The University of North Carolina Wilmington and DC Virgo Preparatory Academy acknowledge
the dignity and worth of all students and employees and strives to create a safe, orderly, caring,
and inviting school environment to facilitate student learning and achievement. Discrimination on
the basis of race, religion, color, national origin, sex (such as gender, gender identity, marital status,
and pregnancy), disability, genetic information, political affiliation or age and will provide equal
access to the Boy Scouts and other designated youth groups as required by law is prohibited in all
of its educational or employment activities or programs. Any violation of this policy will be
considered serious and school officials shall promptly take appropriate action to address the
violation.

A. **Prohibited Behavior**

   Students, school employees, volunteers, and visitors are expected to behave in a civil and
   respectful manner. This policy expressly prohibits unlawful discrimination, harassment,
   and bullying by students, employees, board members, volunteers, or visitors. “Visitors”
   includes parents and other family members and individuals from the community, as well
   as vendors, contractors, and other persons doing business with or performing services for
   the school system.

   Students are expected to comply with the behavior standards established by policy, the
   Code of Student Conduct, and school and classroom rules. Employees are expected to
   comply with school policy, regulations, rules, including, but not limited to UNCW 02.205
   Unlawful Discrimination, Harassment, and Sexual Misconduct Policy. Volunteers and
   visitors on school property also are expected to comply with school policy, regulations,
   and rules and procedures.

   This policy applies to behavior that takes place: (1) in any school building or on any school
   premises before, during or after school hours; (2) on any bus or other vehicle as part of any
   school activity; (3) at any bus stop; (4) during any school-sponsored activity or
   extracurricular activity; (5) at any time or place when the individual is subject to the
   authority of school personnel; or (6) at any time or place when the behavior has a direct
   and immediate effect on maintaining order and discipline in the schools.

B. **Definitions**

   For purposes of this policy, the following definitions apply:

   1. **Discrimination**

   Discrimination means any act or failure to act, whether intentional or unintentional,
   that unreasonably and unfavorably differentiates treatment of others based solely
   on their membership in a socially distinct group or category, such as race, ethnicity,
   sex, pregnancy, religion, age, or disability.
2. Harassment and Bullying

a. Harassment or bullying behavior is deliberate conduct intended to harm another person or group of persons. Such conduct violates this policy when any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication:

1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities, or benefits or by adversely altering the conditions of an employee’s employment, an intern’s internship experience, volunteer’s experience, a visitor’s experience, or any other individual’s access to an educational program or employment opportunity.

“Hostile environment” means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual’s association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment and bullying may occur through electronic means (“cyberbullying”), such as through the Internet, emailing, or text messaging, or by use of personal websites to support deliberate and repeated behavior intended to cause harm to persons or groups. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.
Harassment, including sexual or gender-based harassment, as described below, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of any sex.

b. Sexual harassment is a form of harassment that violates this policy. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment, academic progress, or completion of a school-related activity;

2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student’s performance within a course of study or other school-related activity; or

3) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of (a) unreasonably interfering with an employee’s work or performance or a student’s educational performance, (b) limiting a student’s ability to participate in or benefit from an educational program or environment, or (c) creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual’s body, sexually degrading words used toward an individual or to describe an individual, sexual assault, sexual violence, or the display of sexually suggestive drawings, objects, pictures, or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

As provided in DCVPA policy 7310, Staff-Student Relations, employees are strictly prohibited from engaging in a romantic or sexual relationship
with any student enrolled in the school, whether or not the relationship is consensual. Such conduct is prohibited whether or not it constitutes sexual harassment.

c. Gender-based harassment is also a type of harassment that violates this policy. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

d. Sexual harassment and gender-based harassment are also forms of sexual misconduct. Sexual misconduct is an umbrella term that covers other types of policy violations as well, including, but not limited to the following violations (including attempts):

i. Non-consensual sexual intercourse: any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

ii. Non-consensual sexual contact: any intentional sexual touching, however slight, with any object by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

iii. Sexual exploitation: refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, in situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

1. sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
2. taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent);
3. prostituting another student;
4. engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infections (STI) and without informing the other person of the infection;
5. administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent.

iv. Dating violence: Dating violence is defined as violence committed by a
person who is or has been in a social relationship of a romantic or intimate nature with the victim. The relationship between the alleged perpetrator and the victim is determined based on the following factors:

1. the length of the relationship;
2. the type of relationship; and/or
3. the frequency of interaction between the persons involved in the relationship.

v. Domestic violence: Domestic violence is defined as abuse or violence committed by:

1. a current or former spouse of the victim;
2. a person with whom the victim shares a child in common; and/or
3. a person who is cohabitating with or has cohabitated with the victim as a spouse.

Dating and domestic violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The state definition of domestic violence can be found in North Carolina General Statute § 50B-1 (http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_50B/GS_50B-1.pdf) which is applicable to criminal prosecutions for domestic violence in North Carolina, but may differ from the definition used by the university to address policy violations.

i. Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others or suffer substantial emotional distress. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. “Course of conduct” is defined as a pattern of two or more acts over a period of time, however short, that evidence a continuity of purpose. Stalking behaviors include, but are not limited to, the following behaviors if they occur when it is known or reasonably should have been known that such behavior or one’s presence is unwanted by a recipient:

1. non-consensual communication including in-person communication, telephone calls, voice messages, text messages, e-mail messages, social networking site postings, instant messages, postings of pictures or information on Web sites, written letters, gifts, or any other communications that are undesired and/or place another person in fear;
2. following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a victim; or
3. surveillance and other types of observation, whether by physical proximity or electronic means.

The state definition of stalking can be found in North Carolina General Statute § 14-277.3A
vii. Intimidation: implied threats or acts that cause a reasonable fear of harm in another and includes, but is not limited to: threatening to commit a harmful or sexual act upon another person; stalking; or cyberstalking.

C. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should inform a school official designated to receive such complaints, as described in DCVPA policy 4015, Discrimination, Harassment, and Bullying Complaint Procedure.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct in accordance with DCVPA policy 4015. Employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the respondent and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

Reports, except mandatory employee reports, may be made anonymously, and all reports will be investigated in accordance with DCVPA policy 4015.

D. RESPONDING TO OCCURRENCES OF DISCRIMINATION, HARASSMENT, OR BULLYING

1. Consequences for the Respondent
   a. Disciplinary Consequences for Students

Students will be disciplined in accordance with the school’s student behavior management plan (see DCVPA policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the violation may also be reported to law enforcement, as appropriate.
Incidents of misbehavior that do not rise to the level of discriminatory harassment or bullying may violate acceptable standards of student behavior, including, but not limited to, the expectation that students will demonstrate civility and integrity in their actions and interactions with others. The consequences for such behavior will be consistent with applicable policies and any Code of Student Conduct.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

b. Disciplinary Consequences for Employees

Employees who violate this policy will be subject to UNCW 02.205 Unlawful Discrimination, Harassment, and Sexual Misconduct Policy. In addition, the violation may also be reported to law enforcement, as appropriate. Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish unlawful discrimination, harassment, or bullying, but the conduct otherwise violates university policy or expected standards of employee behavior.

c. Consequences for Other Respondents

Volunteers and visitors who violate this policy will be directed to leave school property, restricted from school and/or university property, and/or reported to law enforcement, as appropriate, in accordance with DCVPA policy 5020, Visitors to the Schools. A third party under the supervision and control of the school or university will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

2. Consideration of Need for More Extensive Response

School administrators shall consider whether the misconduct warrants more than just a response at the individual level. Given the nature and severity of the misconduct, the administrators may determine that a classroom or school-wide response is necessary. Such responses may include additional staff training, harassment and bullying prevention programs, and other measures deemed appropriate by the Dean? superintendent to address the behavior. The actions taken must be reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

3. Retaliation Prohibited
This policy prohibits reprisal or retaliation against any person for (a) reporting or intending to report violations of this policy, (b) supporting someone for reporting or intending to report a violation of this policy, or (c) participating in the investigation of reported violations of this policy.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state, or local laws, policies, and regulations, the Dean or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

E. Coordinators

The following individuals will coordinate DC Virgo Preparatory Academy’s efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws.

1. **Title IX Coordinator**
   Name: Amber L. Resetar, Esq.
   Office Address: UNCW, 1040 DePaolo Hall
   Phone Number: 910-962-2937
   Email: titleix@uncw.edu; resetara@uncw.edu

2. **ADA and Section 504 Coordinator**
   Name: Dr. Brian Victor
   Office Address: UNCW, 2015 DePaolo Hall
   Phone Number: 910-962-7771
   Email: victorb@uncw.edu

3. **Deputy Title IX and ADA/Section 504 Coordinator**
   Name: Jessica Swencki
   Office Address: DC Virgo Preparatory Academy
   Phone Number: 910-962-2875
   Email: swenckij@uncw.edu

4. **Associate Vice Chancellor for Human Resources/EEO Coordinator**
   Name: Liz Grimes
   Office Address: UNCW, 141 Friday Annex
   Phone Number: 910-962-3160
   Email: grimese@uncw.edu
F. **RECORDS AND REPORTING**

The Dean or designee shall maintain confidential records of complaints or reports of discrimination, harassment, or bullying. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports as required by any legal and regulatory requirement.

In the extent required under NCGS §115C-12, the Dean or designee shall report to the State Board of Education all verified cases of discrimination, harassment, or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

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