

# KANAWHA COUNTY SCHOOLS ADMINISTRATIVE REGULATION

## Racial, Religious and Ethnic Harassment and Violence

Series: G50A

Reference: W.Va. Code §5-11-9(a)(1); Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; W. Va. Board of Education Policy 2421

Issued: 01.12.1993

Revised: 10.02.2000; 09.20.2001; 09.27.2005; 06.01.2006; 11.08.2010; 11.03.2014

Revision Number: 7

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**50.01 Purpose.** The purpose of these regulations is to prevent racial or religious/ethnic harassment or violence, towards students and staff, to protect the academic environment and to assure that Kanawha County Schools respond to harassment and/or violence incidents when they occur in a manner that effectively deters future incidents and affirms respect for individuals.

### **50.02 Racial, Religious and Ethnic Harassment Or Violence**

**Prohibited.** Harassment or violence on the basis of race, religion or ethnicity occurring in the work place or the educational environment is strictly prohibited and illegal. All employees are responsible for assuring that the workplace and educational environment is free from racial, religious/ethnic harassment or violence.

### **50.03 Definitions.**

**50.03.1 Racial Harassment –** Racial Harassment consists of physical, verbal or written conduct relating to an individual's race when:

**50.03.1.1** it has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;

**50.03.1.2** it has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

**50.03.1.3** otherwise adversely affects an individual's employment or academic opportunities.

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

**50.03.3 Religious/Ethnic –** Religious/Ethnic Harassment consists of physical, verbal or written conduct relating to an individual's religious or ethnic background when:

**50.03.3.1** it has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;

**50.03.3.2** it has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or

**50.03.3.3** otherwise adversely affects an individual's employment or academic opportunities.

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**50.03.4 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.

**50.03.5 Assault –** Assault is:

**50.03.5.1** an act done with intent to cause fear in another of immediate bodily harm or death; or

**50.03.5.2** the threat to do harm to another with present ability to carry out the threat.

**50.04 Reporting Complaints.** Any employee or student who has a complaint of racial, religious/ethnic harassment or violence at work or at school by anyone, including supervisors, coworkers, teachers, staff or non-employees, must report the problem to the immediate supervisor, the Executive Director of Human Resources, other staff member(s) designated to receive such complaints or the Title IX Coordinator (348-1379). If the complaint involves someone in the employee's direct line of supervision, the employee may report the problem directly to the Executive Director of Human Resources.

**50.05 Investigation.** All complaints will be promptly and thoroughly investigated. The investigation shall be undertaken by the principal or immediate supervisor or his or her designee, unless the alleged harasser is the principal or immediate supervisor, in which case the Superintendent shall designate another individual to investigate. Absent exceptional circumstances, the investigation shall be completed and a report submitted within ten (10) school days. The privacy of the complaining party and the person accused of racial, religious/ethnic harassment will be kept strictly confidential to the extent permitted by law, as will all reports, documents, statements, and other information generated by the investigation.

**50.06 Discipline.** If the results of the investigation support disciplinary action, steps will be taken, which may include reprimand, suspension or termination of employment. If the harasser is a student, disciplinary action may include suspension or expulsion. Any employee or student

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who falsely reports racial, religious/ethnic harassment shall be subject to the same disciplinary actions.

**50.07****Reprisals.** No person shall retaliate against any person who is the victim of or who reports alleged racial, religious/ethnic harassment or testifies, assists, or participates in an investigation, proceeding, or hearing related to a racial, or religious/ethnic harassment complaint. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment. Persons found guilty of retaliation shall be subject to discipline.

**50.08****Non-exclusive Remedy.** These procedures do not limit the right of any person to pursue other avenues of recourse which may include filing an employee grievance, charges with the West Virginia Human Rights Commission, or such other criminal, civil or administrative remedy as may be available.