

**BESSEMER CITY BOARD OF EDUCATION:**  
**Anti-Discrimination Policy**

**I. Statement of Policy**

It is the policy of this Board to maintain a safe and civil learning environment that is free from unlawful discrimination, harassment, or bullying due to race, color, ethnicity, national origin, sex, age, or disability. The Board prohibits any and all forms of discrimination, harassment, and bullying because of race, color, national origin, sex, age, or disability in any of its educational or employment activities.<sup>1</sup>

It shall be a violation of the Board's policy for any student, teacher, administrator or other school personnel to discriminate, harass, or bully a student through conduct of a sexual nature or regarding race, color, ethnicity, national origin, gender, age, or disability as defined by this policy.

It shall also be a violation of the Board's policy for any teacher, administrator or other school personnel to tolerate sexual harassment or discrimination because of a student's race, color, ethnicity, gender, or disability.

The School District will act promptly to investigate all complaints, formal or informal, verbal or written, of harassment because of race, color, ethnicity, gender, or disability and will promptly take appropriate action to protect individuals from further harassment.

If the School District determines that unlawful discrimination or harassment has occurred, the Board will promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy, and/or to take other appropriate action reasonably calculated to end the discrimination or harassment.

The Board shall determine whether a response beyond the individual level is appropriate to eliminate a hostile environment. Considerations include 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, discrimination, harassment and bullying prevention programs, and other measures deemed appropriate by the Superintendent to address the behavior.<sup>2</sup>

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<sup>1</sup> This policy should not be read to abrogate other Board and School System policies prohibiting other forms of unlawful discrimination or inappropriate behavior. The Board's intent is for all such policies to be read consistently to provide the highest level of protection from unlawful discrimination in the provision of educational services and opportunities.

<sup>2</sup> This policy made pursuant to the requirements of 42 U.S.C. § 2000d; 20 U.S.C. § 1681et seq.; 29 U.S.C. § 791 et seq.; 42 U.S.C. §§ 12131-12134.

## **II. Applicability of Policy**

This policy prohibits unlawful discrimination, harassment and bullying by students, teachers, administrators, other school personnel, and visitors. For purposes of this policy, “other school personnel” shall include school board members, school employees, agents, volunteers, vendors, contractors, or persons subject to the supervision and control of the Board

This policy applies to behavior that takes place:

1. In any school building or on any school premise 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;
6. While using any electronic equipment owned, serviced, maintained, leased or paid-for by the school district, including but not limited to, websites, telephones, computers or computer servers; and
7. At any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

## **III. Definitions**

For purposes of this policy, the following definitions apply:

### 1. Discrimination

Discrimination means any act or failure to act that unreasonably or unfavorably differentiates the treatment of others based solely on their membership in a socially distinct group or category, such as race, color, ethnicity, national origin, sex, pregnancy, religion, age or disability. Discrimination may be intentional or unintentional.

### 2. Harassment and Bullying

Harassment and bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

- (1) 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
- (2) 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.

### 3. Prohibited Acts

#### 3.1 **Discrimination, Harassment, or Bullying Based on Sex**

This policy includes discrimination, harassment or bullying based off conduct of a sexual nature and gender.

##### 3.1.1 Sexual Harassment

Sexual harassment of a student consists of any unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- (1) The conduct causes a student to believe that he or she must submit to the unwelcome sexual conduct in order to participate in a school program or activity; or
- (2) The conduct causes a student to believe that an educational decision or evaluation of the student’s progress will be based on whether or not the student submits to unwelcome sexual conduct; or
- (3) The unwelcome sexual conduct is so severe, persistent or pervasive that it affects a student’s ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening abusive, or hostile educational environment.

Sexual harassment 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 towards an individual or to describe an individual; or the display of sexually suggestive drawings, objects, pictures or written materials.

##### 3.1.2 Gender-Based Discrimination

Gender-based discrimination is unwelcome verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex stereotyping, but

not involving conduct of a sexual nature. Examples of conduct that may constitute gender-based discrimination include sexist statements; insulting or degrading comments towards one gender; negative name-calling or imitating mannerisms when an individual does not fall within the offender's view of masculinity or femininity.

Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, standing alone, may constitute gender-based discrimination. Such acts may also 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.

### **3.2 Discrimination, Harassment, or Bullying Based on Race**

Racial discrimination, harassment or bullying consists of verbal or physical conduct relating to an individual's race or color, when:

- (1) the conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, abusive, or hostile educational environment;
- (2) the conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
- (3) the conduct otherwise adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment because of race or color include, but are not limited to: derogatory name calling, use of words, names or labels of a historically, racially-insensitive nature, jokes or rumors based on race; nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs; graffiti containing racially sensitive language; threatening or intimidating conduct directed at another because of the other's race or color; written or graphic material containing racial comments or stereotypes which is posted and circulated and which is aimed at degrading individuals or members of protected classes; a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or color; and other kinds of aggressive conduct such as theft or damage to property which is motivated by race or color.

## **IV. Reporting Procedures**

Any student who believes he or she has been the victim of sexual harassment or harassment based on race, color, ethnicity, national origin, gender, age, or disability by a student, teacher, administrator or other school personnel of the

School District, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the School District, is encouraged to immediately report the alleged acts to an appropriate School District official designated by this policy.

Any teacher, administrator or other school official who has or receives notice that a student has or may have been the victim of sexual harassment or discrimination based on race, color, ethnicity, national origin, gender, age, or disability by a student, teacher, administrator or other school personnel of the School System, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extra curricular activities, under the auspices of the School District, is required to immediately report the alleged acts to the appropriate School District official designated by this policy. This policy in no way absolves school board employee from complying with the **mandatory reporting law, Ala. Code §26-14-3**, which requires that K-12 employees report known or suspected child abuse or neglect to a duly constituted authority. Nothing in this policy shall prevent any person from reporting harassment directly to the Human Rights officer or to the superintendent. Harassment complaints made against the superintendent should be reported directly to the Human Rights officer.

## 1. Complaints

The School District encourages the complainant or the reporting party to use the report form available from the principal of each building or available from the School System office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not mandated.

### 1.1 **Formal Complaints**

Students and/or their parents or guardians may file reports regarding suspected discrimination, harassment, or bullying. Such written reports shall be reasonably specific including person(s) involved, number of times and places of the alleged conduct, the target of suspected discrimination, harassment or bullying, and the names of any potential student or staff witnesses. Such reports may be filed with any school staff member or administrator, and they shall be promptly forwarded to the building principal for review and action in accordance with Section VI.

### 1.2 **Informal Complaints**

Students, parents or guardians, and school personnel may make informal complaints of conduct that they consider to be discrimination, harassment or bullying by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints shall be reasonably specific as to the actions giving rise to the suspicion of discrimination, harassment or bullying, including

person(s) involved, number of times and places of the alleged conduct, the target of the prohibited behavior(s), and the names of any potential student or staff witness. A school staff member or administrator who receives an informal complaint shall promptly document the complaint in writing, including the above information. This written report by the school staff member and/or administrator shall be promptly forwarded to the building principal for review and action in accordance with Section VI.

### **1.3 Anonymous Complaints**

Students who make informal complaints as set forth above may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. The anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that does not disclose the source of the complaint and is consistent with the due process rights of the student(s) alleged to have committed acts of discrimination, harassment, and/or bullying.

## **2. School Personnel Responsibilities**

### **2.1 Principal**

In each school building, the principal is the person responsible for receiving oral or written reports of sexual harassment or discrimination based on race, color, ethnicity, national origin, gender, age, or disability at the building level. Any school personnel who receives a report of sexual harassment or discrimination based on race, color, ethnicity, national origin, gender, age, or disability shall inform the building principal immediately. However, if the report involves the building principal, the school personnel shall inform the superintendent or the Human Rights officer.

Upon receipt of a report, the principal must notify the Human Rights officer immediately, without screening or investigating the report. The principal may request but may not insist upon a written complaint. A written statement of facts alleged will be forwarded as soon as practicable by the principal to the Human Rights officer. If the report was given verbally, the principal shall personally reduce it to written form within twenty-four (24) hours and forward it to the Human Rights officer. Failure to forward any harassment report or complaint as provided herein will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the School District Human Rights officer by the reporting party or the complainant.

### **2.2 Human Rights Officer**

The Board has designated its Director of Human Resources as the School District's Human Rights officer with responsibility to identify, prevent and remedy harassment. The District Human Rights Officer shall:

- Receive reports or complaints of sexual harassment and discrimination based on race, color, ethnicity, national origin, gender, age, or disability;
- Oversee the investigative process;
- Be responsible for assessing the training needs of the District's staff and students in connection with the dissemination, comprehension, and compliance with this policy;
- Arrange for necessary training required for compliance with this policy; and
- Ensure that any investigation is adequate, reliable, and conducted in an impartial manner by an impartial investigator who has been trained in the requirements of equal educational opportunity, including harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful harassment, recommend appropriate discipline, and remedies when harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including utilizing interim measures, when appropriate, to ensure the safety of the complainant. Such interim measures, if utilized, shall not disproportionately impact the complainant.

If a complaint involves a Human Rights officer, the complaint shall be filed directly with the Superintendent.

## **V. Investigation Process for Complaints**

Upon receipt of a report or complaint alleging sexual harassment, or discrimination based on race, color, ethnicity, national origin, gender, age, or disability, the Human Rights officer shall immediately undertake or authorize an investigation. Such investigation may be conducted by School District officials or by a third party designated by the School District.

The investigation may consist of personal interviews with complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents, which may be relevant to the particular allegations. The complainant, if interviewed, is entitled to be interviewed separately from the accused party. The complainant may also submit documentary evidence and the names of witnesses.

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all facts and surrounding circumstances. In

determining whether the alleged conduct constitutes a violation of the policy, the School District shall consider:

- The nature of the behavior;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The relationship between parties involved;
- The race, ethnicity, sex, and age of the victim;
- The identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to harassment;
- The number of alleged harassers;
- The age of the alleged harasser;
- Where the harassment occurred;
- Whether there have been other incidents in the school involving the same or other students;
- Whether the conduct adversely affected the student's education or educational environment; and
- The context in which the alleged instances occurred.

The investigation shall be completed no later than fourteen days from receipt of the report. The Human Rights officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report of the investigation may be filed directly with the Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. The Human Rights officer's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or substantially the same allegations is also pending or has been concluded.

## **VI. School District Action**

### **1. Violations**

Upon receipt of a report that a violation has occurred, the School District will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include but are not limited to counseling, awareness training, parent-teacher conferences, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge.

Expulsion may be imposed only after a hearing before the Board, a committee of the Board, or an impartial hearing officer designated by the Board in accordance with the Board's policy. This consequence is reserved for serious incidents of discrimination, harassment or bullying and/or when past interventions have not been successful in eliminating prohibited behavior.



School District action taken for violation of this policy shall be consistent with the requirements of applicable state and federal law and School District policies for violations of a similar nature or similar degree of severity. In determining what is an appropriate response to a finding that harassment in violation of this policy has occurred, the School District shall consider:

- What response is most likely to end any ongoing harassment;
- Whether a particular response is likely to deter similar future conduct by the harassers or others;
- The amount and kind of harm suffered by the victim of harassment;
- The identity of the party who engaged in the harassing conduct; and
- Whether any school personnel engaged in the harassment, and if so, the School District must also determine how it can best remediate the effects of harassment.

In the event that the evidence suggests that the harassment at issue is also a crime in violation of an Alabama criminal statute, the Board shall also direct the Human Rights officer to report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

## 2. Results

The results of the School District's investigation of each complaint filed under these procedures will be reported in writing to the complainant and other parties by the School District in accordance with state and federal laws regarding data and records privacy and consistent with the privacy rights of the alleged harasser. In any event, said results will be reported no later than thirty (30) days after the investigation is completed.

## 3. Appeal

If the results of the School District's evaluation of a complaint of harassment results in a conclusion that an individual has engaged in unlawful discrimination, harassment, or bullying in violation of this policy, or that school personnel have failed to report harassment as required herein, that individual may appeal this determination by use of established Board procedures for appealing other adverse personnel and/or education related actions.

If the results of the School District's evaluation of a complaint results in a conclusion that no unlawful harassment has occurred, an individual who was allegedly subjected to harassment and believes that this conclusion is erroneous may appeal this determination by use of established Board procedures for appealing other adverse personnel and/or education related actions.

## **VII. Prevention**

In addition to prompt investigation of complaints of discrimination, harassment or bullying and direct intervention when such prohibited acts are verified, other district actions may ameliorate any potential problem with discrimination, harassment or bullying in school or at school-sponsored events. While no specific action is required and school needs for such interventions may vary from time to time, the following list of potential intervention strategies shall serve as a resource for administrators and school personnel:

- Respectful response to discrimination, harassment or bullying concerns raised by students, parents, or school personnel;
- Planned professional development programs addressing targeted individuals' problems, including what is safe and acceptable Internet use;
- Data collection to document victim problems to determine the nature and scope of the problem;
- Use of peers to help ameliorate the plight of victims and include them in group activities;
- Avoidance of sex-role stereotyping;
- Awareness and involvement on the part of all school personnel and parents with regard to victim problems;
- An attitude that promotes communication, friendship, assertiveness skills and character education;
- Modeling by school personnel of positive, respectful and supportive behavior toward students;
- Creating a school atmosphere of team spirit and collaboration that promotes appropriate social behavior by students in support of others;
- Employing classroom strategies that instruct students how to work together in a collaborative and supportive atmosphere; and
- Form discrimination, harassment, and bullying task forces, programs, and other initiatives involving volunteers, parents, law enforcement and community members.

In order to protect victims from further unlawful discrimination, harassment or bullying, the Board shall implement intervention strategies to: supervise and discipline offending students fairly and consistently; provide adult supervision during recess, lunch time, bathroom break and in the hallways during times of transition; maintain contact with parents and guardians of all involved parties; provide counseling for the victim if assessed that it is needed; inform school personnel of the incident and instruct them to monitor the victim and the offending party for indication of discrimination, harassment and bullying; and check with victim daily to ensure that there have been no further incidents or retaliation from offender or other parties.

## **VIII. Training and Programs**

The Board shall direct the Superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying. Information about this policy and the related complaint procedure must be included in the training plan.

Orientation sessions for students shall introduce the elements of this policy and procedure. Students will be provided with age-appropriate information on the recognition and prevention of discrimination, harassment, and bullying, and their rights and responsibilities under this and other district policies, procedures, and rules. Parents will be provided with information about this policy and procedure, as well as information about other district and school rules and disciplinary policies.

If a school-wide or school system-wide approach is necessary, the Board shall provide additional training for students, teachers, administrators, and other school personnel 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 provide examples of behavior that constitutes discrimination, harassment or bullying; teach employees to identify groups that may be the target of discrimination, harassment or bullying; and train school employees to be alert to locations where such behavior may occur, including locations such as school buildings, at school bus stops, and on cell phones and the internet.

## **IX. Notice**

The Superintendent is responsible for providing effective notice to students, parents and employees of the procedure for reporting and investigation complaints of discrimination, harassment, and bullying. The policy must be posted in each school in a place accessible to students, faculty, administrators, employees, parents and members of the public, on the school system website and copies of the policy must be readily available in the principal's and the Superintendent's office. Notice of this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees. The notice shall include the name, mailing address and telephone number of the Human Rights officer, the name, mailing address and telephone number of the Alabama Department of Education, and the mailing address and telephone number of the United States Department of Education, Office for Civil Rights.

## **X. Coordinators**

The Superintendent or designee shall publish the names, office address and phone numbers of the “Title IX coordinator,” for sex discrimination, and the “Section 504” and the “Special Education Coordinator(s)”, for disability discrimination, in a manner intended to ensure that students, employees, applicants, parents, and other individuals who participate in the school system’s programs are aware of the coordinators. The coordinators shall coordinate the school system’s efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504, or the ADA or alleging actions, which would be prohibited by those laws.

## **XI. Records and Reporting**

### **1. Records**

The Superintendent or designee shall maintain confidential records of all 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 Superintendent shall also maintain records of training conducted and corrective action or other steps taken by the school system to provide an environment free of discrimination, harassment and bullying.

### **2. Reporting**

The Superintendent shall report to the State Board of Education all verified cases of discrimination, harassment and bullying.

If after investigation, acts of discrimination, harassment, or bullying by a specific student are verified, the building principal or his/her designee shall notify in writing the parent or guardian of the perpetrator of that finding. If disciplinary consequences are imposed against such student, a description of such discipline shall be included in such notification.

If after investigation, acts of discrimination, harassment or bullying against a specific student are verified, the building principal or his/her designee shall notify the parent or guardian of the victim of such finding. In providing such notification, care must be taken to respect the statutory privacy rights of the perpetrator of such discrimination, harassment, and bullying.

The Superintendent shall periodically advise the Board of all reported incidents of discrimination, harassment or bullying and annually advise the Board as to the number of verified acts of discrimination, harassment, and bullying, whether in the classroom, on school property, to and from school, or at school-sponsored events.

## **XII. Evaluation**

At least annually, the Superintendent shall evaluate the effectiveness of this policy and efforts to correct or prevent discrimination, harassment and bullying and shall share these evaluations periodically with the Board.

## **XIII. Retaliation**

Submission of a good faith complaint or report of sexual harassment or discrimination based upon race, color, gender, national origin, age, disability or ethnicity will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

The Board prohibits reprisal, any form of intimidation, or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report violations of this policy, or participating in the investigation of reported violations of this policy.

The Board will discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person who reports an incident of alleged sexual, racial, gender, ethnic or disability related discrimination, harassment or bullying, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such harassment or violence.

## **XIV. Officers Receiving Complaints of Harassment and/or Discrimination**

The following Officers may be contacted at the phone numbers listed below and/or the Board's Central Office located at **Bessemer City Board of Education, 1621 – 5<sup>th</sup> Avenue North, Bessemer, Alabama 35020.**

Keith A. Stewart, Ed.D.  
**Superintendent &  
Title IX Coordinator**  
(205) 432-3010 Office

Linda Roper Richardson, Ed.S.  
**Human Rights Officer &  
Director of Attendance and Security**  
(205) 432-3019 Office

Marcy Burroughs, Ed.S.  
**Section 504 Coordinator &  
Director of Director of Curriculum and Instruction**  
(205) 432-3005 Office

Edward Cox, Ed.S.  
**Special Education Coordinator**  
(205) 432-3002 Office

Adopted: October 21, 2014