

**NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY  
AGGIE ACADEMY**

**PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING  
POLICY**

**I. Policy Statement**

North Carolina Agricultural and Technical State University's Aggie Academy 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. Aggie Academy will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment programs or activities. This includes, but is not limited to discrimination, harassment, and bullying based on an individual's real or perceived race, color, creed, political belief, ancestry, national origin, religion, linguistic and language differences, sex, gender, sexual orientation, gender identity/expression, socioeconomic status, academic status, height, weight, physical characteristics, pregnancy, marital status, parental status, disability, or age. Aggie Academy similarly prohibits discrimination, harassment, and bullying, based on a student or employee's association with others, and will provide equal access to designated youth groups as required by law.

**II. Discrimination, Harassment and Bullying Prohibited**

- A. Students, employees, volunteers, and visitors must behave in a civil and respectful manner. Aggie Academy expressly prohibits unlawful discrimination, harassment and bullying.
- B. Students must comply with the behavioral standards established by Aggie Academy's policies and the Code of Student Conduct.
- C. Employees must comply with NC A&T and Aggie Academy policies and procedures governing employee conduct.
- D. Volunteers and visitors on school property must also comply with Aggie Academy policies, rules, and procedures.

**III. Consequences for Violation of this Policy**

- A. It shall be a violation of this policy for any student, NC A&T and/or Aggie Academy employee, volunteer, or visitor to unlawfully harass, bully, or discriminate against any person based upon any protected class or difference, or upon any other characteristic or feature that becomes the focus of unwanted and unwelcome behavior as described below.

- B. It shall also be a violation of this policy for any school employee to tolerate such harassment, bullying, or discrimination of any person by a student or school employee, or by any third parties subject to the supervision and control of NC A&T and/or Aggie Academy.

(1) Consequences for Students

Students who violate this policy will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion based on the nature and severity of the offense and the circumstances surrounding the incident.

Conduct that does not rise to the level of discrimination, harassment, or bullying may violate acceptable standards of student behavior, including but not limited to the expectation that students will demonstrate civility and integrity in their interactions with others. See policy 4310, Integrity and Civility. Consequences for such behavior will be consistent with applicable board policy and the Student Code of Conduct.

(2) Consequences for Employees

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Nothing in this policy shall preclude the NC A&T or Aggie Academy from taking disciplinary action against an employee when the evidence does not establish discrimination, harassment, or bullying, but the conduct otherwise violates University or Aggie Academy policy or expected standards of employee behavior.

(3) Consequences for Others

Volunteers and visitors who violate this policy may be directed to leave school property and/or be reported to law enforcement, as appropriate.

(4) Other Responses

When considering when a response beyond the individual level is appropriate, school administrators will consider the nature and severity of the violation to determine whether a broader response is necessary. Classroom or school-wide responses may include staff training, harassment and bullying prevention programs, and other measures appropriate to address the behavior.

#### **IV. Retaliation**

Aggie Academy prohibits retaliation against any person for reporting or intending to report, supporting someone for reporting or intending to report, or participating in an investigation of reported violations of this policy.

After consideration of the nature and circumstances of the retaliation and in accordance with applicable laws and policies, the principal or appropriate supervisor, after consultation with the Division of Human Resources (in the case of non-student employees or others subject to the policy), shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

## **V. Application of Policy**

This policy applies to all students, employees, volunteers, and visitors of Aggie Academy, and applies to behavior that takes place in any school building or on any school premises before, during or after school hours; on any bus or other vehicle as part of any school activity; at any bus stop; during any school-sponsored activity or extracurricular activity; at any time or place when the individual is subject to the authority of school personnel; and at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the school.

## **VI. Definitions**

For purposes of this policy, the following definitions apply:

- (1) “Bullying” means any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that places a student or Aggie Academy employee in actual and reasonable fear of harm to their person or damage to their property, or 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.

- (2) “Cyberbullying” means 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 on school 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 bullying.

- (3) “Discrimination” means unlawful or otherwise prohibited distinction of, preference for, or detrimental treatment of, an individual as compared to other individuals that is based 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 or visitor's ability to participate in, access, or benefit from the University's programs or deliver services.

Discrimination may be intentional or unintentional and includes failure to provide reasonable accommodations, consistent with state and federal law and NC A&T and Aggie Academy policy to a qualified person with a disability. Discrimination also includes failure to make reasonable religious accommodations consistent with state and federal law.

- (4) “Harassment” means verbal, physical, electronic, or other conduct based upon an individual's protected status (as defined in this policy) that creates a hostile environment or involves a quid pro quo exchange, and 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 an Academy at Middle Fork program or activity (e.g., after 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 harassment.

- (5) “Gender-Based Harassment” or “Gender-Based Discrimination” includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.
- (6) “Hostile Harassment” means unwelcome conduct based on protected status that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in an Aggie Academy program or activity. This alteration creates an

environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not constitute hostile environment harassment.

- (7) “Quid Pro Quo Harassment” means 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 an Aggie Academy 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.
- (8) “Protected Status,” consistent with federal and state law and policies of The University of North Carolina and NC A&T, Aggie Academy prohibits discrimination and/or harassment based on real or perceived age; color; disability; gender; gender identity; gender expression; genetic information; national origin; political affiliation/belief; race; religion; sex; sexual orientation; and veteran status.

- (9) “Sexual Harassment” as defined by 34 CFR 106.30, means conduct on the basis of sex that satisfies one or more of the following:

- Conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. 1092 (f)(6)(A)(v) to mean an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including:
  - (a) Rape, defined as the carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
  - (b) Sodomy is oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
  - (c) Sexual Assault with an Object, defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her

youth or because of age or because of temporary or permanent mental or physical incapacity;

- (d) Fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the victim is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;
- (e) Incest, defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- (f) Statutory Rape, defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

- “Dating violence” as defined in 34 U.S.C. 12291(a)(10) to mean violence committed against an individual with whom the respondent is or has been in a social relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the following factors:

- (a) the length of the relationship;
- (b) the type of relationship; and
- (c) the frequency of interaction between the individuals involved in the relationship.

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include conduct that meets the definition of domestic violence.

- “Domestic violence” as defined in 34 U.S.C. 12291(a)(8) to mean violence that may constitute a felony or misdemeanor crime of violence against an individual
  - (a) who is a current or former spouse or intimate partner;
  - (b) with whom the respondent shares a child in common;
  - (c) with whom the respondent cohabitates or has cohabitated as a spouse or intimate partner;
  - (d) who is similarly situated as a spouse under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - (e) who is a youth or adult and is protected from that respondent’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- “Stalking” as defined in 34 U.S.C. 12291(a)(30) to mean engaging in a course of conduct (two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties [by any action, method, device, or means] follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual’s property) directed at a specific individual that would cause a reasonable individual (under similar circumstances and with similar identities to the victim) to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.

- (10) “Visitors” includes persons, agencies, vendors, contractors and organizations doing business with or performing services for Aggie Academy.

## **VII. Reporting and Investigating Discrimination, Harassment, and Bullying**

All employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. All reports must be made to the principal or designee. Any report against the principal should be made to the Division of Human Resources' Chief Human Resources Officer.

Complaints against Aggie Academy students will be investigated and addressed pursuant to the Aggie Academy Code of Student Conduct.

Complaints against NC A&T and Aggie Academy employees will be investigated and addressed pursuant to University Policy 209, Unlawful Harassment and Discrimination.

Complaints against volunteers and visitors will be investigated or referred to the appropriate office or agency.

Reports may be made anonymously; however, anonymous reports cannot be the sole basis of student or employee discipline and consequently signed reports are encouraged.

All reports and complaints shall be investigated in accordance with the Procedures for Addressing Discrimination, Harassment & Bullying.

## **VIII. Training and Programs**

The Principal or designee shall establish training and other programs for staff and students, designed to prevent discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. This policy and related complaint procedures must be included in the training plan and provided to all employees during orientation. The Principal shall maintain records of the training.

As funds are available, Aggie Academy will provide additional training for students, employees, and volunteers who have significant contact with students regarding efforts to address discrimination, harassment, and bullying, and will create programs to address these issues.

The training or programs must:

- (1) Provide examples of behavior that constitute discrimination, harassment, or bullying;
- (2) Teach employees and volunteers to identify groups that may be targeted for discrimination, harassment, or bullying; and
- (3) Train school employees and volunteers to be alert to locations where such behavior may occur, including areas within school buildings, at school bus stops, on cell phones, and on the internet.

## **IX. Notice**

The Principal shall provide notice of this policy and accompanying reporting and investigation procedures at the beginning of each school year to students, parents, employees, and other responsible caregivers. This policy shall appear in all handbooks, and be posted on the school website, with copies available in the Principal's office.

#### **X. 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 each complaint or report. The Principal also shall maintain records of training conducted and any corrective action or other steps taken by NC A&T or Aggie Academy to provide an environment free of discrimination, harassment, and bullying.

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

#### **XI. Evaluation**

The Principal shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying, and shall annually report the findings to the Chancellor and Advisory Board.

#### **XII. Relationship to Other Laws and Policies**

This policy shall not be construed to allow punishment for expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

Nothing in this Policy shall be interpreted to restrict any rights protected by other laws and policies, including but not limited to the First, Fifth, and Fourteenth Amendments to the U.S. Constitution; academic freedom; the Americans with Disabilities Act; or be interpreted to prevent the University from complying with other federal and state laws, including but not limited to Title VII of the Civil Rights Act of 1964 and subsequent amendments or Title IX of the Education Amendments Act of 1972.

**Original Effective Date:** August 29, 2022

**Authority:** Chancellor

#### **Legal References**

Age Discrimination in Employment Act of 1967, [29 U.S.C. 621 et seq.](#); [34 C.F.R. Part 110](#)  
Americans with Disabilities Act of 1990, as amended by the ADA Amendments of 2008, [42 U.S.C. 12101 et seq.](#); [28 C.F.R. Part 35](#)



Rehabilitation Act of 1973, 29 U.S.C. 705(20); 794, 34 C.F.R. Part 104  
Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.; 34 C.F.R. Part 100  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; 29 C.F.R. Part 1604  
Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq.; 34 C.F.R. Part 106  
Boy Scouts of America Equal Access Act, 20 U.S.C. 7905; 34 C.F.R. Part 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 (Bullying)*, U.S. Department of Education, Office for Civil Rights, (October 2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>  
*Dear Colleague Letter (Sexual Harassment)*, U.S. Department of Education, Office for Civil Rights, (2006) available at <https://www2.ed.gov/about/offices/list/ocr/letters/sexhar-2006.html>  
Q&A on Campus Sexual Misconduct, U.S. Department of Education, Office for Civil Rights, (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>  
*Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998)  
N.C. Gen. Stat. § 115C-335.5  
N.C. Gen. Stat. §§ 115C-407.15 through 115C-407.18  
N.C. Gen. Stat. § 126-16  
School Violence Acts Defined and the Annual Report of these Crimes, State Board of Education Policy SSCH-000