

PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING

The Catamount School (School) and Western Carolina University (University) acknowledge 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 School and University prohibit 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 School and University 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, school employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The School and University expressly prohibits unlawful discrimination, harassment, and bullying.

Students are expected to comply with the behavior standards established by School and University policy and the Code of Student Conduct. Employees are expected to comply with school and university policy and regulations. Volunteers and visitors on school property also are expected to comply with Jackson County Public School (JCPS), School and University 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 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 JCPS board policy 5020, Visitors to the Schools.

When considering if a response beyond the individual level is appropriate, School and University staff should consider the nature and severity of the misconduct to determine whether a classroom, school-wide, or Jackson County Public Schools 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 School and University to address the behavior.

2. Retaliation

The School and University 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 principal 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 and/or the University.

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 School and/or its host school; Smoky Mountain High School.

C. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Bullying

Bullying 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 their person or damage to their property; or
- b. that has a direct and immediate effect on maintaining order and discipline in the School.

Bullying includes, but is 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.

Cyberbullying is a type of bullying that takes place through use of the internet, mobile phones, social media, or other digital technologies. Cyberbullying will be addressed through this policy if it takes place at School or University property or if it has a direct and immediate effect on maintaining order and discipline in the School.

Examples of bullying behavior 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 bullying.

2. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on an individual's protected status (as defined in this policy) and that is sufficiently serious to unreasonably interfere with or limit:

- a) An employee's or employment applicant's access to employment or terms, conditions and benefits of employment (e.g., hiring, advancement, assignment, etc.);
- b) A student's or admission applicant's ability to participate in, access or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing, etc.);

- c) An authorized volunteer's ability to participate in a volunteer activity; or
- d) A guest's or visitor's ability to participate in, access, or benefit from the School's programs or deliver services.

Discrimination includes failure to provide reasonable accommodations, consistent with state and federal law and School and University policy, to a qualified person with a disability. Discrimination also includes failure to make religious accommodations consistent with state and federal law. Discrimination may be intentional or unintentional.

3. Harassment

Harassment is any pattern of verbal, physical, electronic, or other conduct based upon an individual's protected status (as defined in this policy) that:

- a. places a student or School employee in actual and reasonable fear of harm to their person or damage to their property; or
- b. has a direct and immediate effect on maintaining order and discipline in the School; or
- c. creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of an employee's employment; or
- d. involves a quid pro quo exchange.

Harassment occurs when this type of conduct unreasonably interferes with an individual's:

- a. educational environment (e.g., admission, academic standing, grades, assignment, etc.);
- b. work environment (e.g., hiring, advancement, assignment, etc.);
- c. participation in a School program or activity (e.g., School or extra-curricular activities, etc.); or
- d. Receipt of legitimately requested services (e.g., disability or religious accommodations, etc.)

Legitimate age-appropriate pedagogical techniques are not considered harassment.

“Hostile Environment occurs when one experiences unlawful distinction, preference, or harm as compared to others based on that individual’s Protected Status and that it is sufficiently severe, persistent or pervasive enough to unreasonably interfere with deny or limit:

- a. an employee’s or applicant for employment’s access to employment or conditions and benefits of employment (e.g., hiring, advancement, assignment);
- b. a student’s or admission applicant’s ability to participate in, access, or benefit from educational programs, services, or activities (e.g., admission, academic standing, grades, assignment, campus housing); or
- c. an authorized agent’s ability to participate in an agent activity.

A Hostile Environment is one that a reasonable person (objective standard) would find hostile or abusive and one that a complainant under this policy perceives to be hostile or abusive (subjective standard). Hostile environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, the extent to which the conduct was intended to harm, harass or exploit the complainant, and whether the conduct actually and substantially interferes with an employee’s work performance or a student’s ability to participate in or to receive benefits, services, or opportunities in the School’s education programs and activities.

“Quid Pro Quo” harassment is unwelcome conduct based on protected status where submission to or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions adversely affecting an individual’s education, employment, or participation in a School program or activity. Examples of quid pro quo harassment may include, but are not limited to:

- a. Promising a promotion or higher grade if an individual acquiesces to sexual advances;
- b. Denying an employee a pay raise after the employee has declined a request for sexual favors from a supervisor; or
- c. Action to deny membership in an organization to an individual who has declined a request for sexual favors from a leader or member of that organization.

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.

4. Sexual Harassment

It is possible for harassment, including sexual or gender-based harassment, to occur in various situations. For example, harassment 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.

- a. 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 employment, academic progress, or completion of a school-related activity;
 - 2) 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

- 3) 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.

- b. 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.

5. Protected Status

Consistent with federal and state law and policies of the UNC System and Western Carolina University, the School prohibits discrimination and harassment based on the following protected statuses:

- a. Age
- b. Color
- c. Disability
- d. Gender
- e. Gender identity
- f. Gender expression
- g. Genetic information
- h. National origin
- i. Political affiliation
- j. Race
- k. Religion

- l. Sex
- m. Sexual orientation
- n. Veteran status

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. Complaints against School students will be investigated and addressed pursuant to the (enter handbook name). Complaints against School employees will be investigated and addressed pursuant to WCU Policy 53 “Unlawful Discrimination.” Complaints against volunteers and visitors will be investigated and referred as appropriate. All reports should be made in accordance with policy on 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 principal 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.

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 principal 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 the policy on Discrimination, Harassment, and Bullying Complaint Procedure. The principal must ensure that he or she provides a copy of this policy and the policy regarding Discrimination, Harassment, and Bullying Complaint Procedure to students, employees, and parents or other responsible care givers at the beginning of each school year. In addition, both policies must be posted on the school website, and copies of the policies must be readily available in the

principal's office and the receptionist's office. Notice of the policies must 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. COORDINATORS

The University's Title IX Coordinator shall serve as the School's "Title IX Coordinator" (for sex discrimination). The Principal shall serve as the School's "Section 504 Coordinator" and the EC Administrator shall serve as the School's "ADA Coordinator" (for discrimination on the basis of disability). The Principal, along with other employees who may be designated by the Coordinator or Deputy Coordinator, may assist in coordinating these programs. The following individuals shall 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 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.

1. *Title IX Coordinator and Equity Officer*
Age Discrimination Coordinator
Coordinator for Other Non-discrimination Laws
Name: Deidre Hopkins
Office Address: 520 HFR Administration Building, WCU
Phone Number: 828-227-7116
Email: dshopkins@wcu.edu

2. *Section 504 Coordinator*
Name: Angela Lunsford
Office Address: 100 Smoky Mtn Dr., Sylva, NC
Phone Number: 828-331-1775
Email: alunsford@wcu.edu

3. *ADA Coordinator*
Name: Dr. Tammy Barron
Office Address: 100 Smoky Mtn Dr., Sylva, NC
Phone Number: 828-331-1775
Email: tlbarron@wcu.edu

H. RECORDS AND REPORTING

The principal shall maintain confidential records of complaints or reports of discrimination, harassment, or bullying. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The principal also shall maintain records of training conducted and corrective action(s) or other steps taken by the School to provide an environment free of discrimination,

harassment, and bullying.

The principal shall report to the State Board of Education all verified cases of discrimination, harassment, or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

I. EVALUATION

The principal shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying and shall share these evaluations periodically with the board.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights, (October 26, 2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights, (April 4, 2011) available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>; *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.15 through -407.18; 126-16; State Board of Education Policy HRS-A-000

Adopted: August 24, 2023