

I'M BEING ACCUSED OF HARASSMENT. WHAT SHOULD I DO?

TAKE IT SERIOUSLY if someone tells you that your actions or comments are unwanted, offensive or harassing, listen closely. Remember that people with different values or backgrounds may experience as humiliating, threatening, or insulting what you intend to be funny. If you believe that allegations could be true, you may wish to acknowledge and apologize for any discomfort or offense you may have caused. Students found to have engaged in acts of harassment or other acts that create a hostile environment based on disability will be promptly disciplined. Discipline may include, if circumstances warrant, suspension or expulsion from school.

AVOID RETALIATION Don't act in a way that could be seen as confronting or "getting back" at the accuser. Avoid any behaviors that could be embarrassing or intimidating to him/her.

REVIEW YOUR RIGHTS AND SEEK ADVICE. Contact the Human Resources Department for advice 304-267-3500.

WHERE IS FURTHER INFORMATION AVAILABLE?

- The U.S. Office of Education
<http://www.ed.gov/offices/OCR> or
1-800-USA-LEARN.
- OCR/NAAG Harassment Guide :
<http://www.ed.gov/pubs/Harassment>
- Office of Civil Rights, 400 Maryland Ave.,
S.W., Washington DC 20202-1100 or
1-800-421-3481.

WHAT SHOULD I DO IF I WITNESS DISABILITY HARASSMENT?

Discrimination and harassment affect everyone, not only the person experiencing the harassment. All members of the BCS community can work together to help build a fair and respectful environment so, if you see a problem, speak out! Tell your teacher, your principal or call the BCS Human Resources Department or the Safe Schools Helpline. We take your concerns seriously and we're here to help.

For more information or to make a report, contact:



HUMAN RESOURCES
304-267-3500

Mrs. Laura L. Sutton, Esquire
Assistant Superintendent / General Counsel
401 S. Queen Street
Martinsburg, WV 25401

Mr. Ron Stephens, Assistant Superintendent,
Pupil Services
Mrs. Elice Gregory, Coordinator,
Student Support Services

What Berkeley County Schools Students Need to Know about Disability Harassment

Berkeley County Schools acknowledges the right of both students and staff to study and work in an environment that provides appropriate support and is free from harassment. Berkeley County Schools does not tolerate acts of harassment based on disability. Berkeley County Schools is committed to conducting a prompt investigation with regard to reported acts of harassment based on disability.



WHAT IS A DISABILITY?

Disabilities can be physical, sensory, intellectual, learning, or emotional. The definition also refers to the total or partial loss of a bodily function and total or partial loss, malfunction or disfigurement of part of a person's body. It includes a disability that presently exists, existed in the past, or when a person is considered to have a disability.

RIGHTS OF PEOPLE WITH DISABILITIES

Students and staff have a right to fair treatment and should not be treated unfavorably on the basis that:

- they have a disability;
- they are accompanied by a care giver, interpreter, or other assistant;
- they are accompanied by a guide dog, hearing dog or other trained animal assistant;
- they use a therapeutic device or auxiliary aid (e.g. walking frame, hearing aid, wheelchair etc.);
- they are the associates of a person with a disability.

WHAT CONSTITUTES DISABILITY HARASSMENT?

Disability harassment is intimidation or abusive behavior toward a student by a student or adult based on disability that creates a hostile environment by interfering with or denying a student's right to participate and benefit from services, or opportunities of school. Harassment may include verbal acts, name-calling, and non-verbal behavior such as gestures and written statements, or behavior physically threatening, harmful, or humiliating.

WHAT LAWS ARE BROKEN WHEN DISABILITY HARASSMENT OCCURS?

- Section 504 of the Rehabilitation Act of 1973;
- Title II of the Americans with Disabilities Act of 1990; and perhaps
- The Individuals with Disabilities Education Act of 1995

WHAT GOVERNMENTAL AGENCIES OVERSEE HARASSMENT BASED ON DISABILITY?

Primarily it is the Office of Civil Rights (OCR); also the Office of Special Education and Rehabilitation Services (OSERS).

WHAT ARE SOME EXAMPLES OF DISABILITY HARASSMENT?

According to the OCR the following are examples that constitute disability harassment; not that each is accompanied by an explanation of the harm suffered by the student;

- Several students continually remark out loud to other students during class that a student with dyslexia is "deaf and dumb" and does not belong in the class, as a result, the harassed student has difficulty doing work in class and his/her grades decline.
- Students continually taunt or belittle a student with mental retardation by mocking and intimidating him/her so he/she does not participate in class.
- A student repeatedly places classroom furniture or other objects in the path of classmates who use wheelchairs, impeding the classmates' ability to enter the classroom.
- A teacher repeatedly belittles and criticizes a student with a disability for using accommodations in class, with the result that the student is so discouraged that he/she has great difficulty performing in class and learning.

WHAT SHOULD I DO IF I AM BEING HARASSED?

TAKE ACTION Don't pretend that it isn't happening. Harassment is unlikely to go away if you ignore it. In fact, harassing behaviors may escalate if the harasser feels that he or she can get away with it. The most efficient way to stop harassment is to confront it immediately and directly. If it is safe to do so, clearly and firmly tell the person who is harassing you to stop and describe the way you expect to be treated.

SEEK ADVICE Talk to people who will listen carefully and offer constructive support. Speak with your teacher, principal or call the Safe Schools Helpline at 1-866-SAFEWVA. You may also call the Human Resources Department for information and advice. If you believe you or others are in physical danger, contact the BCS Human Resources Department or the police.

Laura L. Sutton, Assistant Superintendent / General Counsel has been designated to handle inquires regarding unlawful discrimination or harassment. You can contact her at 304-267-3500.

