

ASSAULTS, THREATS AND HARASSMENT

Policy Code: **4331**

The board will not tolerate assaults, threats or harassment from any student. Any student exhibiting such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning. Except when certain consequences for misbehavior are required by law, principals in the elementary grades are directed to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or school rules.

A. ASSAULT, INJURY

1. Prohibited Behavior

Students are prohibited from assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.

2. Consequences

a. General Consequences

Violation of this section may result in short-term suspension up to 10 days, long-term suspension, 365 day suspension or expulsion. The procedures for long-term suspension or expulsion are provided in policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy except as otherwise provided below. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305, Alternative Learning Programs/Schools, and/or as provided in subsections A.2.b and A.2.c of this policy.

b. Consequences for Serious Assaults on School Personnel

Any student who is found by the superintendent to be at least 13 years of age and to have physically assaulted and seriously injured school personnel must be removed to an alternative educational setting in accordance with G.S. 115C-391(d2). If an appropriate alternative educational setting is not available, the superintendent, upon recommendation of the principal, must suspend the student for no less than 300 days but no more than 365 days. A student may also be expelled for assaultive conduct when his or her behavior constitutes a clear threat to the safety of others. The principal shall make recommendations to the superintendent regarding placement decisions and the recommended length of the placement or the suspension, within the limits established by

law, based at least in part upon recommendations of the principal of the school that constitutes the alternative setting. This section does not apply when the student was acting in self-defense.

c. Consequences for Certain Physical Assaults of Adults and Students

Upon the recommendation of the principal, the superintendent may remove a student to an alternative educational setting if the student is at least 13 and has:

- (1) physically assaulted a teacher or other adult who is not a student;
- (2) physically assaulted another student if the assault is witnessed by school personnel; or
- (3) physically assaulted and seriously injured another student.

This section applies to behavior that occurs on school property or at a school-sponsored or school-related event. It does not apply when a student was acting in self-defense. If no appropriate alternative educational setting is available, the superintendent may suspend the student for up to 365 days. A student may also be expelled for assaultive conduct when his or her behavior constitutes a clear threat to the safety of others. The principal will make recommendations to the superintendent regarding placement decisions and the recommended length of the placement or suspension, within the limits established by law.

If the student is under age 13, the consequences for assault will be determined in accordance with the general guidelines in policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion, and the school behavior management plan (see policy 4302, School Plan for Management of Student Behavior). A student who is long-term suspended or reassigned to alternative education services as a result of assaulting or injuring a teacher shall not return to that teacher's classroom without the teacher's consent.

A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

B. THREATENING ACTS

1. Prohibited Behavior

Students are prohibited from directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

Bomb and terrorist threats are also addressed in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

2. Consequences

Violation of this section may result in short-term suspension up to 10 days, long-term suspension or expulsion. The procedures for long-term suspension or expulsion are provided in policy 4353, Long-Term Suspension, 365 Day Suspension, Expulsion. A determination of the appropriate consequence will be made in accordance with the provisions of that policy. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305, Alternative Learning Programs/Schools. Consequences for bomb and terrorist threats are addressed in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, and may include a 365 day suspension.

C. HARASSMENT

1. Prohibited Behavior

Students are prohibited from engaging in or encouraging any form of harassment, including bullying and cyberbullying of students, employees or any other individuals on school grounds, at school-related functions, and at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe. Harassment and bullying are further defined in policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying.

2. Consequences

Complaints of harassment will be investigated pursuant to policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure. For incidents of misbehavior that do not rise to the level of harassment may violate policy 4310, Integrity and Civility, which establishes an expectation that students will demonstrate civility and integrity in their interactions with others.

The consequences for harassment will be more severe than for violations of the standards of integrity and civility and will be decided pursuant to policy

1720/4015/7225. Consequences may include disciplinary action up to and including expulsion, as appropriate.

Legal References: G.S. 14-33, -34 to -34.2, -458.2; 115C-47, -276(r), -288, -307, -366.4, -390, -391

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Alternative Learning Programs/Schools (policy 3470/4305), School Plan for Management of Student Behavior (policy 4302), Integrity and Civility (policy 4310), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365 Day Suspension, Expulsion (policy 4353)

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