

HARASSMENT/INTIMIDATION/DISCRIMINATION POLICY

STUDENT AND INSTRUCTIONAL POLICY #3.21

ADOPTED: 08/07/2017

VOCS programs and activities shall be free from discrimination, including harassment, intimidation and bullying based on a student's actual or perceived disability, sex, gender, gender identity, gender expression, nationality, race, ethnicity, color, ancestry, religion, sexual orientation, age, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics. This policy applies to all acts related to school activities.

VOCS will ensure equal opportunities for students in admission and access to educational programs, guidance and counseling programs, testing procedures, consideration for selection for awards and honors, and other activities, including extracurricular activities, regardless of a student's actual or perceived disability, sex, gender, gender identity, gender expression, nationality, race, ethnicity, color, ancestry, religion, sexual orientation, age, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics. Lack of English language skills will not be a barrier to admission and participation in career technical education programs.

No student will be excluded from any benefit, aid, service, award or honor, or recommendation for an award or honor, or excluded from attendance/participation in an extracurricular activity solely on the basis of that student's having a disability and/or receiving services through a Section 504 plan or Individualized Education Program ("IEP"). Students with disabilities will be given an equal opportunity to be considered for selection for any awards or honors and be provided an equal opportunity to participate in extracurricular activities, and their parents will be advised of such awards, honors, and extracurricular activities in the same and equal manner as parents of students without disabilities. When providing or arranging for the provision of nonacademic and extracurricular services and activities, VOCS will ensure that a student with a disability participates with nondisabled persons in such activities and services to the maximum extent appropriate to the needs of the student with a disability in question. VOCS will provide nonacademic and extracurricular services and activities in such a manner as is necessary to afford students with disabilities an equal opportunity for participation in such services and activities. VOCS may set uniform standards for measuring academic achievement for such awards or honors/eligibility requirements for educationally sound purposes if the criteria are objective and clearly-defined, related to the purpose of the program, and applied equally to all students without regard to disability. Participation of a student who, even with the benefit of

accommodations, could not meet the essential academic or skill requirements necessary for participation or recognition, is not required.

Pursuant to California Education Code section 221.5, a pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. Any student may request the use of private or unisex restroom facilities for increased privacy. The district endeavors to protect the privacy of all students.

Policies and procedures related to the types of unlawful discrimination, including harassment, intimidation and bullying described above must also be consistent with student free speech rights under the First Amendment and Education Code sections 48907 and 48950. Education Code section 48907 protects students' speech rights, except to the extent student speech is obscene, libelous, or slanderous, or constitutes speech that incites pupils as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school.

Education Code 48950 provides that no district with one or more high schools shall make or enforce any rule subjecting a high school student to disciplinary sanctions solely on the basis of speech or other communication that would be constitutionally protected if engaged in outside of campus.

Education Code 48950 states that it does not prohibit discipline for harassment, threats or intimidation unless constitutionally protected. As a general rule, harassment, threats, intimidation and bullying directed at an individual or group are not constitutionally protected, and whether such speech might be entitled to constitutional protection will be determined on a case-by-case basis, with consideration for the specific words used and the circumstances involved. This assessment will also question whether the conduct is prohibited because it is based upon a person's actual or perceived disability, sex, gender, gender identity, gender expression, nationality, race, ethnicity, color, ancestry, religion, sexual orientation, age, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics.

Prohibited discrimination, harassment, intimidation and 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.

VOCS prohibits retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of discrimination, harassment, intimidation and bullying shall be promptly investigated in a way that respects the privacy of all parties concerned.

Students who harass, intimidate or bully other students on these prohibited bases shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in such harassment, intimidation and bullying may be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she is being discriminated against, harassed, intimidated or bullied because of actual or perceived disability, sex, gender, gender identity, gender expression, nationality, race, ethnicity, color, ancestry, religion, sexual orientation, age, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics, should immediately contact the principal or designee; and if unable to contact the principal or designee, such a student should immediately contact any other member of district staff. In addition to informal resolution of complaints of discrimination, harassment, intimidation and bullying at the site level through a complaint to the site principal or designee, a written complaint can be filed in accordance with the district's Uniform Complaint Procedures. Policies explaining complaint procedures are available at all school sites and on the school website.

In the event of a complaint regarding gender equity or sexual harassment, or discrimination, including harassment, intimidation and bullying because of actual or perceived disability, sex, gender, gender identity, gender expression, nationality, race, ethnicity, color, ancestry, religion, sexual orientation, age, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics, contact the Executive Director, Associate Director or Site Director.