

(Taken from Hardy County Public Schools' Policy Manual)  
RACIAL , SEXUAL , RELIGIOUS / ETHNIC HARASSMENT  
AND VIOLENCE POLICY

General Statement of Policy

It is the policy of the Board to maintain a learning and working environment that is free from harassment or violence. The Board prohibits any form of racial, sexual, and religious/ethnic harassment or violence.

It is a violation of this policy for any student or employee of Hardy County Schools, or any member of the public, to harass a student or an employee at a school activity or on school property through conduct or communication of a racial, sexual, or religious/ethnic nature as defined by this policy.

The Hardy County school district will investigate all complaints, either formal or informal, verbal or written, of harassment or violence and discipline any student or employee who harasses a student or employee of the school district.

Amorous relationships between staff members and students are prohibited.

Definitions

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or communication of a sexual nature when:

- 1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
- 2) Submission to, or rejection of, that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- 3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education or creating an intimidating, hostile, or offensive employment or educational environment.

Sexual harassment may include, but is not limited to:

- 1) Verbal harassment or abuse;

- 2) Unwelcome or inappropriate letters, pictures, telephone calls, or materials of sexual nature;
- 3) Sexual teasing, jokes, remarks, or questions;
- 4) Sexually suggestive looks or gestures;
- 5) Pressure, subtle or overt, for sexual activity;
- 6) Unwelcome or inappropriate patting, pinching, or cornering;
- 7) Intentional brushing against another's body;
- 8) Attempted or actual rape or sexual assault;
- 9) Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- 10) Requesting or demanding sexual favors accompanied by, implied, or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- 11) Any unwelcome sexually motivated touching.

Racial Harassment: Racial harassment consists of physical, verbal, or written conduct relating to an individual's race when the conduct:

- 1) Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3) Otherwise adversely affects an individual's employment or academic opportunities.

Religious Harassment: Religious/ethnic harassment consists of physical, verbal, or written conduct which is related to an individual's religious or ethnic background when the conduct:

- 1) Has the purpose of creating an intimidating, hostile, or offensive working or academic environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

- 3) Otherwise adversely affects an individual's employment or academic opportunities.

Sexual Violence: Sexual violence is a physical act of aggression or force or the threat thereof, which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:

- 1) Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- 2) Coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
- 3) Coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another;
- 4) Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse on another; or
- 5) Threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

Racial Violence: Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

Religious/Ethnic Violence: Religious/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or ethnicity.

Assault - Assault is:

- 1) An act done with intent to cause fear in another of immediate bodily harm or death;
- 2) The threat to do bodily harm to another with present ability to carry out the threat.

#### Reporting Procedures

Any person who believes he or she has been the victim of harassment or violence by a student, an employee of the school district, or any member of the public on school property, or at a school activity should report the alleged acts immediately to an appropriate school district official as designated by this policy. The Board encourages the reporting party or complainant to use the report form available from the building administrator or from the Hardy County Schools administration office.

In Each School Facility: The school Principal is the person responsible for receiving oral or written reports of harassment or violence at the building level. Upon receipt of a report, the Principal must notify the Board's Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given to the building Principal verbally he/she shall summarize it in written form before the close of the next working day and forward it to the Human Rights Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the building administrator, the complaint shall be made directly to the Human Rights Officer.

Transportation: The Transportation Director is the person responsible to receive written or oral reports of harassment or violence that takes place on school buses or other Board supplied transportation, or which involves Transportation personnel. Upon receipt of a report, the Transportation Director must notify the Board's Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded simultaneously to the Human Rights Officer. If the report was given to the Transportation Director verbally, he/she shall summarize it in written form before the close of the next working day and forward it to the Human Rights Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the Transportation Director, the complaint shall be made directly to the Human Rights Officer.

District Wide: The Board hereby designates the Superintendent as the Board's Human Rights Officer to receive reports or complaints of harassment or violence from any individual, employee, or victim of harassment or violence and also from the building administrator or Transportation Director as outlined above. If the complaint involves the Superintendent, the complaint or report shall be filed directly with the Board President, who shall then be responsible for the investigation and recommendation described in Paragraph "Investigation and Recommendation" below of this policy. The name of the Human Rights Officer, including a mailing address and telephone number shall be conspicuously posted in the office of each school building and in other buildings to which employees of the Board are assigned to work.

Submission of a complaint or report of harassment or violence will not affect the future employment, grades, or work assignments of the person who submits the complaint or report.

Use of formal reporting forms is not mandatory.

The Hardy County school district will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of harassment and violence and take disciplinary action when the conduct has occurred.

## Investigation and Recommendation

By authority of the Board, the Superintendent, upon receiving a report or complaint alleging racial, sexual, religious/ethnic harassment or violence will immediately authorize an investigation. This investigation may be conducted by an official or officials of the school district or by a third party or third parties designated by the Superintendent. The investigating party will provide a written report of the status of the investigation within 10 working days unless exceptional circumstances require additional time.

In determining whether alleged conduct constitutes harassment or violence, consideration will be given to the surrounding circumstances, the nature of the racial, sexual, religious/ethnic advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstance(s) generating the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator(s).

In addition, school officials may, in their discretion, take immediate steps to protect the complainant, student(s), and employee(s), pending completion of an investigation of alleged harassment and violence.

## Action

Upon receipt of a recommendation that the complaint is valid, the Hardy County school district will take such action as appropriate based on the results of the investigation.

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the Superintendent or, if the Superintendent is the subject of the complaint, by the President of the Board. The report will document any disciplinary action taken as a result of the complaint.

## Reprisal

The Hardy County school district will discipline any individual who retaliates against any person who reports alleged harassment or violence or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a harassment or violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## Non-Harassment

The Board recognized that not every advance or comment of a racial, sexual, or religious/ethnic nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment or educational effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a serious detrimental effect on innocent parties.

## Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, filing an employee grievance under WV Code §18-29-1, et seq., filing a citizen's appeal under West Virginia Board of Education Policy 7211, filing a Title IX grievance under the appropriate procedures, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

## Sexual Harassment as Abuse

Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the school district will comply with the provisions of law for reporting such abuse.

## Discipline

Disciplinary action taken pursuant to this policy may include warning, suspension, expulsion, or immediate discharge to end the harassment or violence and prevent its recurrence, or other forms of discipline as prescribed by the Superintendent or the Board pursuant to state law.

## Dissemination of Policy

This policy, or a summary, shall be posted in each of the schools and at the Board Office accessible to students and staff members.

A summary of this policy shall appear in student handbooks.

A complete copy of this policy can be found in the building administrator's office and in policy handbooks.

## Prevention Programs

Hardy County Schools will develop an education program for each program level, K-4, 5-8, 9-12, as well as a program for all faculty and staff. The programs, at a minimum will: raise awareness of the different types of harassment, how it manifests itself, its devastating emotional and educational consequences, and its legal consequences. In

addition, multicultural education programs will be developed for faculty, staff, and students to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial, and religious backgrounds.

SOURCE: Board of Education Minutes

DATE: July 21, 1997 – June 18, 2001

LEGAL REFERENCE: Sections 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000C, et seq., Title IV of the Educational Amendments of 1972, 20 U.S.C. § 1681, et seq. W.V. Code § 5-11-1, § 18-2-5, § 18-2-5a, and § 18-2-7b, et seq. W.V. Constitution Art. XII, § 2, the West Virginia Human Rights Act, and Policy 2421 of the W.V. Board of Education.

HARASSMENT.RACIAL.SEXUAL.RELIGIOUS

SUGGESTED STUDENT HANDBOOK POLICY INFORMATION  
RACIAL ,SEXUAL ,RELIGIOUS/ETHNIC HARASSMENT  
AND VIOLENCE POLICY

It is the policy of Hardy County Schools that racial, sexual, religious/ethnic harassment and violence will not be tolerated under any circumstances. We firmly believe that all persons are to be treated with respect and dignity. Harassment and violent incidents will be responded to in a manner that effectively deters future incidents.

Racial, sexual, religious/ethnic harassment and violence refers to unwelcome and unwanted behavior related to sex, race, religion, or ethnic group that makes the recipient feel afraid, embarrassed, helpless, angry or unsafe or upsets the recipient to the point that he/she cannot learn, cannot teach, or be effective at school or at his/her job.

Harassment and violence is prohibited between staff members, between staff members and students, between students, and from members of the public directed at students or staff, on school property or at school-sponsored events. Some examples of harassment and violence may include, but are not limited to: unwelcome patting, pinching, or physical contact; obscene gesturing or calling someone gay; ethnic or racial slurs; or threats, insults, or assaults against someone due to their sex, race, religion or ethnic group.

If a staff member or student feels that his/her emotional well-being, his/her sense of safety and security or sense of self-worth is being affected by such conduct, a complaint should be filed by contacting his/her school principal or by calling or writing:

Ronald V. W hetzel, Superintendent  
Hardy County Schools  
510 Ashby Street  
Mooresfield, W V 26836  
(304) 538-2348 – Ext. 222

A complete copy of the Hardy County Board of Education Policy and/or the W V Board of Education Policy may be obtained by calling the number above.

HARASSMENT.RACIAL.SECUAL.RELIGIOUS

