

RALEIGH COUNTY SCHOOLS

STUDENT

RIGHTS AND RESPONSIBILITIES

HANDBOOK

Board of Education

Richard Snuffer II, President

Larry D. Ford

Patricia Waddell

Jack G. Roop

Cynthia Jafary

Administration

Charlotte Hutchens Ed.D., Superintendent

Janet Lilly, Assistant Superintendent

Racine Thompson, Assistant Superintendent

Nelson Spencer, Director, Secondary Education

Miller L. Hall, Director, Pupil Services

Cynthia Corley-Hicks, Director, Special Education

Sandra Trent, Director, Federal Programs

Dr. Emily Meadows, Director, Personnel

Jack Richmond, Director of Career Technical Education

Jerry Redden, Director, Transportation

Gilbert Pennington, Director, Maintenance

David Brooks, Business Manager

Phillip Jarrell, Director, Purchasing

Rose Cook, Director, Food Service

Raleigh County Board of Education

105 Adair Street

Beckley, West Virginia 25801

TABLE OF CONTENTS

Student Code of Conduct. *page 5*

Guidelines and Procedures. 5 - 6

Level Violations & Responses. 7 - 23

Guidelines for Expulsion. 23–25

Bill of Rights. 26

Complaint Procedures. 26-27

Investigation Procedures. 27-28

Dissemination of Policy. 29-30

Identification and Classification of Dangerous Schools. 31--32

Prevention and Intervention Training. 32

Complaint Form. 33

POLICIES:

C.1.3 Racial, Sexual, Religious/Ethnic Harassment and Violence. 34–41
Sexual Harassment Report Form. 42

C.1.4 Anti-Hazing Policy. 43-46

D.3.9 Investigations and Searcher Policy. 47

D.3.13 Raleigh County Tobacco Control Policy. 48--51
Acknowledgment Letter for Parents. 52

STUDENT CODE OF CONDUCT

PURPOSE

The West Virginia Board of Education and the Raleigh County Board of Education recognize the need for students, teachers, administrators, and other school personnel to have a nurturing and orderly, safe, and stimulating educational environment. The purpose of these regulations is to provide the district with a policy of student conduct that will ensure an orderly and safe environment that is conducive to learning. These regulations also require that all public schools respond immediately and consistently to incidents of harassment, intimidation, bullying, substance abuse and/or violence or other Student Code of Conduct violations in a manner that effectively deters future incidents and affirms respect for individuals. These regulations require county boards of education to design and implement prevention and response programs, to outline investigatory and reporting procedures, and to delineate penalties for violations of this policy.

The West Virginia Board of Education and the Raleigh County Board of Education further believe that public schools should undertake proactive, preventative approaches to ensure a nurturing, orderly and safe school environment that fosters learning and personal-social development. Public schools must create, encourage, and maintain a safe, drug-free and fear-free school environment in the classroom, on the playground and at school-sponsored activities. Assuring such an educational environment requires a comprehensive program supported by everyone in the school organization, as well as parents/guardians and the community. Any form of harassment, intimidation, bullying, substance abuse, violence, or other policy violation is unacceptable in the schools.

STATUTORY AUTHORITY: WV Board of Education Policy 4373; WV code 16-9A-4, 16-9A-9, 17A-1-1, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-2C-1 et seq., 18-2-33, 18-5-1, 18-5-13, 18-6-1, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, 61-2-9, 61-2-12, 61-8B-3, 61-6-17, 61-6-24, 61-3-11, 61-2-15, 61-7-2, and 61-7-11a., 71A-11, WV Constitution Article XII, Section 2.

Safe School Hotline

Report safety issues by calling 1-866-723-3982

Raleigh County Schools
Student Code of Conduct

Guidelines and Procedures

STUDENT CODE OF CONDUCT

All students enrolled in Raleigh County Schools shall behave in a manner that promotes a school environment that is nurturing, orderly, safe and conducive to learning, and personal and social development.

- ★ Students will help create an atmosphere free from bullying, intimidation and harassment.
- ★ Students will treat others with respect, deal peacefully with anger, use good manners and be considerate of the feeling of others.
- ★ Students will demonstrate responsibility, use self-control and be self-disciplined.
- ★ Students will demonstrate fairness, play by the rules, and will not take advantage of others.
- ★ Students will demonstrate compassion and caring.
- ★ Students will demonstrate good citizenship by obeying laws and rules, respecting authority, and by cooperating with others.
- ★ Students will demonstrate honesty and trustworthiness.

STUDENT CODE OF CONDUCT VIOLATIONS

This policy divides student violations of the Student Code of Conduct into four levels. Level III and IV violations must be referred directly to the building level administrator because of the serious and/or unlawful nature of the misconduct. WV Code requires that the principal shall suspend a student who commits a violation classified as Level IV in this policy.

Any student committing an offense or violation is responsible for any and all damages and personal injuries, and the parents or legal guardians are responsible for damages to the extent provided by law.

West Virginia Code assigns to county boards of education the right “to control and manage - the school - for all school activities,” and provides that the teacher shall stand in the place of the parent or guardian in exercising authority over the student and the school.

“Teacher” is defined to include principals, aides, student teachers and other school employees assigned responsibilities for supervising instructional programs or other board approved

activities. The bus driver shall be responsible for students on school buses in the same manner as the teacher or administrator is responsible during the school day.

EDUCATIONAL PROGRAM TO ENSURE UNDERSTANDING OF POLICY

Public schools must create, encourage, and maintain a safe, drug-free and fear-free environment in all places and activities, which are a direct or indirect activity of the school system such as school buses, other schools, field trips, and any school-sponsored or related event. To establish such an environment requires a comprehensive program supported by everyone in the school organization, as well as parents/guardians, and the community. All students at each grade level will be instructed and educated regarding the student's responsibilities and expectations to establish such an environment. Important education components for students will consist of raising awareness of the different types of Student Code of Conduct violations, how they are manifested, their devastating emotional and educational consequences and their potential legal implications. Any form of harassment, intimidation, bullying, substance abuse, violence, or any other policy violation is unacceptable.

LEVEL I VIOLATIONS

Definition: Minor and/or frequent misconduct, which disrupt the orderly conduct of the

educational process.

OFFENSES - Including but not limited to: * changed or added code

- a. B01
Display of affectionate behavior
Students will not engage in an inappropriate display of affection, such as kissing, or embraces of an intimate nature.
- b. B04
Antisocial conduct
A student will not engage in behavior that violates accepted norms.
- c. *C03
Repetitive disruptive behavior/disorderly conduct
Acts committed by a student or students that 1) disrupt any of the basic processes of education such as classroom work, instruction, orderly movement/travel from class to class or activity to activity; 2) a reasonable person could have anticipated would have disrupted one or more of these basic processes of education; 3) by talking, making noises, throwing objects, etc., would distract another student or students from participating in the basic processes of education: and/or 4) cause disruptions to the normal flow of the educational processes within the school environment.
- d. F01
Disobeying class rules
A student will not intentionally violate class rules or classroom management plans.
- e. *F02
Insubordinate
A student will not ignore or refuse to comply with directions or instructions given by authorities.
- f. F03
Vehicle parking violations
A student will not engage in improper parking of a motor vehicle on school property.
- g. *F06
Technology abuse
Technology will be used for valid educational purposes only, and students will not violate the terms of West Virginia Board of Education Policy 2460, WV Code 126CSR41 (Safety and Acceptable Use of the Internet by Students and Educators)

- h. *F08
Trespassing
A student will not enter upon the premises of the county school system property, other than to the location to which the student is assigned, without authorization from proper school authorities.
- i. ST1
Possession of tobacco products
The presence of any substance that contains tobacco in any form or in any item belonging under the general control or responsibility of the student (i.e., locker, automobile, etc. (WV Code §16-91-3)
- j. *ST2
Use of tobacco products
The ingestion, injection, absorption or inhalation of any substance that contains tobacco in any amount (WV. Code §16-9a-3)
- k. T01
Tardiness
Failure to be in his/her place of instruction at the assigned time unless presenting a valid excuse
- l. T02
Skipping class
Failure to attend his/her place of instruction during a class period or multiple class periods unless presenting a valid excuse.
- m. V01
Not completing detention
The student did not serve the full amount of assigned time in detention (in-school, after-school, or Saturday) by leaving early, arriving late, or missing a period of time during the detention.

SCHOOL RESPONSES TO LEVEL I VIOLATIONS

Any of the following intervention strategies and disciplinary actions may be used in response to the violation:

- a. Administrator or teacher-student conference or reprimand
- b. Administrator and/or teacher-parent conference or reprimand
- c. Referral to Student Assistance Team / Intervention, counselor, or outside agency
- d. Daily/weekly progress reports
- e. Behavioral contracts
- f. Social skills group and/or special counseling
- g. School service assignment
- h. Confiscation of inappropriate item
- i. Restitution/restoration
- j. Before-school, after-school, and/or lunch-time detention
- k. Immediate exclusion by teacher from one class period of the school day
(See part “e” under Guidelines for Exclusion, Suspension, and Expulsion)
- l. Withdrawal of privileges
- m. Conflict mediation
- n. Class meetings

Interventions which require administrative implementation:

- o. Change in the student’s class schedule
- p. In-school suspension / after school detention
- q. Denial of participation in school-wide activities
- r. Saturday detention (Elementary, Middle and High School Students)
- s. Out-of-school suspension for up to three days
- t. Law enforcement notification

LEVEL II VIOLATIONS

Definition: Misconduct that involves violations of the personal or property rights of others.

OFFENSES - Including but not limited to: * changed or added code

- a. *B02
Disrespectful behavior
A student will not engage in a behavior that is discourteous, impolite, bad-mannered, and/or rude.
- b. *B03
Derogatory behavior in relation to race, sex, religion and/or ethnicity
A student will not, by any means, direct profanity, insulting remarks, or obscene gestures toward another student that causes embarrassment, discomfort, or reluctance to participate in school activities.
- c. CHB
Harassment/Intimidation or Bullying Behaviors
A student will not bully/intimidate/harass another student.
“Harassment, intimidation or bullying” means any intentional gesture, or any intentional written, verbal, or physical act or threat that:
 - (a) a reasonable person under the circumstances should know will have the effect of:
 - (1) harming a student
 - (2) damaging a student’s property
 - (3) placing a student in reasonable fear of harm to his or her person
 - (4) placing a student in reasonable fear of damage to his or her property or
 - (b) is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening or abusive educational environment for a student (WV. Code §18-2C-2).
- d. *CHR
Harassment-race/religious/ethnic/sexual
RACIAL HARASSMENT consists of physical, verbal or written conduct relating to a person’s race and includes, but is not limited to:
 - 1. use of demeaning language with racial connotations
 - 2. use of language or gestures which imply inferiority of a race
 - 3. gestures or words that are disrespectful to a race or individual (jokes included)
 - 4. intolerance of cultural differences.RELIGIOUS/ETHNIC/NATIONAL ORIGIN HARASSMENT consists of physical, verbal or written conduct which is related to an individual’s

religion, ethnic background or national origin and includes, but is not limited to:

1. use of demeaning language with religious, ethnic, or national origin connotations
2. use of language or gestures which imply inferiority or a religious, ethnic or national origin group
3. gestures or words that are disrespectful to a religion, ethnic or national origin group or individual (jokes included).

SEXUAL HARASSMENT consists of unwelcome sexual advances, request for sexual favor, sexually motivated physical contact and other inappropriate verbal or physical conduct or communication of a sexual nature when made by any student to another student or staff member and may include, but is not limited to the following:

1. unwelcome verbal harassment or abuse in matters pertaining to sexuality
2. unwelcome pressure for sexual activity
3. unwelcome touching, patting, physical contact
4. unwelcome sexual behavior or words with demeaning implications or gestures
5. unwelcome demands for sexual favor accompanied by promises (implied or overt) of preferential treatment
6. unwelcome behavior, verbal or written words or symbols directed at an individual because of gender
7. the use of authority to emphasize the sexuality of a student in a manner that prevents or impairs the student's full enjoyment of educational benefits, climate or opportunities.

- e. CP1
Physical Fight
A student will not participate in a physical altercation with another person while under the authority of school personnel.
- f. C01
Assault against student (verbal)
A student will not commit any verbal act which places another student in reasonable apprehension or fear of immediate injury.
- g. *CO2
Battery against student (physical)
A student will not unlawfully and intentionally make physical contact of an insulting, provoking, or injurious nature against another student.
- h. *C05
Stalking
A student will not follow or pursue or prey on an employee or another

student, in any manner, causing them to be in reasonable fear of harm to his or her person.

i. *C06

Threat of injury

A student will not threaten to injure another student, a teacher, administrator or other school personnel.

j. F04

Inappropriate wearing apparel and grooming

Raleigh County believes it is important to maintain a positive school environment that is conducive to learning. Therefore, during the school day the following guidelines have been established: Students are expected to be neatly dresses and well groomed at all times. Clothing that exposes the mid part of the body, short shorts or mini skirts that don't reach the top of the index finger when standing, and tank tops or tops exposing a large area of the back and front, and spaghetti straps or halters (unless worn with a buttoned-up shirt) will not be permitted. No hats, bandannas, or sunglasses will be permitted to be worn in classes or inside during the school day. Clothing depicting violence, blood, knives, guns, or skulls will not be permitted. Other items which may not be worn include, see through mesh or fishnet clothing or clothing that has holes or cut-out places in it, clothing that evidences gang membership or that references terrorism, suggestive sex, alcohol, drugs, obscenities, or profane language. Articles such as spiked jewelry or chains that could be used as weapons (attached to wallets or worn on one's person) are also prohibited. Building administrators have the discretion to identify other inappropriate apparel and respond as needed.

k. F05

Loitering

A student will not remain or linger on school property without a legitimate purpose and/or proper authority.

l. F07

Possession of inappropriate personal property

A student will not possess personal property that is prohibited by school rules or that is disruptive to the educational process. Electronic devices such as electronic games, video recording devices, CD players, I-pods or any type of MP3 players are not permitted to be in classrooms during the regular school day without the permission of the school administrator and the teacher. Students are not permitted to have laser pointers on school property or school buses. If students carry cell phones, they must be turned off during the instructional day. Any electronic device having any inappropriate material in school is subject to the county discipline policy. The county/school will not be responsible for any electronic device that may be stolen or lost at school.

- m. F09
Cheating
A student will not, in any manner, plagiarize, copy, gain unauthorized access to, or tamper with educational materials.
- n. *F10
Habitual Violation of School Rules or Policies
A student will not establish a pattern of policy violations.
- o. *GAW
Gang Apparel
A student will not wear/display belongings that intentionally identify students as members of or supportive of a gang.
- p. *GAU
Gang Communication
A student will not use words/gestures/symbols that intentionally identifies students as members of or supportive of a gang.
- q. L01
Theft up to \$100
Theft or possession of stolen property valued under \$100
- r. L02
Gambling
A student will not engage in any game of chance wherein money or other items of monetary value are awarded to the winner, except for those games and contests authorized as official functions.
- s. L03
Forgery
A student will not sign another person's name for purpose of defrauding.
- t. L07
False Identification
A student will not use another person's identification or give false identification with intent to deceive or obtain money, property or admittance.
- u. L08
Falsely Reporting Violations
Intentionally providing false information when making a report of a student code of conduct violation.
- v. T04
Leaving school grounds without permission
A student will not leave the school building, classroom, cafeteria, assigned

area, or campus without permission from authorized school personnel.

- w. *V02
Failure to attend detention
The student did not report to an assigned detention.
- x. *V03
Violation of suspension
The student broke a condition of the suspension notice or period such as returning to school during the period of exclusion or failed to complete the required period of exclusion that was assigned.

SCHOOL RESPONSES TO LEVEL II VIOLATIONS

The county system may modify this list in accordance with alternatives available to the district, such as conflict resolution or peer mediation programs, student assistance teams, advisor/advisee, developmental guidance, character education, respect and protect violence program, and any other Safe and Drug Free Schools programs. Intervention strategies may include, but are not limited to, the following intervention strategies and disciplinary action:

- a. Any Level I response.
- b. Out-of-School suspension for up to ten (10) days.

LEVEL III VIOLATIONS

OFFENSES - Including but not limited to: * changed or added code

Definition: Misconduct and/or violations that may involve **criminal acts** or are so serious that they present a direct and immediate threat to the welfare of self or others or have the potential to cause substantial interference with a positive learning environment.

Level III violations include those addressed in WV Code 18A-5-1a (b) and (c) and shall be reported immediately to the principal/designee of the school in which the student is enrolled. The principal/designee will address the violation following the procedures outlined in WV Code 18A-5-1a, subsections (b) through (h).

- a. *BDT
Disobeying a school staff member in a defiant manner
A student will not display open, bold resistance to authority.
- b. BPE
Profane language/obscene gestures/indecent acts directed toward a school employee

A student will not use profane language directed toward a school employee. Using profane language may include, but is not limited to: verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any school employee.

c. BPS

Profane language/obscene gestures/indecent acts directed toward a student

A student will not use profane language directed toward another student. Using profane language may include, but is not limited to: verbally, in writing, electronically, or with photographs or drawings, direct profanity or insulting, obscene gestures toward any other student.

d. CHZ

Hazing

A student will not haze or conspire to engage in the hazing of another person. "Hazing" means to cause any action or situation which:

- a). recklessly or intentionally endangers the mental or physical health or safety of another person or persons; or
- b). causes another person or persons to destroy, damage, or remove public or private property, for the purpose of initiation or admission into or affiliation with, or as a condition of continued membership in, any organization or activity (whether curricular, co-curricular, or extra-curricular) affiliated with any public school.

e. CP2

Assault against employee (verbal)

A student will not commit any verbal act which places a school employee in reasonable apprehension or fear of immediate injury

f. C04

Inciting behavior that causes disruption

A student will not create any disturbance or disorder that leads to a disruption.

g. FMV

Improper or negligent operation of a motor vehicle

A student will not intentionally or recklessly operate a motor vehicle on the grounds of any educational facility, parking lot, or at any school-sponsored activity, so as to endanger the safety, health, or welfare of others.

h. FRH

Violation of school rules or policies

A student will not intentionally violate any rule or policy established by

the school.

- i. **GAG**
Gang Assembly
A student will not participate in a gathering of 2 or more persons for purposes of engaging in activities or discussions promoting gangs
- j. **GAR**
Gang Recruitment
A student will not recruit student(s) for gangs
- k. **LDP**
Defacing school property/Vandalism
To spoil or mar the surface or appearance of; disfigure to impair the usefulness or value; writing or carving in textbooks, library books, desks, walls, intentionally clogging the plumbing system; breaking light bulbs; spray painting surfaces; damaging school equipment; etc.
- l. **LTM**
Theft \$100 to \$999
Theft or possession of stolen property valued at between \$100 and \$999
- m. **L04**
Falsifying school documents
A student will not falsify any school documents such as passes, notes, grade reports, transcripts, health record, etc.
- n. ***L05**
Falsely setting off fire alarm
A student will not intentionally set off a fire alarm when not warranted.
- o. **L06**
Fraud
A student will not give false or misleading information to obtain anything of value.
- p. ***OK1**
Possession of knife or knife-like implement under three and one-half inches (3 1/2")
A student is in possession of a knife or knife-like implement under three and one-half inches (3 1/2")
- q. **OV1**
Possession of imitation weapons
The presence of an object that gives the appearance of any type of weapon.

This may include, but is not limited to, toy guns, toy knife, cap guns, bb guns and pellet guns.

- r. SA1
Possession of alcoholic beverages
The presence of any intoxicating liquid that contains alcohol on a student in any amount or in any item belonging under the general control of the student (i.e., locker, automobile, etc).
- s. SA2
Use of alcoholic beverages
The ingestion, injection, absorption or inhalation of any intoxicating liquid that contains alcohol in any amount.
- t. *T03
Skipping school
Failure to attend school after leaving one's residence without parental/guardian knowledge

SCHOOL RESPONSES TO LEVEL III VIOLATIONS

- a. After an informal hearing pursuant to WV Code 18A-5-1(d), a principal/designee may suspend a student from school, or transportation to or from the school on any school bus, if the student, in the determination of the principals/designee; has committed any of the Level III violations.
- b. If a student has been suspended pursuant to WV Code 18A-5-1A(b) or ©, the principal may request that the superintendent recommend to the Board of Education that the student be expelled following the provisions in subsections (b) through (1) of WV Code 18A-5-1a.
- c. Any responses to Level I and II violations
- d. Agency notification, such as DHHR, Probation, and/or law enforcement
- e. Revocation of parking privilege
- f. Referral to the county's Alternative Education Program

LEVEL IV VIOLATIONS

Definition: Violations in the Level IV category are consistent with those addressed in WV Code

18A-5-1a(a) and (b). Level IV violations include any offense pertaining to or in any way involved with the **sale and distribution of alcohol, illegal drugs or inhalants; repeat offense of drug, alcohol, or drug paraphernalia possession or repeat offense of being under the influence of alcohol or drugs.** Level IV also includes any offense pertaining to the use or possession of a **deadly weapon or battery on a school employee.**

OFFENSES - Including but not limited to: * changed or added code

- a. CP3
Battery against school employee - ***Persistently Dangerous Violation***
A student will not unlawfully and intentionally make physical contact of an insulting, provoking, or injurious nature with the person of a school employee.
- b. MD1
Improper unauthorized use of an OTC/prescription medication
The ingestion, injection, absorption or inhalation of a nonprescription or a prescription drug in any amount other than the recommended administration
- c. MD2
Improper unauthorized possession of an OTC/prescription medication
The presence of nonprescription or prescribed drugs on a student in any amount intended for use by another person or student as well as in any item under the general control or responsibility of the student (i.e., locker, automobile, etc.).
- d. MD3
Sale of an OTC/prescription medication
The exchange of goods, services or monetary gain for a nonprescription or prescription drug in any amount
- e. MD4
Distribution of an OTC/prescription medication
The giving, transfer, delivery, trade or exchange in any manner of an OTC/prescription medication.
- f. *SD1
Possession of illegal drugs/substances
The presence of any illegal drug and/or substance on a student in any amount or in any item belonging to or under general control or responsibility of the student (i.e., locker, automobile, etc.). A student will not possess drug paraphernalia on school property, school bus or at any school-sponsored event or activity.
- g. *SD2
Use of illegal drugs/substances

The ingestion, injection, absorption or inhalation of any illegal drug/substance in any amount.

- h. *SD3
Distribution of illegal drugs/substances
The giving, transfer, delivery, trade or exchange in any manner of any illegal drug and/or substance.
- i. *SD4
Sale of illegal drugs/substances
The exchange of goods, services or monetary gain for an illegal drug and/or substance.
- j. *SD5
Possession of imitation drugs
The presence of any drug and/or substance in any amount which is on a student or in any item belonging to or under the general control of the student (i.e., locker, automobile, etc.) which appears to have a likeness or resemblance to an illegal drug/substance
- k. *SD6
Use of imitation drugs
The ingestion, injection, absorption or inhalation of substance which appears to have a likeness or resemblance to an illegal drug.
- l. SD7
Distribution of imitation drugs
The giving, transfer, delivery, trade or exchange in any manner of any drug and/or substance which appears to have a likeness or resemblance to an illegal drug/substance.
- m. SD8
Sale of imitation drugs
The exchange of goods, services or monetary gain for a substance which appears to have a likeness or resemblance to an illegal or controlled drug
- n. SD9
Use of Chemical Substances
The ingestion, injection, absorption or inhalation of any chemical substance in order to produce intoxicating effects.
- o. SN1
Sale of a narcotic drug - **Persistently Dangerous Violation**
Exchange of money or services for any drug, synthetic or naturally

occurring with effects similar to those of opium and opium derivatives, capable of inducing a stuporous state

- p. V04
Violation of expulsion
The student broke a condition as set forth in the county's Board of Education Expulsion Decision/Determination.
- q. WD1
Possession and/or use of dangerous weapons other than firearm or knife/knife-like implement.

A "dangerous weapon" means a device intended to cause injury or bodily harm, any device used in a threatening manner that could cause injury or bodily harm, or any device that is primarily used for self-protection. Dangerous weapons include, but are not limited to, blackjack, nunchuka, or metallic or false knuckles. A dangerous weapon may also include the use of a legitimate tool, instrument, or equipment as a weapon including, but not limited to, pens, pencils, compasses, or combs with the intent to harm another.

- r. WF1
Possession and/or use of handguns
Possession and/or use of a hand held firearm.
- s. WF2
Possession and/or use of rifles/shotguns
Possession and/or use of firearm fired from the shoulder.
- t. WF3
Possession and/or use of other firearms
Possession and/or use of firearms other than handguns, rifles, or shotguns (Note: This definition does not apply to items such as toy guns, cap guns, bb guns, and pellet guns.)
 - any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive;
 - the frame or receiver of any weapon described above;
 - any destructive device which includes:
 - a. any explosive, incendiary, or poison gas
 1. Bomb
 2. Grenade
 3. Rocket having a propellant charge or more than four ounces
 4. Missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce,

- 5. Mine, or
 - 6. Similar device
 - b. any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter
 - c. any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
- u. **WK1**
Possession and/or use of knives or knife-like implement
An instrument intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle which is capable of inflicting cutting, stabbing or tearing wounds. Any blade over three and one-half inches in length or any blade under three and one-half inches in length that is knowingly used or intended to be used to produce serious bodily injury or death (§61-7-2).
- v. **XBT**
Bomb Threat
- w. **XF1**
Felony
Commitment of an act or engaged in conduct considered more serious than a misdemeanor and punishable by a more stringent sentence under the laws of this state if committed by an adult.
- x. **XF2**
Serious Bodily Injury
Inflicting bodily injury on another person that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty

SCHOOL/COUNTY RESPONSES TO LEVEL IV VIOLATIONS

Level IV violations require the mandatory suspension of the student by the principal/designee from school, or from transportation to or from the school on any school bus, after an informal hearing.

- a. Upon such request of the superintendent by a principal, the superintendent shall recommend to the Board of Education that the student be expelled.
- b. Subsequent to the superintendent's recommendation for expulsion to the Raleigh

County Board of Education, the Raleigh County Board shall conduct a hearing to determine if the student committed the alleged violation. If the Raleigh County Board of Education finds that the student did commit the alleged violation, the Raleigh County Board shall expel the student.

- c. Students may be expelled for a period not to exceed one school year, provided that the superintendent may lessen the mandatory one-year period of expulsion if the circumstances of the pupil's case demonstrably warrant such a reduction following the guidelines provided in WV Code 18A-5-1a(I).
- d. The parents of a student being recommended to the Raleigh County Board of Education for expulsion shall receive a notice indicating the date and time of a hearing. If the Raleigh County Board of Education plans to establish that the student being recommended for expulsion is a "dangerous student," as defined in WV Code 18A-5-1a, this should be clearly stated in the notice and any evidence to support its claim must be included.
- e. The above WV Code defines a "dangerous student" as one who is substantially likely to cause serious bodily injury to himself, herself, or another individual within that student's educational environment, which may include any alternative education environment, as evidenced by a pattern or series of violent behavior exhibited by the student, and documented in writing by the school, with the documentation provided to the student and parent or guardian at the time of the offense.
- f. If the Raleigh County Board of Education expels a student and finds him/her to be dangerous, the school system may refuse to provide alternative education but must reevaluate this decision at least every three months.
- g. With regard to students with disabilities, nothing in this policy may be construed to be in conflict with the federal provisions of the Individual with Disabilities Act (IDEA) Amendments of 2004 (Public Law 105-17), or with WV126CSR16, West Virginia Board of Education Policy 2419, Regulations for the Education of Exceptional Students.
- h. Penalties set forth if a student has unlawful possession of drug paraphernalia or has unlawful possession or is under the influence of marijuana, inhalants or alcohol on school property, at a school function, or on a school bus include the following:
 - 1st offense for possession or being under the influence - suspension for ten (10) days and completion of five (5) counseling sessions with school guidance counselor (mandatory).

GUIDELINES FOR EXCLUSION, SUSPENSION AND EXPULSION

Suspension is considered a temporary solution to a violation of the Student Code of Conduct until the problem that caused the suspension is corrected. The length of a suspension should be short, usually one (1) to three (3) school days, but may extend to ten (10) school days. A student is entitled to an informal hearing when faced with a suspension of ten (10) days or less. At this hearing the principal/designee must be given the opportunity to present reasons why a student should be suspended. However, a student whose conduct is detrimental to the progress and general conduct of the school may be suspended immediately and a hearing held as soon as practical after the suspension. A student may not participate in any school-sponsored activities, or be permitted on school grounds during the period of suspension without permission of school officials.

A suspension of more than ten (10) consecutive days requires a formal hearing before the Board of Education.

The Superintendent, upon recommendation by the principals, may recommend that the Raleigh County Board of Education expel a student from school if the student's conduct is judged to be detrimental to the progress and general conduct of the school. In all cases involving expulsion, the student is entitled to formal due process procedures if the Raleigh County Board of Education agrees to act upon a recommendation to expel a student from school. An expulsion hearing must be held within ten (10) days of the recommendation unless agreement has been reached to delay the hearing due to extenuating circumstances.

WV Code requires mandatory suspension by the principal and mandatory expulsion for a period of not less than twelve (12) consecutive months by the Raleigh County Board of Education for: possession of a deadly weapon, assault of a school employee, or sale of a narcotic drug.

Chapter 18A. School Personnel.

Article 5. Authority; Rights; Responsibility.

§18A-5-1. Authority of teachers and other school personnel; exclusion of students having infectious diseases; suspension or expulsion of disorderly students; corporal punishment abolished.

- a). The teacher shall stand in the place of the parent(s), guardian(s) or custodian(s) in exercising authority over the school and has control of all students enrolled in the school from the time they reach the school until they have returned to their respective homes, except that where transportation of students is provided, the driver in charge of the school bus or other mode of transportation shall exercise such authority and control over the students while they are in transit to and from the school.

- b). Subject to the rules of the State Board of Education, the teacher shall exclude from the school any student known to have or suspected of having any infectious disease, or any student who has been exposed to any infectious disease, and shall immediately notify the proper health officer or medical inspector of the exclusion.

Any student so excluded may not be readmitted to the school until the he or she has complied with all the requirements of the rules governing those cases or has presented a certificate of health signed by the medical inspector or other proper health officer.

- c). The teacher may exclude from his or her classroom or school bus any student who is guilty of disorderly conduct; who in any manner interferes with an orderly educational process; who threatens, abuses or otherwise intimidates or attempts to intimidate a school employee or a student; who willfully disobeys a school employee; or who uses abusive or profane language directed at a school employee. Any student excluded shall be placed under the control of the principal of the school or a designee. The excluded student may be admitted to the classroom or school bus only when the principal or a designee provides written certification to the teacher that the student may be readmitted and specifies the specific type of disciplinary action, if any that was taken. If the principal find that disciplinary action is warranted, he or she shall provide written and, if possible telephonic notice of the action to the parent(s), guardian(s) or custodian(s). When a student is excluded from a classroom or school bus two times in one semester, and after exhausting all reasonable methods of classroom discipline provided in the school discipline plan, the student may be readmitted to the classroom, or the school bus only after the principal, teacher and, if possible, the parent(s), guardian(s) or custodian(s) of the student have held a conference to discuss the student's disruptive behavior patterns, and the teacher and the principal agree on a course of discipline for the student and inform the parent(s), guardian(s) or custodian(s) of the course of action. Thereafter, if the student's disruptive behavior persists, upon the teacher's request, the principal may, to the extent feasible, transfer the student to another setting. The Legislature finds that isolating students or placing them in alternative learning centers may be the best setting for chronically disruptive students. The county board shall create more alternative learning centers or expand its capacity for alternative placements, subject to funding, to correct these students' behaviors so they can return to a regular classroom without engaging in further disruptive behavior.
- d). The Legislature finds that suspension from school is not appropriate solely for a student's failure to attend class. Therefore, a student may not be suspended from school solely for not attending class. Other methods of discipline may be used for the student which may include, but are not limited to, detention, extra class time or alternative class settings.
- e). Corporal punishment of any student by a school employee is prohibited.
- f). Each county board is solely responsible for the administration of proper discipline in the public schools for the county and shall adopt policies consistent with the provisions of this section to govern disciplinary actions. These policies shall encourage the use of alternatives to corporal punishment, providing for the

training of school personnel in alternatives to corporal punishment and for the involvement of parent(s), guardian(s) or custodian(s) in the maintenance of school discipline. The county boards shall provide for the immediate incorporation and implementation in the schools of a preventive discipline program which may include the responsible student program and a student involvement program which may include the peer medication program, devised by the West Virginia Board of Education. Each county board may modify those programs to meet the particular needs of the county. The county boards shall provide in-service training for teachers and principals relating to assertive discipline procedures and conflict resolution. The county boards also may establish cooperatives with private entities to provide middle educational programs which may include programs focusing on developing individual coping skills, conflict resolution, anger control, self-esteem issues, stress management and decision making for students and any other program related to preventive discipline.

- g). For the purpose of this section:
- 1). “Student” includes any child, youth or adult who is enrolled in any instructional program or activity conducted under board authorization and within the facilities of or in connection with any program under public school direction: *Provided*, that, in the case of adults, the student-teacher relationship shall terminate when the student leaves the school or other place of instruction or activity;
 - 2). “Teacher” means all professional educators as defined in section one, article one of this chapter and includes the driver of a school bus or other mode of transportation; and
 - 3). “Principal” means the principal, assistant principal, vice principal or the administrative head of the school or a professional personnel designee or the principal or the administrative head of the school.
- h). Teachers shall exercise other authority and perform other duties prescribed for them by law or by the rules of the state board not inconsistent with the provisions of this chapter and chapter eighteen of this code.

§18A-5-1c. Bill of Rights and Responsibilities for Students and School Personnel

- a). The Legislature finds that:

1. The mission of public schools is to prepare students for equal and responsible citizenship and productive adulthood;
 2. Democratic citizenship and productive adulthood begin with standards of conduct in schools;
 3. Schools should be safe havens for learning with high standards of conduct for students; and
 4. Rights necessarily carry responsibilities.
- b). In recognition of the findings in this section, the following Bill of Rights and Responsibilities for Students and School Personnel is established:
1. The right to attend a school and ride a bus that is safe, orderly and drug free;
 2. The right to learn and work in a school that has clear discipline codes with fair and consistently enforced consequences for misbehavior;
 3. The right to learn and work in a school that has alternative educational placements for violent or chronically disruptive students;
 4. The right to be treated with courtesy and respect;
 5. The right to attend a school and ride on a bus that is free from bullying;
 6. The right to support from school administrators when enforcing discipline policies;
 7. The right to support from parents, the community, public officials and businesses in their efforts to uphold high standards of conduct; and
 8. The responsibility to adhere to the principles in this Bill of Rights and Responsibilities for students and school personnel, and to behave in a manner that guarantees that other students and school personnel enjoy the same rights.

COMPLAINT PROCEDURES

Violations of the Student Code of Conduct will be handled according to the procedure identified by the Raleigh County Board of Education and appropriate action will be taken as specified below.

Any person who believes he or she has been the victim of a Student Code of Conduct violation or any person with knowledge or belief of conduct which may constitute a violation of the Student Code of Conduct should report the alleged acts to the school administrator or his/her designee. The employee must then complete a Raleigh County Schools Reporting Form (Policy C.1.3) and follow the Raleigh County Schools procedures for responding to such complaints. All Level I violations must be reported immediately to the administrator/designee. Nothing in this policy shall prevent any person from reporting violations directly to the Superintendent, as appropriate, to the West Virginia Human Rights Commission, or to a law enforcement agency. Policy 5310, Performance Evaluation of School Personnel, and Policy 5902, Employee Code of Conduct, express the importance of employees creating and maintaining a safe, healthy environment free from harassment, intimidation, bullying, substance abuse, and/or violence, and free from bias and discrimination. Employee failure to report a violation is addressed in WV Code 126CSR142 West Virginia Board of Education Policy 5310, Performance Evaluation of School Personnel.

INVESTIGATION PROCEDURES

The principal or his/her designee shall, upon receipt of a report or complaint immediately undertake or authorize an investigation. The investigation may be conducted by the school/school system officials or by a third party designated by the school system.

The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

When any student is to be interviewed in connection with an investigation pursuant to a Level IV violation, a reasonable effort shall be made to invite the student's parent/guardian to be present during such interview, provided such parent notification does not compromise overall school/student safety. Parent notification is encouraged at Levels II and III and discretionary at Level I.

The principals/designee shall immediately take such reasonable steps as necessary, to protect the complainant, students, teachers, administrators or other personnel pending completion of an investigation of an alleged policy violation.

The Principals/designee shall determine whether the alleged conduct constitutes a violation of this policy or WV Code 18A-5-1a which deals with Level IV.

In determining the appropriate responses and/or punishment for a Level I, II or III violation, consideration should be given to the **surrounding circumstances, the age of the student, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.** Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

The investigation will be completed as soon as practicable but no later than ten school days following the reported violation, unless permission has been requested and granted by the West Virginia Department of Education to extend the investigation period. In the event the investigating official is not the principal, the investigator shall make a report to the principal upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as fact and whether they appear to be violations of this policy or W.Va. Code 18A-5-1a. Whether a particular action or incident constitutes a violation of this policy requires a determination based upon all the facts and surrounding circumstances.

The result of the investigation of Level III and IV violations filed under these procedures will be reported on Form GAG-R and with a copy given to the complainant or his/her legal guardian by the principal/designee or investigating official.

Confidentiality of the filing of complaints, the identity of subjects and witnesses of any complaint and of any action taken as a result of such complaint is essential to the effectiveness of this policy. Only those individuals necessary for the investigation and resolution of the complaint shall be given information about it. Therefore, the right of confidentiality of complainants, subject, witnesses, and investigators will be vigorously protected and violation of such confidentiality may itself be grounds for disciplinary action.

The principal/designee shall, upon completion of the investigation, immediately enter the required disciplinary data into the West Virginia Education Information System (WVEIS) in order to file the required information with the West Virginia Department of Education of all substantiated reports of violations of the Student Code of Conduct.

DISSEMINATION OF POLICY AND TRAINING

To ensure understanding of the Student Code of Conduct, the county office and schools shall develop and implement training for students on these regulations and on means for effectively promoting the goals of this policy. Raleigh County shall review this policy at least annually for compliance with state and federal law and West Virginia Board of Education policy.

Strategies the county office and school must employ to accomplish these requirements include:

- A. Discussing the policy with large student groups such as grade levels at the beginning of the school year and with smaller groups such as home rooms/advisory groups throughout the year emphasizing the different types of violations, the effect violations have on the other person, and the consequences for violating the Code of Conduct.
- B. Printing the policy or summary of the policy in the calendar that is distributed to all students at the beginning of the school year.
- C. Printing the policy or summary of the policy in the “Back To School” flyer distributed through the local newspaper.
- D. Printing the policy or summary of the policy in the student handbook and/or newspaper of each school.
- E. Discussing the policy with support groups such as the PTA/PTO, Local School Improvement Council, booster groups, etc.
- F. Providing pre-school staff development sessions for administrators, faculty and staff emphasizing the types of violations, how they are manifested, how the violations impact the students and learning, and the consequences for violating the Code of Conduct.
- G. Posting the Student Code of Conduct in areas accessible to students and staff members of each county/school facility. These areas may include but are not limited to, common areas, classrooms, office areas, hallways, gymnasiums, and locker rooms.
- H. Requesting the parent/guardian of each student entering school for the first time each year, sign and return an agreement to abide by the stipulations in this policy and consequences associated with violations. The agreement document shall be a tear-out page of the student calendar and shall be returned to and maintained at each school.

REPRISAL

The principal, his/her designee, superintendent, assistant superintendent or director of the Raleigh County Board of Education shall discipline any individual who retaliates against any person who reports alleged violations or any person who testifies, assists or participates in the investigation, or who testifies, assists or participates in a proceeding or hearing relating to such violations. Also, appropriate disciplinary action such as oral and/or written reprimand or suspension shall be taken against any student, administrator or other school personnel who falsely reports violations of the Student Code of Conduct.

Retaliation includes but is not limited to, any form of intimidation, reprisal or harassment. Disciplinary action may include, but is not limited to, a verbal or written reprimand or a suspension from school or assigned duties.

IDENTIFICATION AND CLASSIFICATION AS PERSISTENTLY DANGEROUS SCHOOL

As required by H.R.1, Title IX, Part E, Subpart 2 (9531) (No Child Left Behind), the West Virginia Department of Education will use the criteria set forth in this policy to determine whether a school will be classified as a Persistently Dangerous School. In each subsequent year, data indicating the number of substantiated violations at each school as set forth in this policy will be collected using the West Virginia Education Information System (WVEIS) in order to identify and classify a school as persistently dangerous.

A Raleigh County public school will be classified as a Persistently Dangerous School on or before July 1, beginning in 2003, and in each subsequent year, if the school has, for two consecutive years, substantiated violations of the following offenses that exceed five percent (5%) of the total number of students enrolled in the school based on the school's second month enrollment.

- A. Battery on a school employee [W.Va. Code §61-2-15(b)].
- B. Commission of an act that would constitute a felony under the laws of this state.
- C. Possession of a firearm or deadly weapon as defined in W.Va. Code §17A-1-1, or in any public or private primary or secondary education building, structure, facility or grounds thereof, or at any school-sponsored function as defined in W.Va. Code §61-7-11a.
- D. Sale of a narcotic drug as defined in W.Va. Code §60A-1-101 on the premise of an educational facility, at a school-sponsored function or on a school bus.

The Raleigh County Board of Education must provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth in this policy that exceed three percent (3%) of the total number of students enrolled in the school, based on the school's second month enrollment.

The West Virginia Department of Education must provide targeted technical assistance to any school that has, for two consecutive years, substantiated violations of the offenses set forth in this policy that exceed three and seventy-five one hundredths percent (3.75%) of the total number of students enrolled in the school, based on the school's second month enrollment.

A student attending a Persistently Dangerous School, as defined by the State, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a Raleigh County public school that the student attends, shall be allowed to attend an alternate safe public school within Raleigh County.

If one or more public schools in Raleigh County is identified as a persistently dangerous school, the county office must, in a timely manner, notify parents of each student attending the school that the state has identified the school as persistently dangerous; offer students the opportunity to transfer to a safe public school in Raleigh County; and, for those students who accept the offer, complete the transfer.

Any public school in Raleigh County identified as persistently dangerous must develop a corrective action plan; submit it to the West Virginia Department of Education and implement that plan in a timely manner.

PREVENTION AND INTERVENTION TRAINING

Raleigh County Schools will provide training and technical assistance regarding violence prevention (including the prevention of bullying, harassment, and intimidation), substance abuse prevention, as well as other programs and initiatives that include, but are not limited to, conflict resolution, peer mediation, responsible students programs, positive behavior support programs, class meetings, and character education. Also, training, technical assistance, and support will be provided in the effective use of Student Assistance Teams to identify students who are at risk and to develop interventions to assure school success.

Name: _____ Date: _____

Location: _____

Who was responsible for this complaint? _____

Describe the incident: _____

(Attach additional page(s) if necessary)

Date(s), time(s), and place(s) of incident(s):

Were there others involved in this incident? _____ Yes _____ No

If so, name the individuals involved and describe their roles:

(Attach additional page(s) if necessary)

Did anyone witness the incident? _____ Yes _____ No

If so, name the witness(es):

What was your response or reaction to the incident?

Describe any prior incidents you have experienced?

Signature of complainant: _____ Date: _____

Signature of person taking complaint: _____ Date: _____

Action(s) taken: _____

RACIAL, SEXUAL, RELIGIOUS/ETHNIC HARASSMENT AND VIOLENCE

I. GENERAL STATEMENT OF POLICY

Racial, sexual, religious/ethnic harassment and violence is a form of sex discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq.*, Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, *et seq.*, and WV Code 5-11-1, *et seq.*, the West Virginia Human Rights Act.

The purpose of these regulations is to prevent racial, sexual, age, religious/ethnic harassment, violence or discrimination towards students and staff and to assure that Raleigh County Schools respond to harassment, violence and discrimination when these acts occur in a manner that effectively deters future incidents and affirms respect for individuals.

The Raleigh County school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment, discrimination or violence and discipline any student or employee who harasses, discriminates or act violently against a student or employee of the school district.

II. HARASSMENT DEFINED

A. Sexual Harassment

1. 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 when:
 - a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or education environment.
2. Any sexual harassment as defined, when perpetrated on any student or employee by any student or employee, will be treated as sexual harassment under this policy. This includes any alleged acts committed on school grounds or at school-sponsored events regardless of where those events occur, as well as any alleged acts committed while outside groups are using school facilities.

3. Sexual harassment may include, but is not limited to:
 - a. verbal harassment or abuse;
 - b. unwelcome or inappropriate letters, telephone calls, or materials of a sexual nature;
 - c. sexual teasing, jokes, remarks, or questions;
 - d. sexually suggestive looks or gestures;
 - e. pressure, subtle or overt, for sexual activity;
 - f. unwelcome or inappropriate patting, pinching, or cornering;
 - g. intentional brushing against another's body;
 - h. attempted or actual rape or sexual assault;
 - i. requesting or demanding sexual favors accompanied by implied or overt threats, concerning an individual's employment or educational status;
 - j. requesting or demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - k. any unwelcome sexually motivated touching.

B. Racial Harassment

Racial harassment consists of physical, verbal or written conduct relating to an individual's race when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

C. Religious/Ethnic Harassment

Religious/ethnic harassment consists of physical, verbal or written conduct which is related to an individual's religion or ethnic background when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

D. Sexual Violence

Sexual violence is a physical act of aggression, force, or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

1. touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
2. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
3. Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
4. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse on another;
5. threatening or forcing exposure of intimate apparel or body parts by removal of clothing.

E. Racial Violence

Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

F. Religious/Ethnic Violence

Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonable related to, religion or ethnicity.

G. Assault

Assault is:

1. an act done with intent to cause fear in another of immediate bodily harm or death;
2. the threat to do bodily harm to another with present ability to carry out the threat.

H. Amorous Relationships

Amorous relationships between staff members and students are prohibited. Staff members found to have violated this prohibition shall be subject to the penalties outlined in Section X. of this policy.

III. REPORTING PROCEDURES

Any person who believes he or she has been the victim, of harassment, sex /age discrimination or sexual harassment/violence of all types, including employment discrimination by a student or an employee of the school district, or any third person with knowledge or belief of conduct which may constitute harassment/discrimination should report the alleged acts by the next working day to the Human Rights/Title IX Compliance officer for Raleigh County Schools. The Board encourages the reporting party or complainant to use the report form available from the principal of each building or available from the Board office.

A. In Each School Building

The building principal (or administrator in charge of a non-school Board of Education facility) is the person responsible for receiving oral or written reports of harassment or violence at the building level. Upon receipt of a report, the principal must notify the Board's Human Rights/Title IX Compliance Officer immediately. A written report will be forwarded by the end of the next working day to the Human Rights/Title IX Compliance Officer. If the report was given to the building principal verbally, the principal shall reduce it to written form before the close of the next working day and forward it to the Human Rights/Title IX Compliance Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action. If the complaint involves the building principal, the complaint shall be made directly to the Human Rights/Title IX Compliance Officer.

B. District - Wide

The Board hereby designates its Director of Secondary Education as the Board's Human Rights/Title IX Compliance Officer to receive reports or complaints of harassment or violence from any individual, employee or victim of harassment or violence and also from the building principals as outlined above. If the complaint involves the Human Rights/Title IX Compliance Officer, the complaint or report shall be filed directly with the Superintendent, who shall then be responsible for the investigation and recommendation described in paragraph IV of this policy. The name of the Human Rights/Title IX Compliance Officer, including a mailing address and telephone number, shall be conspicuously posted in the office of each school building and in other buildings to which employees of the Board are assigned to work.

C. Retribution for Reporting Prohibited

Submission of a complaint or report of harassment or violence will not affect the future employment, grades, or work assignments of the person who submits the complaint or report.

D. Use of formal reporting forms not mandatory

The Raleigh County school district will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of harassment and violence and take disciplinary action when the conduct has occurred.

IV. INVESTIGATION AND RECOMMENDATION

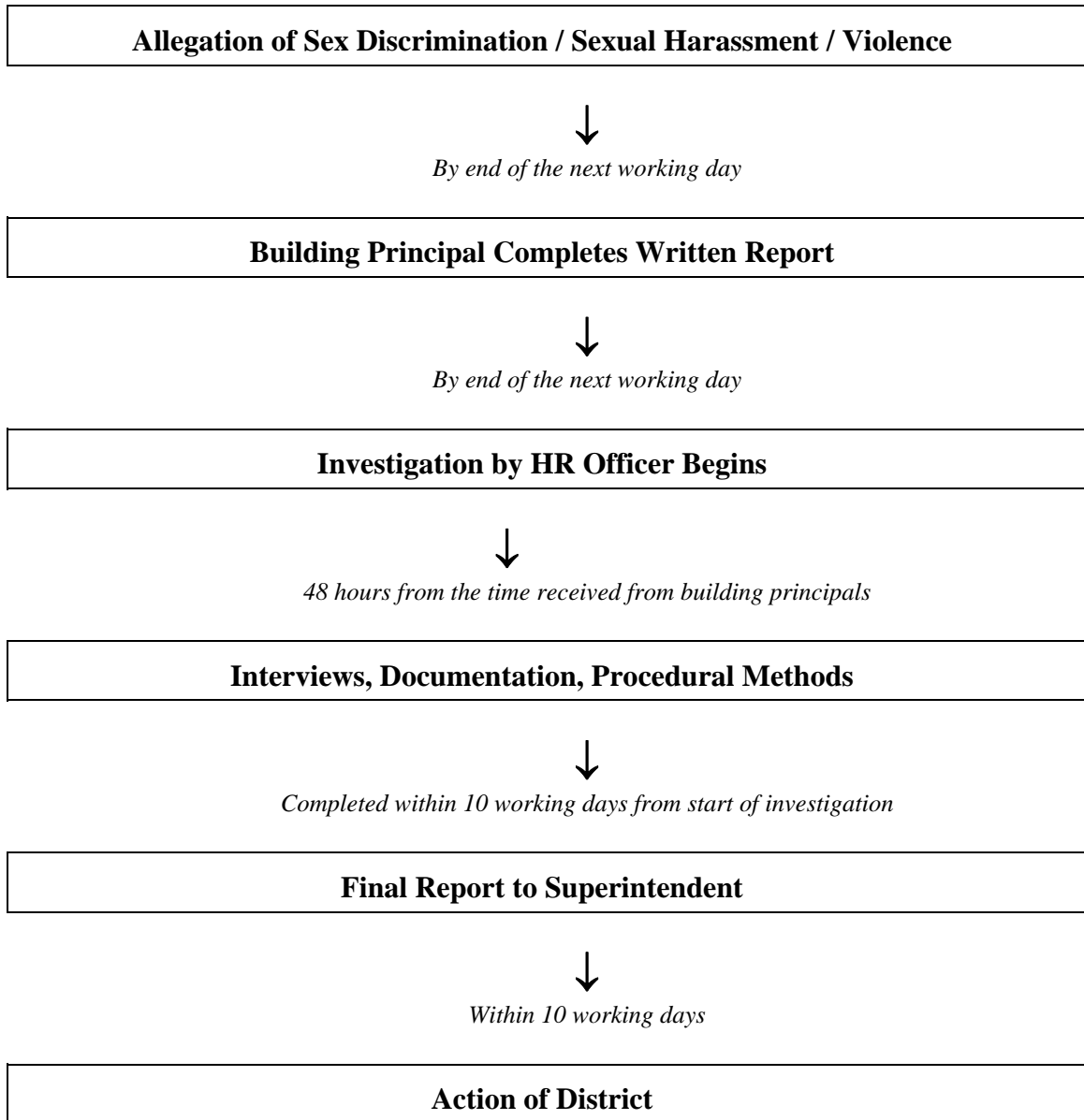
- A. By authority of the Board, the Human Rights/Title IX Compliance Officer, upon receipt of a report or complaint alleging racial, sexual, age, religion/ethnic harassment, violence, or discrimination shall authorize an investigation within 48 hours of receiving the report from the building principal. This investigation may be conducted by a school official or officials of the school district or by a third party or third parties designated by the Superintendent. The investigating party shall provide a written report of the status of the investigation within ten working days to the superintendent and the Human Rights Officer. If the Superintendent is the subject of the complaint, the report shall be submitted to the Human Rights/Title IX Compliance Officer and the President of the Board.

In determining whether alleged conduct constitutes harassment or violence, consideration shall be given to the surrounding circumstances, the nature of the racial, sexual, religion/ethnic advances, relationships between the parties involved, and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator(s). In addition, school officials may in their discretion take immediate steps to protect the complainant, student(s), and employee(s) pending completion of an investigation of alleged harassment and violence.

The Board's Human Rights/Title IX Compliance Officer shall make a report to the Superintendent upon completion of the investigation. The report shall include a recommendation concerning the validity of the complaint. If the Superintendent is the subject of the complaint, the report shall be made to the President of the Board.

B. Time Frames for Major Stages of the Investigation



V. ACTION

Upon receipt of a recommendation that the complaint is valid, the Raleigh County school district will take such action as appropriate based on the results of the investigation.

The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the Superintendent or, if the Superintendent is the subject of the complaint, by the President of the Board. The report will document any disciplinary action taken as a result of the complaint.

VI. REPRISAL

The Raleigh County school district will discipline any individual who retaliates against any person who reports alleged harassment or violence or who retaliates against any person who testifies, assists, or participates in an investigation, proceeding, or hearing relating to a harassment or violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. NON-HARASSMENT

The Board recognizes that not every advance or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a serious detrimental effect on innocent parties.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the West Virginia Human Rights Commission, filing an employee grievance under WV Code 18-29-1 *et Seq.*, filing a citizen's appeal under West Virginia Board of Education policy 7211, filing a Title IX grievance under the appropriate procedures, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

IX. SEXUAL HARASSMENT AS ABUSE

Under certain circumstances, sexual harassment may constitute child and/or sexual abuse under Chapter 49 of the West Virginia Code. In such situations, the school district shall comply with the provisions of law for reporting such abuse.

X. DISCIPLINE

Discipline action taken pursuant to this policy may include warning, suspension, expulsion, or immediate discharge to end harassment or violence and prevent its recurrence, or other forms of discipline as prescribed by the Superintendent of Schools.

XI. DISSEMINATION OF POLICY

- A. This policy or a summary shall be posted in each of the schools or departments in areas accessible to students and staff members.
- B. A summary of this policy shall appear in student handbooks.
- C. A complete copy of this policy can be found in the building administrator's office or in staff handbooks.
- D. This policy is to be reviewed annually by the building administrator with all staff.
- E. This policy is to be reviewed bi-annually for compliance with state and federal law and the State Board of Education policy.
- F. Raleigh County Schools will develop and implement training for students and staff on these regulations and on means of effectively promoting the provisions of Policy 2300.
- G. Prevention programs that develop training and awareness of racial, sexual, religious/ethnic harassment, violence and discrimination will be presented annually through staff development.

NOTE: RACIAL, SEXUAL, AGE, RELIGION/ETHNIC HARASSMENT AND VIOLENCE REPORTING FORM FOLLOWS:

Source: Title VII of the Civil Rights Act of 1964;
Title IX of the Education Amendments of 1972;
WV Code, Section 5-11-1, *et seq.* (WV Human Rights Act)

Approved: May 24, 2007

Revised: September 9, 2008

RALEIGH COUNTY SCHOOLS

SEXUAL HARASSMENT REPORT FORM

General statement of policy prohibiting sexual harassment:

The Raleigh County Board of Education maintains a firm policy prohibiting all forms of discrimination based on sex. Sexual harassment against students or employees is sex discrimination. All persons are to be treated with respect and dignity. Sexual advances or other forms for personal harassment by any person, male or female, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant _____
Home address _____
Work address _____
Home Phone _____ Work Phone _____

Date of alleged incident(s) _____

Name of alleged victim(s) _____
Student _____ **Staff** _____ **Age** _____ **Grade** _____ **Gender** _____

Name of person you believe harassed victim _____
Student _____ **Staff** _____ **Age** _____ **Grade** _____ **Gender** _____

List any witnesses that were present _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, request, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.)

Was a police report filed? Yes ___ No ___ Was Human Services contacted? Yes ___ No ___
Check type of harassment: _____ Racial _____ Sexual _____ Ethnic _____ Religious _____

Student: _____ Warning _____ Counseling _____ Exclusion _____ Suspension _____ Expulsion _____
Staff: _____ Written Reprimand _____ Probation _____ Suspension _____ Termination _____

This complaint is filed based on my honest belief that sexual harassment has occurred. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

(Complainant Signature) _____ (Date) _____

Received by: _____ (Date) _____

C. PERSONNEL

POLICY: C.1.4

ANTI-HAZING POLICY

I. THE POLICY

A. Purpose

It is the firm policy of Raleigh County Schools to maintain a learning and working environment that is free from both harassment and hazing in any form. Students need a safe disciplined environment that meets their educational needs. The School Board and the administration of Raleigh County Schools are committed to taking positive action when hazing occurs.

B Authority

W.Va. Constitution , Article XII, §2; W.Va. Code § 18-2-5; § 18-2-33; and WV State Board Policy Series 25, Anti-Hazing Policy (2425). It shall be a violation of this policy for any student or employee of the Raleigh County School System to haze a student or an employee through conduct or communication or in the case of an employee, the tacit approval of, activities that would be deemed hazing. The Raleigh County School District will investigate all complaints, either formal or informal, verbal or written, and discipline any student or employee who violated this policy.

II. DEFINITION

A. Hazing - Any act or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or employee; any act or situation which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with or as a condition for continued membership in any organization operating under the sanctions of the school; any act or situation that is of a brutal physical nature; any act or situation which adversely affects the mental health or dignity of the individual.

Hazing examples: Whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, mental stress, including but not limited to, sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, any forced activity which could adversely affect the mental health or dignity of the individual, including but not limited to performance of embarrassing and/or required stunts, wearing costumes, speaking in a harassing manner, interrogating new members, lineup, scavenger hunt, kidnapping, personal services, authority over new members, anything that tends to diminish the self-esteem or dignity, or categorize the new member and/or member as a second class citizen.

B. Co-curricular Activities - Activities that are closely related to identifiable academic programs and/or areas of study that serve to complement academic curricular activities such as band, band camp, drama club, student council, or newspaper staff.

C. Extra-Curricular Activities - Activities that are not related to academic programs such as sports, pep rallies, chess clubs, etc.

III. REGULATIONS

- A. All hazing in public school sponsored student organizations or activities, including co-curricular and extra-curricular activities, is strictly forbidden. Students violating this policy will be subject to disciplinary procedures which may include suspension and possible expulsion. Coaches and/or sponsors of student organizations who promote or tacitly allow such activity may be subject to disciplinary procedures which may include suspension and in extreme cases, dismissal.
- B. Each school shall inform all students and school personnel that hazing activities are strictly forbidden and students and staff may be subject to disciplinary procedures.
- C. Principals may temporarily suspended from school any student who fails to abide by the anti-hazing policy.
- D. Principals may recommend suspension from work any employee who fails to abide by the anti-hazing policy. That recommendation shall go to the superintendent.
- E. The Raleigh County Board of Education, upon the superintendent's recommendation, may expel from school any student who fails to abide by the anti-hazing policy.
- F. The Raleigh County Board, upon the superintendent's recommendation, may suspend without pay or dismiss any employee who fails to abide by the anti-hazing policy.

IV. REPORTING PROCEDURES/INVESTIGATION

Any person who believes he/she has been the victim of hazing by a student or an employee is strongly encouraged to report the alleged acts immediately to the principal. The Board encourages the reporting party or complainant to use the report form available from the building principal or the County Board of Education office.

- A. If the complaint involves an activity that is related to only an individual school, the complaint shall be filed with the principal who shall conduct the investigation.
- B. If the complaint involves an activity that involves more than one school, the complaint shall be filed with the principal and then forwarded to the superintendent who will designate an individual to conduct the investigation.
- C. In all cases, a report shall be prepared from the facts gathered from the investigation and submitted to the superintendent for review and recommendation.

V. TIME LINES FOR INVESTIGATION AND RECOMMENDATION

A complete investigation of any student-related or employee-related incidents shall be conducted within ten working days of the complaint being filed unless exceptional circumstances require additional time. The investigators shall provide a written report within five working days after the completion of the investigation.

The investigation may consist of personal interviews with the complainants, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged event(s) that prompted the complaint. The investigation may also incorporate other procedures and/or records that may be necessary to complete the investigation. School officials may, if necessary, take immediate steps to protect the individual(s) making the complaint prior to the completion of the investigation.

VI. HAZING AS ABUSE

Under certain circumstances, hazing may constitute child abuse under Chapter 49 of the WV Code. In such situations, the school district shall comply with the provisions of law for reporting such abuse.

- A. Each school shall notify students and employees of the anti-hazing policy.
- B. A summary of this policy shall appear in student Handbooks.
- C. A complete copy of this policy can be found in the building administrator's office or in staff handbooks.
- D. This policy is to be reviewed bi-annually by the building administrator with all staff.
- E. This policy is to be reviewed bi-annually for compliance with state and federal law and the State Board of Education policy.

NOTE: HAZING COMPLAINT REPORTING FORM FOLLOWS

Source: W.Va. Constitution, Article XII, §2; W.Va. Code § 18-2-5; § 18-2-33; and WV State Board Policy Series 25, Anti-Hazing Policy (2425)

Approved: November 12, 2002

RALEIGH COUNTY SCHOOLS
Hazing Complaint

1. Name of individual filing complaint _____ Date _____

2. Individual(s) who committed alleged hazing _____

3. Relationship to complainant (Describe briefly-teacher, fellow classmate, supervisor, etc)

4. Hazing may consist of any act or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or employee; any act or situation which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with or as a condition for continued membership in any organization operating under the sanctions of the school; any act or situation that is of a brutal physical nature; any act or situation which adversely affects the mental health or dignity of the individual. It may be conducted by older members of a team, organization, or clique against new or younger members and may include authority over new members, extremely embarrassing activity, any forced activity such as a stunt, wearing costumes, being addressed in a harassing manner, providing personal services for older members, and anything that tends to diminish the self-esteem or dignity of an individual.

In the space provided, please describe the event, indicating specific times and places which you feel are of the nature described above. Whenever possible, please give specific names of individuals who were witnesses who may corroborate the story, or who may provide additional details.

Use back if necessary

_____ Signature of person filing complaint

INVESTIGATIONS AND SEARCHES OF PUPILS BY SCHOOL OFFICIALS

West Virginia Code assigns county boards of education the right "to control and manage - the school - for all school activities," and provides that the teacher shall stand in the place of the parent or guardian in exercising authority over the student and the school. "Teacher" is defined to include principals, aides, student teachers and other school employees assigned responsibilities for supervising instructional programs or other board approved activities. The bus driver shall be responsible for students on school buses in the same manner as the teacher or administrator is responsible during the school day.

The principal or his/her designee shall, upon receipt of a DRF report or Policy C.1.3 complaint form, immediately undertake or authorize an investigation. The investigation may be conducted by the school/school system officials or by a third party designated by the school system. The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

Parent notification is encouraged at Level II and III and discretionary at Level I. A reasonable effort shall be made to provide parent notification and invite them to be present during student interviews in connection with an investigation pursuant to a Level IV violation.

The investigation will be completed as soon as practicable but no later than ten school days following the reported violation. In the event the investigating official is not the principal, the investigator shall make a report to the principal upon completion of the investigation. The right of confidentiality of all persons involved will be vigorously protected. Violations of such confidentiality may itself be grounds for disciplinary action.

A student will not refuse to cooperate with an individual search when a school staff member has determined there is reasonable suspicion to conduct such a search. An administrator has the authority to search a student's person (without removing clothing other than coat), locker, possessions (purse, bag, wallet, etc.) and/or vehicle or bicycle on school property or at a school function so long as the administrator has reasonable cause for believing that the student is violating school policy or state or federal law. It is required that a same-gender witness be present during the search of a student's person. Pocket searches must be done by a person of the same gender.

APPROVED: July 20, 2004

POLICY: D.3.13
cf: C.1.5

RALEIGH COUNTY TOBACCO CONTROL POLICY

Section 1. General

1.1 **Scope.** This policy sets the requirement for schools in West Virginia to be tobacco free.

1.2 **Authority.** West Virginia Code 16-9A-4.

Section 2. Purpose

The purpose of this policy is to prohibit the use of tobacco products in school buildings and on school grounds by any person or community group using school property in order to improve the health of students and school personnel. The use of tobacco products has a direct linkage to numerous health problems; and by preventing students, school personnel and the community from being exposed to second hand smoke. Students under the age of 21 may not possess any tobacco product at any time. In addition, school personnel shall provide a positive role model for students by refraining from the use of tobacco products, which have been proven to be hazardous to one's health.

- Tobacco use is the single most preventable cause of death in the United States;
- Four out of five persons who use tobacco begin before they reach adulthood;
- One out of three students who use tobacco will die as adults as a result of using tobacco;
- Smokeless tobacco use is now linked to oral cancer and other mouth diseases;
- Second hand smoke is linked to cancer and cardiovascular diseases;

Section 3. Definitions

Tobacco and tobacco products - Cigarettes, pipes, cigars, other implements of any type of nature designed, used or employed for smoking tobacco or tobacco products and in chewing tobacco, rubbing snuff, or other smokeless tobacco products.

Student - Anyone who is enrolled in public school.

School - A school building, school ground, other school property including automobile or other vehicle owned or operated by a county board, RESA or State Board of Educational purpose and/or activities.

School Personnel - Any person employed full/part time or on contract with any county board of education, RESA or State Department of Education.

Public - Any person accessing Board property or programs.

Section 4. Application

4.1 This policy shall apply to any building or other property including automobiles or other

vehicles owned or operated by Raleigh County Board of Education. This policy shall apply to any private building, or other property including automobiles or other vehicles used for school activities when students are present. This applies for all regular and extra curricular activities.

4.2 No person shall possess, distribute, or use any tobacco products at any time in any area defined in section 4.1 of this policy.

4.3 School personnel supervising students off the school grounds are prohibited from possessing, distribution and/or using any tobacco products while in the presence of students or any time while engaged in any activities directly involving students.

4.4 No board property as defined in Section 4.1 of this policy or school or board publications may be used for advertising any tobacco product.

4.5 Compliance is mandatory.

Section 5. Implementation

Administration - It is the school administration's responsibility to enforce this policy and to maintain an environment for students and staff that present no unnecessary risk, physical harm and unsanitary conditions, which result from tobacco usage. Students, staff, parents, and the community shall be informed of this policy. Recommended methods may include policy inclusion in student handbooks; copies of policies reminders in school publications and on the local media (newspaper, radio). Signs related to the policy will be posted in or on all buildings owned or leased by the Raleigh County Board of Education.

- A. It is the responsibility for each school to develop clear procedures for identification, intervention and referral of students with tobacco - related problems to the school counselor, school nurse, or other identified health professionals. These procedures shall be included in the student and employee handbooks.
- B. It is the responsibility of each school to maintain an environment for students, staff and visitors that present no physical harm, discomfort, or unsanitary condition resulting from tobacco product use.

Instruction

The Raleigh County Health Education and Comprehensive Drug Education Programs of Study includes instructive objectives related to the hazards of tobacco use Pre-School - 12. These programs will include instruction about short and long term negative physiological and social consequences or tobacco use, peer norms regarding tobacco use, and refusal skills.

Staff Development

It shall be the practice of the Raleigh County Board of Education to provide appropriate staff development necessary to implement the requirements of this policy.

Policy Review

This policy shall be reviewed every two years.

Section 6.0 Enforcement

Use, possession or distribution of tobacco products in any form is forbidden at all times on school property, including athletic facilities, school buses and Board vehicles. Any person in violation of WV-16-9A-4 or this policy shall be subject to the following sanctions in accordance with "due process".

6.1 Student sanctions may include one or more of the following:

6.1.1 First violation of this policy will be the following:

- A. Contact parent or legal guardian by written notice.
- B. Notify law enforcement of this violation and a citation will be issued (fine).
- C. Referral of student to the guidance counselor.
- D. Mandatory completion of smoking Cessation Program N.O.T.

6.1.2 Second violation will include the following:

- A. Contact parent or legal guardian by written notice.
- B. Notify law enforcement of this violation and a citation will be issued (fine).
- C. Mandatory completion of smoking Cessation Program
- D. Referral of student to the guidance counselor.

6.1.3 Third Violation will include the following:

- A. Contact parent or legal guardian by written notice.
- B. Notify law enforcement of this violation and a citation will be issued (fine).
- C. Referral of student to the guidance counselor.
- D. Mandatory completion of smoking Cessation Program.

6.2 Employee sanctions may include one or more of the following:

6.2.1 First violation of this policy will include the following:

- A. Conference with supervisor.
- B. Referral to local authorities, subject to a fine.
- C. Required to submit improvement plan.
- D. Referral to Cessation Program at employee's expense.

6.2.2 Second violation of this policy will include the following:

- A. Conference with supervisor.
- B. Referral to local authorities, subject to a fine.
- C. Required to submit improvement plan.
- D. Written reprimand.
- E. Mandatory participation in a Cessation Program at employee's expense.

6.2.3 Third violation of this policy will include the following:

- A. Conference with supervisor.
- B. Referral to local authorities, subject to a fine
- C. Referral to the County Board of Education
- D. Suspension without pay (1-3 days according to which violation).
- E. Mandatory participation in a Cessation Program at employee's expense.
- F. Required to submit improvement plan.

6.2.4 Public sanctions will include the following:

- A. Request that person to stop and refer to school policy.
- B. Request that person leave.
- C. Referral to local authorities, subject to fine
- D. Individual prohibited from attending future school events.

6.3 These enforcement measures are aligned with:

- A. West Virginia Board of Education Policy 4373, Student Code of Conduct.
- B. West Virginia Board of Education Policy 5310, Performance Evaluation of School Personnel.
- C. West Virginia Board of Education Policy 1461, Drug-Free Workshop.
- D. West Virginia Code through 16-9A-4, Tobacco Usage Restrictions.

Approved: September 12, 2006

My child and I have received a copy of the Student Code of Conduct for Raleigh County Schools. We have read this policy and agree to abide by the stipulations in the policy and consequences associated with violations.

Student name and signature: _____

Parent/Guardian signature: _____

Date: _____

Please sign, remove from handbook and return to your child's school.

Thank you for your cooperation in this.

Raleigh County School System