

PROHIBITION AGAINST HARASSMENT, BULLYING, HOSTILE OR ABUSIVE WORK ENVIRONMENT AND RETALIATION

I. Policy Statement

A. Generally

Alexandria City Public Schools (ACPS) is committed to maintaining a safe, welcoming, and friendly environment that fosters a spirit of mutual trust and respect, and is free from the harassment or bullying of students, employees, or other members of the school community.

ACPS believes every student and employee is entitled to a learning and work environment that is responsive to one's unique needs to reach their full potential. ACPS is committed to engendering respect for the abilities and accomplishments of all people and to providing learning environments free from *all* forms of harassment and bullying, regardless of whether the basis or characteristic is protected by law (e.g., immigration status, socioeconomic level). To promote a productive learning environment, ACPS encourages an atmosphere that is respectful of individual differences so students can learn and employees can work in a functional and non-threatening atmosphere.

In accordance with its Strategic Plan, ACPS uses the Multi-Tiered Systems of Support (MTSS) structure to teach, foster and build positive, culturally competent and anti-racist relationships between students, as well as between staff and students. Through restorative practices like community circles, Positive Behavioral Interventions and Supports (PBIS) and social-emotional teaching and learning, staff and students are encouraged to be reflective, respect and value the diversity of the school community and express themselves in a manner that reflects ACPS' core values and beliefs. Equitable educational opportunities will be available for all students and educational programs will be designed to meet the varying needs of all students.

Therefore, harassment and bullying will not be tolerated in Alexandria City Public Schools. Harassment is offensive, damages morale, undermines the integrity of the educational or employment experience and impairs the productivity and stability of the school division. Harassment may be subtle, manipulative, and may not always fit neatly into a legal definition. Harassment is often rooted in power and through the harasser's behavior, often assumes a superior stance over the victim. In this policy, bullying is considered to be a form of harassment.

ACPS prohibits any actions or words which constitute sexual or other harassment, and considers such actions or words to be a violation of this policy and/or Policy GB: *Nondiscrimination in Employment*, and Policy JB: *Nondiscrimination in Education*.

Harassment is prohibited on/in ACPS property and educational environments. Further, ACPS prohibits retaliation against anyone for filing complaints about discrimination and/or harassment, or for participating in the investigation of such complaints.

ACPS investigates alleged violations of this policy in a timely manner and in accordance with the procedures in Regulations GB-R/GBA-R and JB-R/JFHA-R. Violations by an employee may result in disciplinary action up to and including dismissal. Violations by a student may result in disciplinary action up to and including suspension or expulsion. Violations by a volunteer may result in removal from the volunteer program and/or ACPS property and school-sponsored activities. ACPS retains the right to refer conduct that violates this policy to law enforcement in accordance with the Code of Virginia and applicable federal laws.

B. Prohibited Harassment

Prohibited harassment is unwanted, abusive behavior of a physical, verbal, non-verbal or written nature, directed towards students, employees or others on the basis of sex, sexual orientation, gender, gender identity, gender expression, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists, also referred to as “**protected group status.**”

In education, such behavior is harassment when it substantially interferes with the student’s school performance or creates an intimidating, hostile, abusive or offensive school environment. The harasser may be another student, a staff member, or someone who is not an ACPS employee.

In employment, such behavior is harassment when:

- Submission to harassing conduct is made a term or condition of an individual’s employment, either explicitly or implicitly;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- The conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, abusive or offensive work environment.

The harasser may be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee.

Not only is it a violation of this policy for any student or employee (as defined in section II) to harass another person on/in ACPS property or educational environments based on their protected group status, but it is also a violation for any ACPS employee to *tolerate* harassment based on a student's or employee's protected group status on/in ACPS property or educational environments by students, employees or third parties participating in, observing, or otherwise engaged in ACPS-sponsored activities. **ACPS staff members who become aware of or witness harassment or bullying in violation of this policy must immediately report it to the ACPS Title IX Coordinator or Compliance Officers as listed in Section II.** Failure to do so may result in discipline up to and including dismissal.

ACPS:

- Promptly investigates all complaints, written or verbal, of harassment based on protected group status on/in ACPS property or educational environments;
- Promptly takes appropriate action to stop any harassment;
- Takes appropriate action against any student or employee who violates this policy; and
- Takes any other action reasonably calculated to end and prevent further harassment of students or employees.

C. Other Types of Harassment, Bullying and/or Intimidation

ACPS celebrates its diversity and embraces the talent and richness of experience that its students and staff from around the world bring to the school division. Therefore, in addition to the characteristics protected by law listed above, Alexandria City Public Schools also prohibits harassment based on other personal characteristics, such as immigration status or socioeconomic level, regardless of whether the characteristic is protected by law. Further, ACPS recognizes that providing a professional work and school environment free from *all* forms of bullying, harassment, and/or intimidation is critical to achieving its Strategic Plan core values: to be welcoming, empowering, equity-focused, innovative and results-driven.

Therefore, ACPS strictly prohibits behavior that is not conducive to a professional and respectful workplace and educational environment. Employees and students shall not engage in hostile, humiliating or intimidating behavior, including abusive language or actions, bullying, coercion, intimidation, or acts of discrimination or retaliation.

II. Definitions

"Abusive conduct" means conduct of an ACPS employee in the workplace that a reasonable person would find hostile and that is severe enough to cause physical harm or psychological harm to another employee based on a determination in which the following factors are

considered: the severity, nature, and frequency of the conduct and, when applicable, the continuation of the conduct after an employee requests that it cease or demonstrates outward signs of physical harm or psychological harm in the face of the conduct. **"Abusive conduct"** includes verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; the gratuitous sabotage or undermining of another employee's work performance; attempts to exploit another employee's known psychological or physical vulnerability; or repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, or epithets. **"Abusive conduct" does not include** (i) a single act, unless it is especially severe, or (ii) conduct that ACPS proves with clear and convincing evidence is necessary for the furtherance of its legitimate and lawful interests.

"Abusive work environment" means a workplace in the school division in which abusive conduct occurs.

"ACPS property" includes all schools, buildings, property or vehicles owned, leased or used by the school division.

"Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes, but is not limited to verbal or electronic communication such as cyber bullying, or a physical act or gesture based on any actual or perceived differentiating characteristics, age, or by association with an individual or group who has or is perceived to have one or more of such characteristics. The "bully" can be the victim's supervisor, a supervisor in another area, an agent of the employer, a coworker, or a non-employee.

"Compliance Officers" are designated by ACPS to receive complaints of harassment referred by the Title IX Coordinator that do not involve sexual harassment, and oversee investigation of those complaints as described below.

"Consent" is clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

"Educational environments" include, but are not limited to, every activity under ACPS supervision and/or ACPS-sponsored activities.

"Employee(s)" includes ACPS staff members, School Board Members, agents, volunteers, contractors or others subject to the supervision and control of the school division.

"Harassment" may include, but is not limited to, behavior that occurs in the following ways:

- **Verbal:** jokes, insults; unsolicited remarks; innuendoes; using ethnic or racial slurs; whistling; cat calls; commenting on a person's body, anatomy or disability; asking about one's sexual life, preferences or history; turning work or educational discussions into sexual topics;
- **Nonverbal:** gestures; staring; following or blocking a person; standing close or brushing up against a person; giving an unsolicited massage, hug or pat;
- **Environmental:** the display (meaning materials visible to other employees or students) or the circulation of degrading or offensive written materials or pictures;
- **Conditions of employment:** unfair treatment regarding training, scheduling, performance evaluation, discipline, promotion, or transfer of work assignment; or
- **Alteration or interference with learning opportunities:** unfair treatment regarding grading, discipline, participation in classroom and/or extracurricular activities, access to classes, scheduling, promotion, and/or selection for special honors.

“Hostile, humiliating or intimidating work environment” means severe and pervasive conduct that permeates the work environment and interferes with an employee's ability to perform their job. The conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person. Offensive conduct that may create a hostile work environment includes, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee. It is important to note that the victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

In addition, state and federal law prohibits discrimination in any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, benefits, and any other term or condition of employment.

"Physical harm" means a material impairment of an employee's physical health or bodily integrity, as documented by a licensed physician or another licensed health care provider.

“Protected Characteristic/Protected Group” includes individuals who qualify for protection from harassment and discrimination under state and federal laws on the basis of sex, sexual orientation, gender, gender identity, gender expression, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information (or any other characteristic protected by law), or based on the *belief* that such a characteristic exists.

"Psychological harm" means a material impairment of an employee's mental health, as documented by a licensed psychologist, psychiatrist, or psychotherapist or another licensed mental health care provider.

"Sexual harassment" consists of unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. It includes conduct directed by a person at another person of the same or opposite gender.

"Title IX" means 20 U.S.C. §§ 1681-1688 and the implementing regulations.

"Title IX Coordinator" means the person(s) designated by ACPS to coordinate its efforts to comply with its responsibilities under this policy and Title IX. The Title IX Coordinator may be contacted at:

Title IX Coordinator
Executive Director of Equity & Alternative Programs
Alexandria City Public Schools
1340 Braddock Place
Alexandria, VA 22314
703-619-8165
titleixcoordinator@acps.k12.va.us

"Unethical Conduct" means behavior that falls below or violates professional standards. This may include violations of Board policies, regulations, and/or the Standards of Conduct in the ACPS Employee Handbook.

III. Prohibited Conduct

A. Harassment Based on Sex

Harassment based on sex ("sexual harassment") is a form of misconduct that undermines the integrity of academic and employment relationships. ACPS students and employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment refers to behavior that is unwelcome, personally offensive, debilitates morale and which therefore interferes with the effectiveness of its victims and their peers to learn or work. It includes all actions described in applicable state and federal laws as described in section II of this policy.

ACPS prohibits sexual harassment in the educational environment, including all academic, extracurricular and school-sponsored activities. In fulfilling its obligation to maintain a positive and productive working and learning environment, ACPS will make every effort to halt any harassment of which it becomes aware in accordance with this policy and Regulations GB-R/GBA-R and JB-R/JFHA-R, or by more direct disciplinary action, if necessary. ACPS complies with all regulations, requirements and responsibilities defined by state and federal laws regarding sexual harassment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, which may include use of cell phones or the internet, when: (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; or (2) submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or (3) the conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile, abusive or offensive employment or educational environment (i.e., the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include:

- Unwelcome sexual physical contact;
- Unwelcome ongoing or repeated sexual flirtation or propositions or remarks;
- Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
- Graphic comments about an individual's body;
- Sexual jokes, notes, stories, drawings, gestures, or pictures;
- Spreading sexual rumors;
- Touching an individual's body or clothes in a sexual way;
- Displaying sexual objects, pictures, cartoons or posters;
- Impeding or blocking movement in a sexually intimidating manner;
- Sexual violence;
- Display of written materials, pictures or electronic images; or
- Unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping.

“Sexual harassment prohibited by Title IX” means conduct on the basis of sex that satisfies one or more of the following:

- An ACPS employee conditioning the provision of an aid, benefit, or service of the school division 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 school division’s education program or activity; or
- “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

ACPS staff members who observe acts of sexual harassment are required to immediately report the conduct. Individuals who engage in or instigate sexual harassment are subject to disciplinary action, including suspension, expulsion, demotion or discharge. It is possible for sexual harassment to occur at various levels; among peers or co-workers, between supervisors and subordinates, between employees and students, or by non-employees against employees and/or students.

ACPS encourages parents/guardians and students to immediately report incidents of sexual assault and/or harassment to Division staff. **All Division staff are required to promptly report incidents of sexual assault/harassment to the Title IX Coordinator or Compliance Officers.** ACPS prohibits retaliation against anyone who files a complaint under this policy or assists in the investigation of such complaint.

Any person who believes they have been subject to sexual harassment or assault in violation of this policy may file a complaint with the Division’s Title IX Coordinator. Complaints regarding sexual harassment may be submitted either orally or in writing. ACPS investigates formal and informal complaints of sexual harassment in an impartial manner by an impartial decision-maker. Investigations are undertaken following the processes outlined in Regulations GB-R/GBA-R and JB-R/JFHA-R.

B. Harassment Based on Protected Characteristics Other than Sex

Harassment based on protected characteristics, as defined in sections I and II of this policy, consists of physical or verbal conduct, which may include use of cell phones and the internet, relating to an individual’s characteristic protected by law (sexual orientation, gender, gender identity, gender expression, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information) or based on a belief that such a characteristic exists, when the conduct:

- Creates an intimidating, hostile, abusive or offensive work or educational environment; or
- Substantially or unreasonably interferes with an individual's work or education; or
- Is otherwise sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment if they meet the immediately preceding definition include:

- Graffiti containing offensive language based on the protected characteristic;
- Name calling, jokes, or rumors;
- Physical acts of aggression against a person or their property because of that person's protected characteristic;
- Harassment based on nonconformity to gender stereotypes and/or gender identity and expression;
- Hostile acts which are based on another person's protected characteristic; or
- Written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their protected characteristic.

C. Additional Prohibited Behavior

Offensive conduct that is not unlawful is nevertheless unacceptable in ACPS as an educational environment and as a workplace. Such behavior undermines ACPS' bold vision to redefine PreK-12 education as a deliberately inclusive and supportive experience where all succeed. The ACPS Strategic Plan's mission is to ensure success by inspiring students and addressing barriers to learning, and its vision is to empower all students to thrive in a diverse and ever-changing world. Therefore, demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics, including immigration status and socioeconomic level, regardless of whether the personal characteristic is protected by law. In addition, bullying, conduct that creates a hostile or abusive work environment, and unethical conduct as defined in section II of this policy are strictly prohibited and should be reported using the process outlined in Regulations GB-R/GBA-R and JB-R/JFHA-R.

IV. Complaint Procedure

Regulations GB-R/GBA-R and JB-R/JFHA-R provide for the appointment of a Title IX Coordinator and Compliance Officers responsible for receiving, investigating, and acting upon complaints of discrimination, harassment, bullying, a hostile or abusive work environment or unethical conduct as prohibited by this policy. These regulations describe the procedures for the filing, investigation, and disposition of such complaints.

V. Retaliation

ACPS prohibits retaliation against students, parents/guardians or employees who:

- Report discrimination, harassment, bullying, a hostile or abusive work environment or unethical conduct;
- Participate in any investigation or related proceedings; or
- Suggest improvements to Division or school practices/procedures.

ACPS takes appropriate action against students or employees in response to any such retaliation.

The Title IX Coordinator or Compliance Officer informs persons:

- who make complaints;
- who are the subject of complaints; and
- those who participate in investigations

of the complaint and how to report any subsequent problems.

VI. Right to Alternative Complaint Procedure

Nothing in this policy denies the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination, harassment, bullying, a hostile or abusive work environment or unethical conduct including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

VII. Prevention and Notice of Policy

Training to prevent discrimination and harassment prohibited by law or this policy, bullying, a hostile or abusive work environment and unethical conduct is included in employee and student orientations as well as employee in-service training.

This policy is:

- Displayed in prominent areas of each school division building in a location accessible to students, parents and school personnel;
- Included in student and employee handbooks; and
- Sent to parents/guardians of all students within 30 calendar days of the start of school. Further, all students and their parents/guardians, and employees are notified annually of the names and contact information of the Title IX Coordinator and the Compliance Officers.

VIII. False Charges or False Evidence

Students or employees (as defined in section II of this policy) who knowingly make false charges or who knowingly make false statements or submit false information regarding discrimination, harassment, bullying, a hostile or abusive work environment or unethical conduct are subject to disciplinary action as well as any civil or criminal legal proceedings.

Adopted: July 6, 2000
 Amended: July 1, 2011
 Amended: April 24, 2014
 Amended: September 14, 2017
 Amended: June 17, 2021
 Amended: December 16, 2021

Legal Refs.: Americans with Disabilities Act of 1990.

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972).
 29 U.S.C. §§ 794 (Section 504 of the Rehabilitation Act of 1973).
 42 U.S.C. §§ 2000d-2000d-7 (Title VI of the Civil Rights Act of 1964).
 42 U.S.C. §§2000e-2000e-17 (Title VII of the Civil Rights Act of 1964).
 42 U.S.C. §§2000ff-1(Genetic Information Nondiscrimination Act of 2008).

34 CFR 106.2, 106.8, 106.9, 106.30, 106.44, 106.45, 106.71.

Code of Virginia, 1950 as amended, §§2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3, 22.1-291.4, 22.1-295.2.

Cross Refs.:	AC	Nondiscrimination
	AD	Educational Philosophy of the Alexandria City Public Schools
	GAB/IIBEA	Responsible Computer System Use
	GAE	Child Abuse and Neglect Reporting
	GB	Nondiscrimination in Employment
	GB-R/GBA-R	Procedures for Investigating Staff Complaints of Discrimination, Harassment, Bullying, Hostile or Abusive Work Environment and Unethical Conduct
	GB-F/GBA-F/JB-F/JFHA-F	Report of Discrimination/Harassment
	GBM	Licensed Staff Grievances
	GBM-R	Licensed Staff Grievance Regulations
	GBMA	Support Staff Grievances

GBM-R	Support Staff Grievance Regulations
GCPD	Licensed Staff Discipline
GCPF	Suspension of Staff Members
IGBC	Parent/Guardian and Family Engagement
JB	Nondiscrimination in Education
JB-R/JFHA-R	Procedures for Investigating Student Complaints of Discrimination, Harassment and Bullying
JFC	Student Conduct
JHG	Child Abuse and Neglect Reporting
KKA	Service Animals in Public Schools