



Book	Policy
Section	J. STUDENTS
Title	Bullying Prevention
Code	JICK-R (Regulation)
Status	Retired
Adopted	August 20, 2008
Last Revised	August 3, 2016
Retired	June 30, 2022

The Board prohibits any and all forms of harassment or bullying on Board property or at Board-sanctioned events. It is a violation of Policy [JICK](#), "Bullying," for any student, teacher, administrator, other school personnel, or any third party, including but not limited to those subject to supervision and control of the Charlotte-Mecklenburg Board of Education, to harass or bully any person on Board property or at Board-sanctioned events. It is also a violation of the policy for any teacher, administrator or other school personnel to tolerate such harassment or bullying of any person by a student, teacher, administrator, other school personnel, or by any third parties, including but not limited to those persons subject to supervision and control of the Charlotte-Mecklenburg School System.

Further, it is a violation of CMS Policy [JICK](#) for students or other persons to engage in bullying conduct away from CMS property or events. An individual may be disciplined if (1) off-campus behavior includes threats of harm to person or property or (2) off-campus behavior results in a material and substantial disruption of the orderly conduct of school business or activities, or interferes with the learning environment or the rights of others at school.

I. Definitions and Examples of Prohibited Conduct

A. "Bullying" is behavior that may reasonably be perceived by the target or bystander observing the behavior as

1. based on a real or perceived characteristic such as race; color; religion; ancestry; national origin; gender; socioeconomic status; academic status; gender identity/expression; physical appearance; sexual orientation; physical, mental, developmental or sensory disability; creed; political belief; age; linguistic or language difference; height; weight; marital status; parental status; or
2. because of an association with a person who has or is perceived to have one or more of these characteristics.

The term, "gender identity/expression," was included in the originally adopted version of this regulation and is also included in Policy JICK, which was adopted in March 2008. Detailed rules regarding gender identity were added in 2016 and are set forth below in Section V.

Bullying typically occurs in a context where there is a real or perceived imbalance of power, physical, emotional, or social, between the bully and the target.

B. "Bullying" as used in Policy [JICK](#), this regulation, and the CMS Code of Student Conduct, means a physical act or gesture or a verbal, written, or electronically communicated expression directed at one or more persons that:

1. creates an actual and reasonable expectation that the conduct will
 - a. cause physical harm or emotional distress to a person or damage his or her property, or
 - b. place a person in reasonable fear of physical harm, emotional distress or damage to his or her property; or
2. creates or is certain to create an intimidating, hostile educational environment for the person at whom the conduct is directed, such that it substantially interferes with or impairs the student's educational performance.

[. For purposes of this policy, "hostile environment" means that the target subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.](#)

C. Examples of bullying behavior

(Note that these examples are not intended to be an exhaustive list of conduct that may be considered as bullying):

1. Physical Bullying - making obscene gestures, pushing, shoving, kicking, spitting, taking or damaging personal property (including money), hair pulling, blocking or impeding student movement, or other unwelcomed physical contact that creates an intimidating and hostile environment.
2. Verbal or Written Bullying
 - a. calling others by hurtful names, making false accusations, engaging in malicious teasing, or using insulting, intimidating, or threatening language;
 - b. defaming or spreading false rumors about other persons to cause them to be disliked, humiliated or disrespected by their peers;
 - c. persuading, encouraging or leading other persons to exclude or socially isolate the target in order to cause emotional harm;
 - d. extorting money, property or services from another person; or
 - e. making derogatory, demeaning or hostile comments about another person based on his or her race; color; religion; ancestry; national origin; gender, socioeconomic status; academic status; gender identity/expression; physical appearance; sexual orientation; physical, mental, developmental or sensory disability; creed; political belief; age; linguistic or language difference; height; weight; marital status; parental status; or because of an association with a person who has or is perceived to have one or more of these characteristics.
 - f. writing notes or letters that contain bullying or harassing language; writing bullying or harassing statements on bathroom stalls, walls, books, desks, or other school property, or writing bullying or harassing statements in or on the personal property of another which includes, but is not limited to, items such as notebooks, clothing, yearbooks, or books.
3. Cyber Bullying - the use of information and communication technologies, including but not limited to email, cell phone and pager voice, text, still photograph or video messages, instant messaging, defamatory personal web sites, and online personal or public web sites or journals, to
 - a. post slurs, rumors, or other disparaging remarks about a student;
 - b. send email or instant messages that communicate types of expression described above in #2, "Verbal or Written Bullying;"
 - c. take or send obscene or embarrassing photographs of students or other persons; or

- d. post misleading or fake photographs of students or other persons on web sites; or
- e. engage in other conduct that constitutes bullying behavior.

D. Harassment is conduct that actually or is intended to substantially interfere with a student's educational opportunity, creates an intimidating, hostile or offensive school environment, or otherwise affects a student's educational opportunities.

II. Bullying Prevention Programs for Students

All staff members who interact with students shall apply best practices designed to prevent discipline problems, encourage students' abilities to develop self-discipline, and create a safe and respectful environment. CMS expects students to conduct themselves in a manner in keeping with their levels of development, maturity, and demonstrated capabilities, with a proper regard for the rights and welfare of other students, school staff, volunteers, and contractors.

A. Curriculum

1. Each principal will designate a school staff person to serve as the school's bullying prevention liaison, with responsibility for coordinating and monitoring the school's bullying prevention program. Schools may also establish a site-based committee to assist the designated staff person in fulfilling these responsibilities.
2. With support from the Student Services and Learning and Teaching departments, on an annual basis, each school shall design a bullying prevention plan that incorporates components of the Healthful Living "Health/Physical Education" and Social Studies curricula of the North Carolina Standard Course of Study. In designing this plan, each school shall use data from the School Profile regarding suspensions and other disciplinary actions imposed in response to bullying behavior and data from appropriate survey instruments or other studies.
3. The needs of staff and students will be addressed through ongoing curriculum and staff development.
4. The administration will develop training modules that will include examples of effective bullying prevention plans for staff, students, parents, and the community. The Training modules shall be available to CMS staff and the wider community.

. Throughout this regulation, unless otherwise stated, "parent" means one or both birth parents, the legal (court-appointed) guardian or the legal (court-appointed) custodian of a student.

5. The bullying prevention plan shall be included in each school's Safe School Plan and incorporated in the School Improvement Plan and related strategic planning activities.

B. Instruction

1. All students will have equitable access to bullying prevention instructional activities.
2. The bullying prevention liaison will work with teachers to ensure that instructional planning incorporates strategies to facilitate student knowledge of bullying prevention programs.
3. Classroom instruction shall include bullying prevention awareness activities that include the bully, target and bystanders.
4. Bullying prevention instruction shall include instructional activities and strategies that promote positive and productive interaction among students.
5. Instructional materials shall be selected by school-based staff according to evaluation criteria developed by the administration.

III. Parent/Community Involvement

A. Bullying prevention information and materials shall be available to parents, families and community members through informational presentations, staff development activities, and resources placed in a Bullying Prevention section of each school's media center and at each CMS Learning Community office.

B. CMS will collaborate with community agencies and organizations to make bullying prevention materials available to the greater community.

IV. Staff Development

A. A comprehensive bullying prevention education program developed by the administration shall be available to all CMS employees and implemented on an on-going basis to increase awareness and education about bullying prevention among CMS staff. School-based staff development activities and programs related to anti-bullying education shall be implemented in each school. The Bullying Prevention Office shall ensure that this bully prevention education program is planned and carried out as required by these regulations.

[. Responsibilities designated to the "Bullying Prevention Office" may be assigned by the Superintendent to a different department or staff persons.](#)

B. The bullying prevention plan will be included in each school's Safe School Plan and incorporated in the School Improvement Plan and related strategic planning activities.

C. The needs of staff and students will be addressed through on-going curriculum and staff development.

V. Transgender or Gender Nonconforming Students

[. This section was initially approved by the Superintendent on June 20, 2016 and amended on August 3, 2016. It is effective beginning with the 2016/17 school year.](#)

The following rules are designed to promote the equitable treatment, education and social integration of all students, regardless of their gender identity. They are intended to provide support for staff and administration in appropriately addressing the needs of all students and shall be included in the ongoing staff development and bullying prevention education programs. Developed collaboratively with community groups and other school districts, this section is based on current data, nationwide best practices, and the need demonstrated by our students.

A. Professional Development

1. The district will provide periodic training to all school-based administrators and appropriate district-level administrators regarding implementation of the rules set forth in this regulation.
2. Each principal in CMS is required to assure all school staff are aware of the rules set forth below and that school level staff training is provided for this purpose. In addition, any plans developed to address particular needs of individual transgender or gender nonconforming students shall be consistent with these rules.

B. Definitions

1. "Gender expression" means the way a person represents or expresses gender to others in ways that are socially defined as either masculine or feminine, such as through behavior, clothing, hairstyles, activities, voice or mannerisms.
2. "Gender identity" means a person's deeply held internal sense of being male or female, both or neither, regardless of the sex assigned at birth.
3. "Gender nonconforming" refers to persons whose gender identity and/or gender expression do not conform to the social expectations or norms for a person of that sex assigned at birth.
4. "Sex assigned at birth" refers to the gender designation listed on a person's original birth certificate.
5. "Transgender" means a person whose gender identity or expression is different from that traditionally associated with the sex assigned at birth.

C. Privacy Concerns

1. Except as set forth herein, school personnel should not disclose information that may reveal a student's transgender status. As provided in FERPA, only school employees with a legitimate educational need should have access to a student's records or the information contained within

those records. Transgender students are permitted, as are all students, to discuss and express their gender identity and expression openly and decide when, with whom, and how much of their private information to share with others.

FERPA is the Family Educational Rights and Privacy Act. Policy JRA includes detailed information about FERPA.

2. Schools should work closely with the student and family to develop an appropriate plan regarding the confidentiality of the student's transgender status that serves the needs of both the student and the school. Privacy concerns may also vary with the age of the student. In deciding whether to involve a student's parents or guardian in developing a plan, school staff should work closely with the student to assess the degree to which, if any, the parent or guardian will be involved in the process and must consider the health, wellbeing and safety of the student.

3. In appropriate situations, school staff should work with students and families on a plan to inform and educate the student's peers at the school about the student's transgender status.

4. When contacting the parent or guardian of a transgender or gender nonconforming student, school personnel should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent, or guardian has specified otherwise.

D. Official School Records; Names and Pronouns

1. Official School Records

CMS is required to maintain a permanent education record for each student which includes the legal name and sex as recorded on the birth certificate. The permanent record shall be changed only upon receipt of documentation that a student's name and/or gender have been changed pursuant to North Carolina or other applicable law.

2. Preferred Name and Pronoun

a. Notwithstanding the name and/or sex in a student's permanent education record, school staff shall address students by the name and pronoun corresponding to their gender identity. Students are not required to obtain a court ordered name change or to change their permanent education records as a prerequisite to being addressed by the name and pronouns that corresponds to their gender identity.

b. Nonofficial school records, such as class lists, yearbooks, school event programs, diplomas, report cards and class rosters shall refer to students by their preferred names and pronouns.

c. To the extent the capability is available in the official electronic student records database, students' preferred names and pronouns shall be recorded, in addition to their legal name, in order to conveniently inform teachers and other staff of the name and pronoun to use when addressing students. To the extent the student records database does not have this capability, the administration will work to develop systems to produce class rosters that reflect students' preferred names and pronouns.

d. While inadvertent slips and honest mistakes may occur from time-to-time, the intentional and persistent refusal to respect a student's gender identity or choice of preferred name and pronoun is prohibited.

E. Gender Based Activities and Practices

Schools and departments shall evaluate all gender-based activities and practices and maintain only those that have a clear and sound pedagogical purpose. Students shall be permitted to participate in any such activities or conform to established practices consistent with their gender identity. Examples of such gender-based activities and practices include but are not limited to:

1. Dress Codes
2. Single gender classes (e.g. physical education classes)
3. Classroom Structure and Activities

4. School ceremonies
5. School Pictures
6. Extracurricular Activities
7. Overnight Field Trips

Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis considering the factors set forth above.

Students may participate in interscholastic athletics according to rules established by the North Carolina High School Athletics Association.

[As of the date of the approval of this section, NCHSAA rules require a student to participate on athletic teams designated for the gender recorded on the student's birth certificate.](#)

VI. Human Resources

A. The Human Resources Department will include information on the bullying prevention education program in new employee orientation sessions. The Human Resources, Learning and Teaching, and Student Services departments will cooperate in developing this information.

B. The school district shall incorporate information regarding the Bullying Policy into each school employee-training program and handbook.

C. Each principal will review the Bullying Policy and these regulations with school-based personnel each year.

D. Each administrative unit head will review the Bullying Policy and these regulations with personnel each year. The Bullying Prevention office shall ensure that these activities are planned and carried out as required by these regulations.

VII. Procedures for Reporting Bullying Behavior

Any persons observing or subjected to bullying behavior or with reliable information that a student, employee or other person on CMS property has been the target of bullying shall report the event to an authority at the school or worksite. In addition, the observer or target shall fill out the "Intimidation, Bullying, and/or Threats Administrative Report Form," which is in the forms section of the Code of Student Conduct and available at each school. This form may be completed anonymously. An anonymous report of bullying or harassment shall not be construed to permit formal discipline based solely on the anonymous report. In addition, using current technologies, the administration shall develop additional mechanisms for persons to report bullying behavior and shall work to ensure that all means of reporting such behaviors are widely publicized through the district and the community. Each school shall track incidents, outcomes, and follow-up for suspensions and other disciplinary consequences related to bullying conduct. The administration will develop assessment tools to measure the effectiveness of bullying prevention programs.

VIII. Investigations and Consequences for Bullying Behavior

The Principal or his designee shall promptly investigate claims or reports of bullying and harassment. Claims or reports with merit shall be pursued to their fullest extent. Consequences for bullying behavior are set forth in the CMS Code of Student Conduct, the student behavior code published each year. The Code of Student Conduct includes specific provisions that prohibit bullying as well as provisions that address other behaviors that could constitute bullying.

IX. Non-Reprisal

The Superintendent strictly prohibits reprisal or retaliation against any person who reports a violation of Policy JICK or these regulations. Such actions shall be punished according to the Code of Student Conduct or applicable policies governing employee conduct.

Date of Adoption: 8/20/08

Revised: 4/1/10, 6/20/16, 8/3/16

Legal Reference: [N.C.G.S. § 115C - 407.15 - 407.18](#), School Violence Prevention Act; SBE Policy HRS-A-007, Title IX of the Civil Rights Act of 1965

Related CMS Policies: JBA, [JICK](#), [JK](#), [JK-R](#), [JRA](#), CMS Code of Student Conduct