

41 Harassment is prohibited on/in ACPS property and educational environments. Further,
42 ACPS prohibits retaliation against anyone for filing complaints about discrimination
43 and/or harassment, or for participating in the investigation of such complaints.
44

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

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54 B. Prohibited Harassment

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56 Prohibited harassment is unwanted, abusive behavior of a physical, verbal, non-verbal or
57 written nature, directed towards students, employees or others on the basis of sex, sexual
58 orientation, gender, gender identity, gender expression, race, color, national origin,
59 disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical
60 conditions, military status, genetic information or any other characteristic protected by
61 law or based on a belief that such characteristic exists, also referred to as “**protected
62 group status.**”
63

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

- 70 • Submission to harassing conduct is made a term or condition of an individual’s
71 employment, either explicitly or implicitly;
- 72 • Submission to or rejection of such conduct by an individual is used as the basis for
73 employment decisions affecting such individual; or
- 74 • The conduct has the purpose or effect of substantially interfering with an individual’s
75 work performance or creating an intimidating, hostile, abusive or offensive work
76 environment.
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78 The harasser may be the victim's supervisor, a supervisor in another area, a co-worker, or
79 someone who is not an employee.
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81 Not only is it a violation of this policy for any student or employee (as defined in section
 82 II) to harass another person on/in ACPS property or educational environments based on
 83 their protected group status, but it is also a violation for any ACPS employee to *tolerate*
 84 harassment based on a student’s or employee’s protected group status on/in ACPS
 85 property or educational environments by students, employees or third parties
 86 participating in, observing, or otherwise engaged in ACPS-sponsored activities. **ACPS**
 87 **staff members who become aware of or witness harassment or bullying in violation**
 88 **of this policy must immediately report it to the ACPS Title IX Coordinator or**
 89 **Compliance Officers as listed in Section II.** Failure to do so may result in discipline up
 90 to and including dismissal.

91 ACPS:

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

99
 100 C. Other Types of Harassment, Bullying and/or Intimidation

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

111
 112 Therefore, ACPS strictly prohibits behavior that is not conducive to a professional and
 113 respectful workplace and educational environment. Employees and students shall not
 114 engage in hostile, humiliating or intimidating behavior, including abusive language or
 115 actions, bullying, coercion, intimidation, or acts of discrimination or retaliation.

116
 117 **II. Definitions**

118
 119 **"Abusive conduct"** means conduct of an ACPS employee in the workplace that a reasonable
 120 person would find hostile and that is severe enough to cause physical harm or psychological
 121 harm to another employee based on a determination in which the following factors are

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

132
133 **"Abusive work environment"** means a workplace in the school division in which abusive
134 conduct occurs.

135
136 **"ACPS property"** includes all schools, buildings, property or vehicles owned, leased or
137 used by the school division.

138
139 **"Bullying"** means any aggressive and unwanted behavior that is intended to harm,
140 intimidate, or humiliate the victim; involves a real or perceived power imbalance between the
141 aggressor or aggressors and victim; and is repeated over time or causes severe emotional
142 trauma. "Bullying" includes, but is not limited to verbal or electronic communication such as
143 cyber bullying, or a physical act or gesture based on any actual or perceived differentiating
144 characteristics, age, or by association with an individual or group who has or is perceived to
145 have one or more of such characteristics. The "bully" can be the victim's supervisor, a
146 supervisor in another area, an agent of the employer, a coworker, or a non-employee.

147
148 **"Compliance Officers"** are designated by ACPS to receive complaints of harassment
149 referred by the Title IX Coordinator that do not involve sexual harassment, and oversee
150 investigation of those complaints as described below.

151
152 **"Consent"** is clear, unambiguous, and voluntary agreement between the participants to
153 engage in specific sexual activity.

154
155 **"Educational environments"** include, but are not limited to, every activity under ACPS
156 supervision and/or ACPS-sponsored activities.

157
158 **"Employee(s)"** includes ACPS staff members, School Board Members, agents, volunteers,
159 contractors or others subject to the supervision and control of the school division.

160
161 **"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.

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

204
205 **"Sexual harassment"** consists of unwelcome sexual advances, unwelcome requests for
206 sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or
207 physical conduct of a sexual nature. It includes conduct directed by a person at another
208 person of the same or opposite gender.

209
210 **"Title IX"** means 20 U.S.C. §§ 1681-1688 and the implementing regulations.

211
212 **"Title IX Coordinator"** means the person(s) designated by ACPS to coordinate its efforts to
213 comply with its responsibilities under this policy and Title IX. The Title IX Coordinator may
214 be contacted at:

215
216 Title IX Coordinator
217 Executive Director of Equity & Alternative Programs
218 Alexandria City Public Schools
219 1340 Braddock Place
220 Alexandria, VA 22314
221 703-619-8165
222 titleixcoordinator@acps.k12.va.us

223
224 **"Unethical Conduct"** means behavior that falls below or violates professional standards.
225 This may include violations of Board policies, regulations, and/or the Standards of Conduct
226 in the ACPS Employee Handbook.

227
228 **III. Prohibited Conduct**

229
230 A. Harassment Based on Sex

231
232 Harassment based on sex ("sexual harassment") is a form of misconduct that undermines
233 the integrity of academic and employment relationships. ACPS students and employees
234 must be allowed to work in an environment free from unsolicited and unwelcome sexual
235 overtures. Sexual harassment refers to behavior that is unwelcome, personally offensive,
236 debilitates morale and which therefore interferes with the effectiveness of its victims and
237 their peers to learn or work. It includes all actions described in applicable state and
238 federal laws as described in section II of this policy.

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

247
248 Sexual harassment consists of unwelcome sexual advances, requests for sexual favors,
249 sexually motivated physical conduct or other verbal or physical conduct or
250 communication of a sexual nature, which may include use of cell phones or the internet,
251 when: (1) submission to that conduct or communication is made a term or condition,
252 either explicitly or implicitly, of obtaining or retaining employment or education; or (2)
253 submission to or rejection of the conduct or communication by an individual is used as a
254 factor in decisions affecting that individual's employment or education; or (3) the
255 conduct or communication substantially or unreasonably interferes with an individual's
256 employment or education, or creates an intimidating, hostile, abusive or offensive
257 employment or educational environment (i.e., the conduct is sufficiently serious to limit a
258 student's or employee's ability to participate in or benefit from the educational program
259 or work environment).

260
261 Examples of conduct which may constitute harassment based on sex if it meets the
262 immediately preceding definition include:

- 263
- 264 • Unwelcome sexual physical contact;
- 265 • Unwelcome ongoing or repeated sexual flirtation or propositions or remarks;
- 266 • Sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually
267 degrading descriptions;
- 268 • Graphic comments about an individual's body;
- 269 • Sexual jokes, notes, stories, drawings, gestures, or pictures;
- 270 • Spreading sexual rumors;
- 271 • Touching an individual's body or clothes in a sexual way;
- 272 • Displaying sexual objects, pictures, cartoons or posters;
- 273 • Impeding or blocking movement in a sexually intimidating manner;
- 274 • Sexual violence;
- 275 • Display of written materials, pictures or electronic images; or
- 276 • Unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on
277 sex or sex stereotyping.
- 278

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

- 281 • An ACPS employee conditioning the provision of an aid, benefit, or service of the
282 school division on an individual’s participation in unwelcome sexual conduct;
- 283 • Unwelcome conduct determined by a reasonable person to be so severe, pervasive,
284 and objectively offensive that it effectively denies a person equal access to the school
285 division’s education program or activity; or
- 286 • “Sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as
287 defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. §
288 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

289
290 **ACPS staff members who observe acts of sexual harassment are required to**
291 **immediately report the conduct.** Individuals who engage in or instigate sexual
292 harassment are subject to disciplinary action, including suspension, expulsion, demotion
293 or discharge. It is possible for sexual harassment to occur at various levels; among peers
294 or co-workers, between supervisors and subordinates, between employees and students,
295 or by non-employees against employees and/or students.

296
297 ACPS encourages parents/guardians and students to immediately report incidents of
298 sexual assault and/or harassment to Division staff. **All Division staff are required to**
299 **promptly report incidents of sexual assault/harassment to the Title IX Coordinator**
300 **or Compliance Officers.** ACPS prohibits retaliation against anyone who files a
301 complaint under this policy or assists in the investigation of such complaint.

302
303 Any person who believes they have been subject to sexual harassment or assault in
304 violation of this policy may file a complaint with the Division’s Title IX Coordinator.
305 Complaints regarding sexual harassment may be submitted either orally or in writing.
306 ACPS investigates formal and informal complaints of sexual harassment in an impartial
307 manner by an impartial decision-maker. Investigations are undertaken following the
308 processes outlined in Regulations GB-R/GBA-R and JB-R/JFHA-R.

309
310 B. Harassment Based on Protected Characteristics Other than Sex

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312 Harassment based on protected characteristics, as defined in sections I and II of this
313 policy, consists of physical or verbal conduct, which may include use of cell phones and
314 the internet, relating to an individual’s characteristic protected by law (sexual orientation,
315 gender, gender identity, gender expression, race, color, national origin, disability,
316 religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions,
317 military status, genetic information) or based on a belief that such a characteristic exists,
318 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.

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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.

400 **VIII. False Charges or False Evidence**

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

406

- 407 Adopted: July 6, 2000
- 408 Amended: July 1, 2011
- 409 Amended: April 24, 2014
- 410 Amended: September 14, 2017
- 411 Amended: June 17, 2021
- 412 Amended: December 16, 2021

413

414 Legal Refs.: Americans with Disabilities Act of 1990.

415

- 416 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972).
- 417 29 U.S.C. §§ 794 (Section 504 of the Rehabilitation Act of 1973).
- 418 42 U.S.C. §§ 2000d-2000d-7 (Title VI of the Civil Rights Act of 1964).
- 419 42 U.S.C. §§2000e-2000e-17 (Title VII of the Civil Rights Act of 1964).
- 420 42 U.S.C. §§2000ff-1(Genetic Information Nondiscrimination Act of 2008).

421

422 34 CFR 106.2, 106.8, 106.9, 106.30, 106.44, 106.45, 106.71.

423

424 Code of Virginia, 1950 as amended, §§2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3,
 425 22.1-291.4, 22.1-295.2.

426

427	Cross Refs.:	AC	Nondiscrimination
428		AD	Educational Philosophy of the Alexandria City Public Schools
429		GAB/IIBEA	Responsible Computer System Use
430		GAE	Child Abuse and Neglect Reporting
431		GB	Nondiscrimination in Employment
432		GB-R/GBA-R	Procedures for Investigating Staff Complaints of Discrimination, Harassment, Bullying, Hostile or Abusive Work Environment and Unethical Conduct
433		GB-F/GBA-F/JB-F/JFHA-F	Report of Discrimination/Harassment
434		GBM	Licensed Staff Grievances
435		GBM-R	Licensed Staff Grievance Regulations
436		GBMA	Support Staff Grievances
437			
438			
439			

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