



ICEF PUBLIC SCHOOLS

TITLE IX, SEXUAL HARASSMENT, INTIMIDATION, DISCRIMINATION AND BULLYING POLICY

Board Approval May 16, 2019

Discrimination, sexual harassment, harassment, intimidation, and bullying are all disruptive behaviors, which interfere with students' ability to learn and negatively affect student engagement, diminish school safety, and contribute to a hostile school environment. such as, ICEF Public Schools prohibits any acts of discrimination, sexual harassment, harassment, intimidation, and bullying altogether. This Policy is inclusive of instances that occur on any area of the school campus, at school-sponsored events and activities, regardless of location, through school-owned technology, and through other electronic means.

As used in this Policy, discrimination, sexual harassment, harassment, intimidation, and bullying are described as the intentional conduct, including verbal, physical, written communication or cyber-bullying, including cyber sexual bullying, based on the actual or perceived characteristics of disability, pregnancy, gender, gender identity, gender expression, nationality, ancestry, race or ethnicity, religion, religious affiliation, sexual orientation, childbirth or related medical conditions, marital status, age, sex, color or association with a person or group with one or more of these actual or perceived characteristics or any other basis protected by federal, state, local law, ordinance or regulation. In addition, bullying encompasses any conduct described in the definitions set forth in this Policy. Hereafter, such actions are referred to as "misconduct prohibited by this Policy."

To the extent possible, ICEF Public Schools will make reasonable efforts to prevent students from being discriminated against, harassed, intimidated, and/or bullied, and will take action to investigate, respond, address and report on such behaviors in a timely manner. ICEF Public Schools staff that witness acts of misconduct prohibited by this Policy will take immediate steps to intervene when safe to do so.

Moreover, ICEF Public Schools will not condone or tolerate misconduct prohibited by this Policy by any employee, independent contractor or other person with which ICEF Public Schools does business, or any other individual, student, or volunteer. This Policy applies to all employee, student, or volunteer actions and relationships, regardless of position or gender. ICEF Public Schools will promptly and thoroughly investigate any complaint of such misconduct prohibited by this Policy and take appropriate corrective action, if warranted.

Title IX, Harassment, Intimidation, Discrimination and Bullying Coordinator:

Behzad Sadeghi
Director of Compliance &
Accountability
bsadeghi@icefps.org
323-290-6900, extension 6988

Definitions

Prohibited Unlawful Harassment

- Verbal conduct such as epithets, derogatory jokes or comments or slurs
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis
- Retaliation for reporting or threatening to report harassment
- Deferential or preferential treatment based on any of the protected classes above

Prohibited Unlawful Harassment under Title IX

Title IX (20 U.S.C. § 1681 et. seq; 34 C.F.R. § 106.1 et. seq) and California state law prohibit harassment on the basis of sex. In accordance with these existing laws, discrimination on the basis of sex in education institutions is prohibited. All persons, regardless of sex, are afforded equal rights and opportunities and freedom from unlawful discrimination in education programs or activities conducted by ICEF Public Schools.

ICEF Public School is committed to provide a workplace and educational environment free of sexual harassment and considers such harassment to be a major offense, which may result in disciplinary action.

Sexual harassment consists of sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
- b) submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;
- c) the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment; and/or
- d) submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

It is also unlawful to retaliate in any way against an individual who has articulated a good faith concern about sexual harassment against him/her or against another individual.

Sexual harassment may include, but is not limited to:

- a) Physical assaults of a sexual nature, such as:
 - Rape, sexual battery, molestation or attempts to commit these assaults and Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another's body
- b) Unwanted sexual advances, propositions or other sexual comments, such as:

- Sexually oriented gestures, notices, remarks, jokes, or comments about a person's sexuality or sexual experience
 - Preferential treatment or promises of preferential treatment to an individual for submitting to sexual conduct, including soliciting or attempting to solicit any individual to engage in sexual activity for compensation or reward or deferential treatment for rejecting sexual conduct
 - Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of the employee's sex
- c) Sexual or discriminatory displays or publications anywhere in the workplace or educational environment, such as:
- Displaying pictures, cartoons, posters, calendars, graffiti, objections, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic or bringing or possessing any such material to read, display or view at work or the educational environment
 - Reading publicly or otherwise publicizing in the work or educational environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic, and
 - Displaying signs or other materials purporting to segregate an individual by sex in an area of the workplace or educational environment (other than restrooms or similar rooms)

The illustrations of harassment and sexual harassment above are not to be construed as an all-inclusive list of prohibited acts under this Policy.

Prohibited Bullying

Bullying is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act. Bullying includes one or more acts committed by a student group or group of students that may constitute as sexual harassment, hate violence, or creates an intimidating and/or hostile educational environment, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

1. Placing a reasonable pupil* or pupils in fear of harm to that pupil's or those pupils' person or property.
2. Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
3. Causing a reasonable pupil to experience a substantial interference with his or her academic performance.
4. Causing a reasonable pupil to experience a substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by ICEF Public Schools.

* "Reasonable pupil" is defined as a pupil, including, but not limited to, an exceptional needs pupil, who exercises care, skill and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Cyberbullying is an electronic act that includes the transmission of harassing communication, direct threats, or other harmful texts, sounds, or images on the Internet,

social media, or other technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Electronic act means the creation and transmission originated on or off the school site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including, but not limited to, any of the following:

1. A message, text, sound, video, or image.
2. A post on a social network Internet Web Site including, but not limited to:
 - a) Posting to or creating a burn page. A "burn page" means an Internet Web Site created for the purpose of having one or more of the effects as listed in the definition of "bullying," above
 - b) Creating a credible impersonation of another actual pupil for the purpose of having one or more of the effects listed in the definition of "bullying" above. "Credible impersonation" means to knowingly and without consent impersonate a pupil for the purpose of bullying the pupil and such that another pupil would reasonably believe, or has reasonably believed, that the pupil was or is the pupil who was impersonated
 - c) Creating a false profile for the purpose of having one or more of the effects listed in the definition of "bullying," above. "False profile" means a profile of a fictitious pupil or a profile using the likeness or attributes of an actual pupil other than the pupil who created the false profile.
3. An act of "Cyber sexual bullying" including, but not limited to:
 - a. The dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a pupil to another pupil or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more of the effects described in definition of "bullying," above. A photograph or other visual recording, as described above, shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.
 - b. "Cyber sexual bullying" does not include a depiction, portrayal, or image that has any serious literary, artistic, educational, political, or scientific value or that involves athletic events or school-sanctioned activities.
4. Notwithstanding the definitions of "bullying" and "electronic act" above, an electronic act shall not constitute pervasive conduct solely on the basis that it has been transmitted on the Internet or is currently posted on the Internet

Grievance Procedures

1. Reporting

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this Policy, to intervene as soon as it is safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in this policy for reporting alleged acts of misconduct prohibited by this Policy.

Any employee or student who believes they have been subject to misconduct prohibited by this Policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Coordinator:

Behzad Sadeghi
Director of Compliance &
Accountability
bsadeghi@icefps.org
323-290-6900, extension 6988

Complaints regarding such misconduct may also be made to the U.S. Department of Education, Office for Civil Rights.

While submission of a written report is not required, the reporting party is encouraged to submit a written report to the Coordinator. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action cannot be based solely on an anonymous report.

Students are expected to report all incidents of misconduct prohibited by this Policy or other verbal, or physical abuses. Any student who feels she/he is a target of such behavior should immediately contact a teacher, counselor, the Principal, Coordinator, a staff person or a family member so that she/he can get assistance in resolving the issue in a manner that is consistent with this Policy.

ICEF Public Schools acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Coordinator, Executive Team, Human Resource, Principal or administrative designee on a case-by-case basis.

ICEF Public Schools prohibits any form of retaliation against any reporter in the reporting process, including but not limited to a reporter's filing of a complaint or the reporting of instances of misconduct prohibited by this Policy. Such participation shall not in any way affect the status, grades, or work assignments of the reporter.

All supervisors of staff will receive sexual harassment training within six (6) months of their assumption of a supervisory position and will receive further training once every two (2) years thereafter. All staff will receive sexual harassment training and/or instruction concerning sexual harassment in the workplace as required by law.

2. Investigation

Upon receipt of a report of misconduct prohibited by this Policy from a student, staff member, parent, volunteer, visitor or affiliate of ICEF Public Schools, the Coordinator, Executive Director, Principal or administrative designee will promptly initiate an investigation. In most cases, a thorough investigation will take no more than seven (7) school days. If the Coordinator, Executive Team, Human Resource, Principal or administrative designee determines that an investigation will take longer than seven (7) school days, he or she will inform the complainant and any other relevant parties and provide an approximate date when the investigation will be complete.

At the conclusion of the investigation, the Coordinator, Executive Team, Human Resource, Principal or administrative designee will meet with the complainant and, to the extent possible with respect to confidentiality laws, provide the complainant with information about the investigation, including any actions necessary to resolve the incident/situation. However, in no case may the Coordinator or administrative designee reveal confidential information related to other students or employees, including the type and extent of discipline issued against such students or employees.

All records related to any investigation of complaints under this Policy will be maintained in a secure location.

3. Consequences

Students or employees who engage in misconduct prohibited by this Policy will be subject to disciplinary action.

4. Uniform Complaint Procedures

When harassment or bullying is based upon one of the protected characteristics set forth in this Policy, a complainant shall follow the Uniform Complaint Procedures (“UCP”) laid out in the ICEF Public Schools Parent-Student Handbook and the ICEF Public Schools Uniform Complaint Policy and Procedures.

5. Right of Appeal

Should the reporting individual find the Coordinator’s resolution unsatisfactory, he/she may file an appeal as follows:

- A. Appeals of Decisions Regarding Allegations of Discrimination, Harassment, Intimidation, and/or Bullying
 - a. Appeals of decisions/findings regarding discrimination, harassment, intimidation, and/or bullying allegations, as well as findings regarding the provision of accommodations to lactating students, may be appealed to CDE’s Education Equity UCP Appeals Office by filing a written appeal within 15 days of receipt of ICEF Public Schools’ decision.
 - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and ICEF Public Schools’ decision.
 - ii. The appeal may be sent to:
California Department of Education
Education Equity UCP Appeals Office
1430 N Street, Sacramento, CA 95814
- B. Appeals of Decisions Regarding Educational Program Complaints
 - a. Appeals of decisions/findings regarding educational programs listed in the Uniform Complaint Procedures Jurisdiction section of this policy, including foster/homeless youth services, pupil fees, and elementary physical education instructional minutes, may be appealed to CDE’s Categorical Programs Complaints Management Office by filing a signed written appeal within 15 days of receipt of ICEF Public Schools’ decision.
 - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and ICEF Public Schools’ decision.
 - ii. The appeal may be sent to:
California Department of Education

Categorical Programs Complaints Management Office
1430 N Street, Sacramento, CA 95814

C. Appeals of Decisions Regarding Special Education Compliance

- a. Appeals of decisions/findings regarding special education compliance may be filed with CDE's Special Education Division by sending a written appeal within 15 days of receipt of ICEF Public Schools' decision.
 - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and ICEF Public Schools' decision.
 - ii. The appeal may be sent to:
California Department of Education
Special Education Division
Procedural Safeguards Referral Service
1430 N Street, Sacramento, CA 95814

D. Appeals of Decisions Pertaining to LCAP Requirements

- a. Appeals of decisions/findings regarding legal requirements pertaining to LCAP may be filed with the CDE by sending a written appeal within 15 days of receipt of ICEF Public Schools' decision.
 - i. The written appeal should specify reasons for appealing the decision and include a copy of the original complaint and ICEF Public Schools' decision.
 - ii. The appeal may be sent to:
California Department of Education
Local Agency Systems Support Office
1430 N Street, Sacramento, CA 95814



ICEF PUBLIC SCHOOLS

**TITLE IX, SEXUAL HARASSMENT, INTIMIDATION, DISCRIMINATION &
BULLYING COMPLAINT FORM**

Your Name: _____ Date: _____

Date of Alleged Incident(s): _____

Name of Person(s) you have a complaint against:

List any witnesses that were present:

Where did the incident(s) occur?

Please describe the events or conduct that are the basis of your complaint by providing as much factual detail as possible (i.e. specific statements; what, if any, physical contact was involved; any verbal statements; what did you do to avoid the situation, etc.) (Attach additional pages, if needed):

I hereby authorize ICEF PUBLIC SCHOOLS to disclose the information I have provided as it finds necessary in pursuing its investigation. I hereby certify that the information I have provided in this complaint is true and correct and complete to the best of my knowledge and belief. I further understand providing false information in this regard could result in disciplinary action up to and including termination.

Date _____

Signature of Complainant

Print Name

To be completed by the Charter School:

Received by: _____ Date: _____

Follow up Meeting with Complainant held on: _____

Title IX Coordinator Contact Information

All complaints should be sent to our Title IX Coordinator, who can be reached at:

Behzad Sadeghi
Director of Compliance &
Accountability
bsadeghi@icefps.org
323-290-6900, extension 6988

Your Rights and Responsibilities Under Title IX

- a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.
- b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities and athletics offered by ICEF Public Schools.
- c) You have the right to inquire of the Principal, athletic director or other appropriate ICEF Public Schools administrator as to the athletic opportunities offered by your School.
- d) You have the right to apply for athletic scholarships.
- e) You have the right to receive equitable treatment and benefits in the provision of all of the following:
 - Equipment and supplies.
 - Scheduling of games and practices.
 - Transportation and daily allowances.
 - Access to tutoring.
 - Coaching.
 - Locker rooms.
 - Practice and competitive facilities.
 - Medical and training facilities and services.
 - Publicity.

(f) You have the right to have access to our Title IX Coordinator regarding gender equity laws. Please see above for this Coordinator's contact information.

(g) You have the right to file a confidential discrimination complaint with the United States Office for Civil Rights or California Department of Education if you believe you have been

discriminated against or if you believe you have received unequal treatment on the basis of your sex. See below for more information regarding how to file a complaint.

(h) You have the right to pursue civil remedies if you have been discriminated against.

(i) You have the right to be protected against retaliation if you file a discrimination complaint.

(j) You can find out more information regarding your rights, ICEF Public Schools responsibilities, and access information on gender equity laws from the following resources:

- California Interscholastic Federation:

<http://www.cifstate.org/governance/equity/index>

- California Department of Education, Office for Equal Opportunity:

<http://www.cde.ca.gov/re/di/eo/dutytoprotect.asp>

- United States Department of Education, Office for Civil Rights:

<https://www2.ed.gov/about/offices/list/ocr/frontpage/pro-students/sex-pr.html>

How to File a Complaint Under Title IX

- a) You can find more information regarding how to file a complaint as follows:
 - The United States Office for Civil Rights website:
<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html?src=rt>
 - California Department of Education website:
<http://www.cde.ca.gov/re/di/eo/complaint.asp>
 - ICEF Public Schools Uniform Complaint Policy and Procedures (“UCP”) or Title IX/Harassment/Intimidation/Discrimination/Bullying Policy.
Please obtain a complete copy of these policies located in the Main Office.

- b) A complaint regarding discrimination or harassment based on sex must ordinarily be filed with the U.S. Office for Civil Rights within 180 days of the last act of discrimination. If your complaint involves matters that occurred longer than this and you are requesting a waiver, you will be asked to show good cause why you did not file your complaint within the 180-day period. If you have questions about your situation, you can contact the California branch of the Office for Civil Rights at the address listed below. A complaint filed with ICEF Public Schools under our UCP alleging unlawful discrimination, harassment, intimidation or bullying must be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation or bullying.

- c) The U.S. Office for Civil Rights has its own policies and procedures for investigating complaints. Please review the above link for more information about this process. A complaint filed with ICEF Public Schools under our UCP or Title IX/Harassment/Intimidation/ Discrimination/Bullying policy will be investigated in compliance with those policies.

To file a UCP or complaint under our Title IX/ Harassment/ Intimidation/Discrimination/ Bullying complaint directly with ICEF Public Schools, please follow the procedures set forth in those policies.