

NONDISCRIMINATION / HARASSMENT

The Board of Education desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)*
- (cf. 5131 - Conduct)*
- (cf. 5131.2 - Bullying)*
- (cf. 5137 - Positive School Climate)*
- (cf. 5145.9 - Hate-Motivated Behavior)*
- (cf. 5146 - Married/Pregnant/Parenting Students)*
- (cf. 6164.6 - Identification and Education under Section 504)*

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the District's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

- (cf. 4131 - Staff Development)*
- (cf. 4231 - Staff Development)*
- (cf. 4331 - Staff Development)*

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In providing instruction, guidance, supervision, or other services to District students, employees and volunteers shall carefully guard against segregating or stereotyping students.

- (cf. 1240 - Volunteer Assistance)*
- (cf. 6145 - Extracurricular and Cocurricular Activities)*
- (cf. 6145.2 - Athletic Competition)*
- (cf. 6164.2 - Guidance/Counseling Services)*

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

- (cf. 4118 - Suspension/Disciplinary Action)*
- (cf. 4119.21/4219.21/4319.21- Professional Standards)*
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)*
- (cf. 5131 - Conduct)*
- (cf. 5144 - Discipline)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*
- (cf. 5145.2 - Freedom of Speech/Expression)*

The following position is designated to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the District's nondiscrimination policies:

Assistant Superintendent / Human Services
#1 Civic Center Circle, Level 2
Brea, CA 92821
(714) 990-7800

- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 1312.3 - Uniform Complaint Procedures)*

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Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Assistant Superintendent, Human Services, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Assistant Superintendent, Human Services, or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Assistant Superintendent, Human services or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Assistant Superintendent, Human Services shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

Within 30 days of receiving the District's report, the complainant may appeal to the Board of Education if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students.

(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)
(cf. 6163.4 - Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

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Legal Reference:

EDUCATION CODE

- 200-262.4 Prohibition of discrimination*
- 48900.3 Suspension or expulsion for act of hate violence*
- 48900.4 Suspension or expulsion for threats or harassment*
- 48904 Liability of parent/guardian for willful student misconduct*
- 48907 Student exercise of free expression*
- 48950 Freedom of speech*
- 48985 Translation of notices*
- 49020-49023 Athletic programs*
- 51500 Prohibited instruction or activity*
- 51501 Prohibited means of instruction*
- 60044 Prohibited instructional materials*

CIVIL CODE

- 1714.1 Liability of parents/guardians for willful misconduct of minor*

PENAL CODE

- 422.55 Definition of hate crime*
- 422.6 Crimes, harassment*

CODE OF REGULATIONS, TITLE 5

- 4600-4687 Uniform Complaint Procedures*
- 4900-4965 Nondiscrimination in elementary and secondary education programs*

UNITED STATES CODE, TITLE 20

- 1681-1688 Title IX of the Education Amendments of 1972*

UNITED STATES CODE, TITLE 42

- 2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended*
- 2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964*

CODE OF FEDERAL REGULATIONS, TITLE 34

- 100.3 Prohibition of discrimination on basis of race, color or national origin*
- 104.7 Designation of responsible employee for Section 504*
- 106.8 Designation of responsible employee for Title IX*
- 106.9 Notification of nondiscrimination on basis of sex*

Policy
Adopted: September 11, 2000
Revised: August 27, 2012

BREA OLINDA UNIFIED SCHOOL DISTRICT
Brea, California