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

### **Long-Term Suspension**

Suspension from school, school activities, and school grounds in excess of 10 days but not exceeding the time remaining in the school year except as provided in G.S. 115C- 390.1(b)(7). This long-term suspension must have the approval of the superintendent or designee. For more information see RSS Board of Education Policy 4353 Long Term Suspensions and Policy 4370 Student Discipline Hearings.

### **365-Day Suspension**

365-day suspension from school, school activities, and school grounds for a period of 365 days as specified in G.S. 115C-390.10 Gun Possession. This long-term suspension must have the approval of the superintendent. For more information see RSS Board of Education Policy 4353 Long Term Suspensions and Policy 4370 Student Discipline Hearings.

### **Expulsion**

Indefinite exclusion from the Rowan-Salisbury School system of a student (1) who is 14 years of age or older and (2) whose behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of employees or other students. Also, in accordance with N.C.G.S. §115C-390.11(a)(2), a local Board of Education may expel any student subject to sex offender registration pursuant to N.C.G.S. §14-208.18. Expulsion can only be authorized by the Board of Education, upon the recommendation of the principal and the superintendent.

### **Disciplinary Reassignments**

Reassignment to an alternative program must be approved by the superintendent or superintendent designee.

### **Calculation of Days**

Number of days refers to days when schools are in session for students except for reference to a 365-day suspension, which refers to calendar days.

### **Mandatory Offenses Reportable to Law Enforcement**

As per NC General Statutes 115C-288 (g) When the principal has personal knowledge, a reasonable belief, or actual notice from school personnel that an act listed below has occurred on school property, regardless of the age or grade of the perpetrator or victim, the school principal must immediately report it to law enforcement officials. The principal shall also notify the superintendent or his/her designee in writing or by electronic mail regarding any report made to law enforcement under this section. The superintendent or his/her designee shall provide the information to the local Board of Education.

The mandatory reportable offenses are as follows:



1. Assault resulting in serious personal injury
2. Sexual assault
3. Sexual offense
4. Rape
5. Kidnapping
6. Possession of a firearm in violation of the law
7. Possession of a weapon in violation of the law
8. Possession of controlled substance in violation of the law
9. Assault involving the use of a weapon
10. Taking indecent liberties with a minor

### **Mandatory Reporting of Other Serious Violations**

In addition to the ten (10) reportable offenses listed above, any Level III, IV, or V violation must be immediately reported to the superintendent or the superintendent's designee.

### **Authority to Search**

School officials have authority to conduct reasonable searches and seizures in accordance with RSS's Policy 4342 for the purpose of maintaining a safe, orderly environment and of upholding standards of conduct established by the board or school.

### **STUDENT ADMISSIONS AND READMISSIONS**

In accordance with G.S. 115C-366 (a4)

When a student transfers into the public schools of a local school administrative unit, that local Board of Education shall require the student's parent, guardian, or custodian to provide a statement made under oath of affirmation before a qualified official indicating whether the student is, at the time, under suspension or expulsion from attendance at a private or public school in this or any other state or has been convicted of a felony in this or any other state. This subsection does not apply to the enrollment of a student who has never been enrolled in or attended a private or public school in this or any other state.

In accordance with G.S. 115C-366 (a5)

Notwithstanding any other law, a local Board of Education may deny admission to or place reasonable conditions on the admission of a student who has been suspended from a school under G.S. 115C-G.S. 115C-390.10 or who has been suspended

from a school for conduct that could have led to a suspension from a school within the local school administrative unit where the student is seeking admission until the period of suspension has expired. Also, a local Board of Education may deny admission to or place reasonable conditions on the admission of a student who has been expelled from a school under G.S. 115C- 390.11 or who has been expelled from a school for behavior that indicated the student's continued presence in school constituted a clear threat to the safety of other students or staff as found by clear and convincing evidence, or who has been convicted of a felony in this or any other state. If the local board of education denies admission to a student who has been expelled or convicted of a felony, the student may request the local board of education to reconsider that decision in accordance with G.S. 115C-390.12.

### **STUDENT READMISSIONS**

In accordance with G.S. 115C-390.12 and Policy 4362 - Requests for Readmission of Students Suspended for 365 days or expelled, all students suspended for 365 days or expelled may, after 180 calendar days from the date of the beginning of the student's suspension or expulsion, request in writing readmission to Rowan-Salisbury Schools.

### **SCHOOL BUS SUSPENSIONS**

The principal, or his designee, shall have the authority to suspend a student from riding a school bus for a period of 10 days or less if the student willfully violates policies of conduct established by the local board of education or the school. North Carolina statutes do not guarantee a student the right to ride a school bus. Therefore, upon repeated violations of school bus regulations, the principal may suspend a student from riding a school bus for the remainder of the school year.

## **SECTION VII: SUSPENSION PROCEDURES AND DUE PROCESS**

The Board of Education mandates and the law requires that all students be treated fairly and honestly in resolving grievances, complaints, or suspensions/expulsions. Due process will be defined as fair and reasonable notices and approaches to all areas of student governance and discipline on the part of all school officials. The principal shall give full and complete consideration to the defense or excuses, if any, made by the student and dismiss the charges if not satisfied as to the guilt of the student or reduce the punishment if not satisfied as to reasonableness of the proposed disciplinary action under all the circumstances. Due process procedures will be followed in accordance with Policies 4351, 4353, 4370. A summary of those procedures is provided below. Students and parents should consult the relevant policy for complete information.

### **SHORT-TERM SUSPENSIONS (10 DAYS OR LESS) (Policy 4351)**

Students and their parent/guardian will be given an opportunity for an informal hearing with the principal/assistant principal before a short-term suspension is imposed. Except in the circumstances described below, a student and his or her parent/guardian must be provided an opportunity for an informal hearing with the principal/assistant principal before a short-term suspension is imposed. The principal/assistant principal may hold the hearing immediately after giving the student and his or her parent/guardian oral or written notice of the charges against him or her. At the informal hearing, the student and his or her parent/guardian has the right to be present, to be informed of the charges and the basis for the accusations and to make statements in defense or mitigation of the charges. Following the hearing, the principal/assistant principal shall provide written notice to the parent/guardian of his or her final decision.

#### **1. TEMPORARY (IMMEDIATE) SUSPENSION**

A student may be removed from school immediately without a prior opportunity for a hearing if the student's presence in school poses a direct and immediate safety threat or is substantially disruptive. In that case, the notice and opportunity for an informal hearing will be provided as soon as practicable.

#### **2. NOTICE TO PARENT OR GUARDIAN**

The school administrator will notify the student's parent or guardian that a short-term suspension has been imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable. The notice will explain why the student has been suspended and will describe the student's misconduct. The notice will be provided on the day of the suspension when reasonably possible, but no later than two days after the suspension is imposed.

### **3. APPEAL OF SHORT-TERM SUSPENSION PROCEDURE**

If the parent believes that the assistant principal/principal failed to provide the student with sufficient notice of the charges or opportunity to respond to the charges, then the parent shall appeal to the principal of the school. After the appeal at the school level the parent will have five (5) school days from the date of the principal's/assistant principal's decision to make a written request to the superintendent or his/her designee for a review of the suspension procedure. There shall be no right to appeal a short-term suspension to the board of education.

### **LONG-TERM SUSPENSION, 365-DAY SUSPENSION, EXPULSION (Policy 4353)**

1. Long-term suspension, 365-Day suspension, and expulsion procedures will be followed in accordance with Policy 4353. These procedures include the right to written notice of the proposed discipline and the right to request a full hearing before the disciplinary penalty is imposed.
2. The school administrative hearing shall be held within the 10-day suspension. Therefore, from the date the Notice of Charges, and hearing was mailed, or hand delivered to the parent or legal custodian.
3. A principal may recommend to the superintendent the long-term suspension of any student who willfully engages in conduct that violates a provision of the Student Code of Conduct that authorizes long-term suspension. Only the superintendent or his/her designee has the authority to long-term suspend a

student.

4. A long-term suspension can be appealed within three (3) days of receipt of the notice from the school principal recommending long-term suspension, 365-day suspension, or expulsion. The superintendent or designee will notify the parent of the hearing date, which will be scheduled within the first 10 days of suspension.
5. Following an administrative hearing, a student or parent has the right to appeal a long-term suspension decision to the Board Appeals Committee. A request for a board hearing must be made in writing three (3) days following the administrative hearing decision. For more information see RSS Board of Education Policy 4353 Long- term Suspensions and Policy 4370 Student Discipline Hearings.

## **DISCIPLINARY REASSIGNMENTS**

Students may be reassigned to an alternative school as a disciplinary consequence. The alternative program or school will meet the requirements of the standard course of study and provide the student the opportunity to make timely progress toward grade promotion and graduation.

1. Before recommending a student for a disciplinary reassignment, the student will be provided the due process procedures applicable to short-term suspensions, described above.
2. The principal/assistant principal will provide the student with the due process procedures applicable for short-term suspensions, including written notice of charges and a hearing. In addition, the school administrative hearing shall be held not less than two (2) school days from the date the notice of suspension and/or policy violations were mailed or hand delivered to the parent or legal custodian.
3. If the principal recommends a disciplinary reassignment, he/she shall submit such recommendation to the superintendent's designee for approval/disapproval.

4. The parent shall be provided an opportunity to present any further information to the superintendent's designee, regarding the proposed disciplinary reassignment through a Request for an Appeal of a Disciplinary Reassignment form provided by the principal. The form must be submitted to the Rowan-Salisbury Schools' Office of Student Services within three (3) school days of the school administrative hearing.
5. A student attending school under a disciplinary reassignment is not eligible for athletic participation and is not permitted on his/her home school campus without prior permission from the principal.
6. A student who is reassigned to an alternative school by way of a disciplinary reassignment has the right to a board appeal of the final administrative decision. A panel of three board members shall hear appeals of a final administrative decision. No new evidence, written or verbal may be presented without the prior knowledge and consent of both parties or upon a majority vote of the hearing panel. The Board will place reasonable time limits on the hearing. The hearing will be private and will be recorded.

### **NON-DISCRIMINATION ON THE BASIS OF DISABILITIES**

The Board of Education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit or reach the same level of achievement. For more information, please see RSS Board of Education Policy 1730/4022/7231.

### **MEDICAL SCREENINGS**

Rowan-Salisbury Schools conducts various screenings for students in compliance with applicable federal and state laws. Routine mass screenings, such as vision, lice, hearing and dental are performed annually according to NC state recommendations. If you do not wish for your child to participate, please notify the school/ school nurse. If there

are any concerns regarding your child's screening results, you will be notified. You may also contact Student Services at 704-630-6001 if you have further questions or visit the RSS Website School Health page at <http://www.rss.k12.nc.us/school-health>.

## **SECTION VIII: PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING**

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, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The Board 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**

#### **Discrimination, Harassment, and Bullying**

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The Board expressly prohibits unlawful discrimination, harassment, and bullying.

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.

Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). 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.

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 policy 5020, Visitors to



the Schools.

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 other measures deemed appropriate by the superintendent to address the behavior.

### **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.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies, and regulations, the superintendent 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, 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.

## **C. DEFINITIONS**

For purposes of this policy, the following definitions apply:

### **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, such as race, ethnicity, sex, pregnancy, religion, age, or disability. Discrimination may be intentional or unintentional.

### **Harassment and Bullying**

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.

"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, 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.

### **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 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 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.

### **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.

## **D. 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 1710/4020/7230, 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.

## **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. Information about this policy and the related complaint procedure must be included in the training plan.

As funds are available, the Board will 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. 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.

## **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 1710/4020/7230, Discrimination, Harassment, and Bullying Complaint Procedure. The superintendent must ensure that each school principal provides a copy of this policy and policy 1710/4020/7230 to students, employees, and parents or other responsible caregivers 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 has appointed the following individuals to coordinate the school system's efforts to comply with and carry out responsibilities under federal non-discrimination laws. These responsibilities include investigating any 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.

### **Title IX Coordinator**

Mrs. April Kuhn, Chief Student Services and Compliance Officer  
Address: 500 N. Main Street, Salisbury NC 28144  
Phone Number: 704-630-6039

### **Section 504 Coordinator**

Mrs. Judy McLaughlin, Director of School Counselors & Student Support  
Address: 500 N. Main Street, Salisbury NC 28144  
Phone Number: 704-870-7559

### **ADA Coordinator**

Dr. Elizabeth Mitchem, Director of Exceptional Children  
Address: 500 N. Main Street, Salisbury NC 28144  
Phone Number: 704-639-3064

### **Age Discrimination Coordinator**

Dr. Jill Hall-Freeman, Chief Human Resources Officer  
Address: 500 N. Main Street, Salisbury NC 28144  
Phone Number: 704-630-6084

### **Coordinator for Other Non-discrimination Laws**

Dr. Jill Hall-Freeman, Chief Human Resources Officer  
Address: P500 N. Main Street, Salisbury NC 28144  
Phone Number: 704-630-6084

## **H. RECORDS AND REPORTING**

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination, harassment, or bullying.

## **SECTION IX: COMPLAINT PROCEDURE FOR DISCRIMINATION, BULLYING, AND HARASSMENT**

The Board takes seriously all complaints of unlawful discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied, or harassed in violation of policy 1710/4020/7230, Prohibition Against Discrimination, Harassment, and Bullying or policy 1730/4022/7231, Non-discrimination on the Basis of Disabilities. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should report such violations to one of the school system officials listed in subsection C of this policy. Reports may be made anonymously.

### **A. DEFINITIONS**

#### **Alleged Perpetrator**

The alleged perpetrator is the individual alleged to have discriminated against, harassed, or bullied the complainant.

#### **Complaint**

A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment, or bullying.

#### **Complainant**

The complainant is the individual complaining of being discriminated against, harassed, or bullied.

#### **Days**

Days are the working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

#### **Investigative Report**



The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

**Investigator**

The investigator is the school official responsible for investigating and responding to the complaint.

**Report**

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment, or bullying.

**B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES**

**Mandatory Reporting by School Employees**

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed, or bullied in violation of policy 1710/4020/7230 or policy 1730/4022/7231 must report the offense immediately to an appropriate individual designated in subsection C below. An employee who does not promptly report possible discrimination, harassment, or bullying shall be subject to disciplinary action.

**Reporting by Other Third Parties**

All members of the school community including students, parents, volunteers, and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment, or bullying.

**Anonymous Reporting**

Reports of discrimination, harassment, or bullying may be made anonymously but formal disciplinary action may not be taken solely on the basis of an anonymous report.

**Investigation of Reports**

Reports of discrimination, harassment, or bullying will be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances, regardless of the alleged victim's willingness to cooperate. At the option of the alleged victim, the report

may be treated as a complaint by the alleged victim under this policy.

## **C. COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT, OR BULLYING**

### **Filing a Complaint**

Any individual, who believes that he or she has been discriminated against, harassed, or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

- A. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- B. an immediate supervisor if the individual making the complaint is an employee;
- C. the Chief Human Resource Officer if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the Chief Human Resource Officer is the alleged perpetrator);
- D. the Title IX coordinator, (Chief Student Services and Compliance Officer) for claims of sex discrimination or sexual harassment (see policy 1710/4020/7230 for contact information);
- E. the Section 504 coordinator (Director of School Counselors & Student Support) or the ADA coordinator (Director for Exceptional Children) for claims of discrimination on the basis of a disability (see policy 1710/4020/7230 for contact information);  
or
- F. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in policy 1710/4020/7230.
- G. In addition, complaints may be filed with:  
Office for Civil Rights  
U.S. Department of Education  
4000 Maryland Ave, SW

Washington, DC 20202-1475  
Telephone: 202-453-6020  
TDD: 800-877-8339 FAX: 202-453-6021  
Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

## **Time Period for Filing a Complaint**

A complaint should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

## **Informal Resolution**

The Board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation. The Board encourages the use of informal procedures such as mediation to the extent possible; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence, complaints by a student of sexual harassment perpetrated by an employee, or when otherwise inappropriate. Informal procedures may be used only if the parties involved voluntarily agree.

If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to end the informal process and begin formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time. If informal procedures fail to resolve the matter in a reasonable period of time or are inappropriate, or if the complainant requests formal procedures, the complaints will be investigated promptly, impartially, and thoroughly according to the procedures outlined in the remainder of this policy.

## **D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT, OR BULLYING**

## **1. Initiating the Investigation**

- a. Whoever receives a complaint of discrimination, harassment, or bullying pursuant to subsection shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:
  - i. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the Chief Human Resource Officer, the superintendent, or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the Chief Human Resource Officer or designee.
  - ii. If the alleged perpetrator is the principal, the Chief Human Resource Officer or designee is the investigator.
  - iii. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the Chief Human Resource Officer or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent, or a member of the board.
  - iv. If the alleged perpetrator is the Chief Human Resource Officer, the superintendent or designee is the investigator.
  - v. If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the Chief Human Resource Officer who shall immediately notify the board chair. The Board Chair shall direct the Board Attorney to respond to the complaint and investigate.)

- vi. If the alleged perpetrator is a member of the Board, the Board attorney is the investigator. (In such case, whoever receives a complaint of discrimination, harassment, or bullying shall immediately 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.)
- b. As applicable, the investigator shall immediately notify the Title IX, Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
- c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
- d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4020/7230.
- e. Failure to investigate and/or address claims of discrimination, harassment, or bullying shall result in disciplinary action.

## **2. Conducting the Investigation**

- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4020/7230 or policy 1730/4022/7231. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, who may have relevant

information. The investigation will include a review of all evidence presented by the complainant or alleged perpetrator.

- b. The complaint and investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for further confidentiality will be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4020/7230.
- c. The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence, the alleged conduct constitutes discrimination, harassment, or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age, and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

### **3. Investigative Report**

- a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504, ADA, or other coordinator.
- b. The investigator shall provide written notification to the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
  - i. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment, or bullying, and prevent it from recurring;

- ii. as needed, reasonable steps to address the effects of the discrimination, harassment, or bullying on the complainant; and
  - iii. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
- d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 1710/4020/7230. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
- e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment, or bullying.

## **4. Appeal of Investigative Report**

- A. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the Chief Human Resource Officer or the superintendent, in which cases the complainant may appeal directly to the Board in accordance with the procedure described in subsection D.4.b below). The appeal must be submitted in writing within five (5) days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
  
- B. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the Board within five days of receiving the superintendent's response. The Board will review the documents, direct that further investigation be conducted if necessary, and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the Board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The Board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary, or the hearing necessitates that more time be taken to respond.

## **E. TIMELINESS OF PROCESS**

The number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process.

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review, or report.



The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

## **F. GENERAL REQUIREMENTS**

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The Board and school system officials will consider requests to hear complaints from a group, but the Board and officials have the discretion to hear and respond to complainants individually.
4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.
  - a. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

**G. RECORDS**

Records will be maintained as required by policy 1710/4020/7230

**Confirmation of Receipt of the  
2021-2022 Code of Student Conduct**

Please complete and return this page to the school within three days or receipt of this document.

Name of Student \_\_\_\_\_

**Student's Confirmation of Receipt (Grades 6-12)**

My signature below indicates that I have received a copy of the Code of Conduct for the Rowan Salisbury Schools to be shared with my parents or guardians.

Signature of Student \_\_\_\_\_ Date \_\_\_\_\_

**Parent/Guardian Confirmation of Receipt (Grades K-12)**

My signature below indicates that I as a parent/guardian of a student in a Rowan-Salisbury School have received a copy of a Code of Student Conduct for the Rowan-Salisbury Schools and will communicate with my child to help him/her understand the responsibilities as a student in this school system. I can be reached at this telephone number during normal school hours:

Area Code ( ) \_\_\_\_\_

Current Residence \_\_\_\_\_

Email Address \_\_\_\_\_

If the above number changes, the school office must be notified immediately. Failure to do so will severely limit the school's ability to contact parents in the event of a medical emergency or disciplinary incident involving your child. Two-way communication is critical. Parents limit their right to receive timely notice of any disciplinary action taken against their child if they do not provide the school a telephone number where they can be reached during normal school hours. I understand these expectations.

Name of Parent \_\_\_\_\_

Signature of Parent \_\_\_\_\_ Date \_\_\_\_\_

Failure to sign or return this statement does not relieve students or parents of their responsibility to abide by the regulations printed herein.