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**Note:** This policy addresses discrimination, harassment, and retaliation involving District students. For provisions regarding discrimination, harassment, and retaliation involving District employees, see DIA and DH. For reporting requirements related to child abuse and neglect, see FFG. Note that FFH shall be used in conjunction with FFI (bullying) for certain prohibited conduct.

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**Complaints Covered** This policy applies to allegations of unlawful discrimination, prohibited harassment, including sexual harassment, and retaliation.

**Statement of Nondiscrimination** The District prohibits discrimination, including harassment, against any student on the basis of race, color, ethnicity, religion, national origin, gender, disability, sexual orientation, genetic information, gender identity, or gender expression or any other basis protected by law. The District prohibits dating violence, as defined by this policy.

**Discrimination** Discrimination against a student is defined as conduct directed at a student on the basis of race, color, ethnicity, religion, national origin, gender, disability, sexual orientation, genetic information, gender identity, or gender expression, or any other basis prohibited by law, that adversely affects the student.

**Prohibited Harassment** Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct on the basis of race, color, ethnicity, religion, national origin, gender, disability, sexual orientation, genetic information, gender identity, or gender expression or any other basis prohibited by law that is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

**Examples** Prohibited harassment includes dating violence as defined herein and includes but is not limited to oral, written, psychological, physical (both climate and contact), and other demonstrative actions with regard to race, color, ethnicity, religion, national origin, gender, disability, sexual orientation, genetic information, gender identity, or gender expression that is harassing. Examples may include offensive or derogatory language directed at another person's religious

beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

**Sexual Harassment  
Complaints**

By an Employee

Sexual harassment of a student by a District employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

1. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
2. The conduct is so severe, persistent, or pervasive that it:
  - a. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
  - b. Creates an intimidating, threatening, hostile, or abusive educational environment.

Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See DH]

By Students and  
Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of sexual harassment of a student by an employee or others may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or con-

versations of a sexual nature or sexual innuendo; other sexually motivated conduct, communications, or contact; threats or other acts that may intimidate students; and verbal or physical sexual advances.

Necessary or permissible physical contact such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

**Gender-Based Harassment**

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student's gender, the student's expression of characteristics perceived as stereotypical for the student's gender, or the student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

Examples

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

**Dating Violence**

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense.

For purposes of this policy, dating violence is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct:

1. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;

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2. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
3. Otherwise adversely affects the student's educational opportunities.

**Examples**

Examples of dating violence against a student may include physical or sexual assaults; name-calling; put-downs; or threats directed at the student, the student's family members, or members of the student's household. Additional examples may include destroying property belonging to the student, threatening to commit suicide or homicide if the student ends the relationship, attempting to isolate the student from friends and family, stalking, threatening a student's spouse or current dating partner, or encouraging others to engage in these behaviors.

**Prohibited Conduct**

As used herein, the term "prohibited conduct" includes discrimination, harassment, dating violence, and retaliation as defined by this policy, even if the conduct does not rise to the level of unlawful conduct.

**District Officials**

As used herein, the term "District officials" are the Title IX coordinator, the ADA/Section 504 coordinator, and the Superintendent.

**Title IX Coordinator**

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the Title IX coordinator. [See FB(REGULATION)]

**ADA / Section 504 Coordinator**

Reports of discrimination based on disability shall be overseen by the ADA/Section 504 coordinator. [See FB(REGULATION)]

**Superintendent**

The Superintendent shall serve as coordinator for purposes of District compliance with all other antidiscrimination laws.

**Complaints**

All allegations of prohibited conduct in which a student is involved in any way shall be reported to a teacher or principal. No procedure or step in this policy shall have the effect of requiring the student alleging the prohibited conduct to bring the matter to the person who is the subject of the complaint.

**Timely Reporting**

Reports of prohibited conduct shall be made as soon as possible after the alleged conduct or knowledge of the alleged conduct. Failure to immediately report prohibited conduct may impair the District's ability to conduct an adequate investigation and respond appropriately to the alleged conduct.

**Investigation / Corrective Action**

As more fully addressed below, District officials shall promptly conduct an adequate, reliable, and impartial investigation of all allegations of prohibited conduct as defined above and shall seek a prompt and equitable resolution to the complaint. Further, prompt

and appropriate disciplinary action shall be taken against students found to have engaged in such prohibited conduct. [See also Student Code of Conduct]

**Student Complaints**

All students, staff, and faculty shall be aware that the District is concerned about and will take action to prevent and correct all forms of prohibited conduct, and the individuals who engage in such behavior shall be subject to discipline.

Students, parents, or legal guardians representing a student complaining of prohibited conduct shall report such complaints promptly to the student's principal, Student Services, or the Child Abuse and Domestic Violence Prevention Office. Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the same to a teacher, counselor, principal, or other District employee.

Students, parents, or legal guardians representing a student complaining of prohibited conduct may request information regarding available counseling or may proceed to file a complaint in accordance with the provisions below.

**Notice to Parents**

The District shall notify the parent(s) of a student alleged to have experienced prohibited conduct by a student, employee, or third party.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

**Employee Reporting Requirements**

Any District employee who suspects or receives notice that a student is being subjected to prohibited conduct has a duty to report that information to the principal. Failure of an employee to report knowledge of prohibited conduct toward a student may result in appropriate disciplinary action.

Any District employee who receives information about sexual harassment or sexual abuse of a student that may reasonably be characterized as known or suspected child abuse or neglect shall make the reports to appropriate authorities, as required by law. [See FFG(LEGAL)]

An employee who suspects or knows that a student is being sexually harassed by a school employee or by another student shall inform the principal, an immediate supervisor, and the Child Abuse and Domestic Violence Prevention Office.

**Confidentiality and Investigation**

Allegations of prohibited conduct toward students shall be investigated and addressed promptly. Since each case involving allegations of prohibited conduct may have great impact on the individu-

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als' involved, and each case must be investigated on its particular merits, the District shall maintain the confidentiality of all individuals involved, including the complainant, persons against whom a complaint was made, and witnesses, to the greatest extent possible throughout the investigation. Limited disclosure to authorized persons may be necessary to complete a thorough investigation.

Oral complaints shall be reduced to writing to assist in the District's investigation. In that regard, the District may request a written report from the complainant. If a report is made orally, the District official investigating the complaint shall reduce the report to writing.

Upon receipt or notice of a report, the District official shall immediately authorize or undertake an investigation, except as provided below at Criminal Investigation.

If the District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy, the District official shall refer the complaint for consideration under FFI.

Interim Action

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the District shall promptly take interim action calculated to address prohibited conduct or bullying prior to the completion of the District's investigation. Interim action may include separation of the students, class or lunch schedule changes, and appointment of a "go to" person for the alleged victim.

District Investigation

The investigation may be conducted by the District official or a designee, such as the principal, or by a third party designated by the District, such as an attorney. When appropriate, the principal shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the complaint, the person against whom the complaint is made, and others with knowledge of the circumstances surrounding the allegations made in the complaint. The investigation may also include review and analysis of other information related to the allegations. The complainant and the person against whom the complaint is made may offer witness names and other evidence to assist the District official conducting the investigation or to support the position of the party.

Criminal  
Investigation

If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, the District shall confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation. The District shall proceed with its investigation only to the extent that it

does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has finished gathering its evidence, the District shall promptly resume its investigation.

**Concluding the Investigation**

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the District to delay its investigation, the investigation should be completed within ten District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation. If additional time will be required, the investigator shall inform the parties that additional time will be required.

The investigator shall prepare a written report of the investigation, including a summary of the underlying complaint and the investigation conducted, and shall include a determination of whether prohibited conduct or bullying occurred. The report shall be filed with the District official overseeing the investigation.

Notification of Outcome

Notification of the outcome of the investigation shall be provided to both parties in compliance with FERPA.

**District Action**

Prohibited Conduct

If the results of an investigation indicate that prohibited conduct occurred, the District shall promptly respond by taking appropriate action, which may include disciplinary action in accordance with the Student Code of Conduct and corrective action reasonably calculated to address the conduct.

Corrective Action

Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the school community, counseling to the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the District's policy against discrimination, harassment, and retaliation.

**Complaints against Employees**

If an investigation reveals that an employee has engaged in prohibited conduct under this policy, administrative action shall be taken as provided by District policy. The nature of the administrative action shall depend upon the seriousness of the misconduct and the investigative findings. This action may include a disciplinary warning, suspension, transfer, demotion, discharge, filing a child abuse charge, or other action in accordance with District policy, state, and/or federal laws.

**Bullying**

If the results of an investigation indicate that bullying occurred, as defined by FFI, the District official shall refer to FFI for appropriate

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notice to parents and appropriate District action to be considered. The District official shall refer to FDB for transfer provisions.

**Improper Conduct** If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take disciplinary action in accordance with the Student Code of Conduct or other corrective action reasonably calculated to address the conduct.

**Notice to Parents** Subject to the confidentiality provision above, at the conclusion of the investigation the parents of the complainant and the student against whom a complaint has been made shall be informed in writing of the outcome and resolution of the concerns raised.

**False Claims** A student intentionally filing a false claim, offering false statements or refusing to cooperate with a District investigation regarding prohibited conduct shall be subject to appropriate discipline.

**Protection from Retaliation** The District prohibits retaliation against a student alleged to have experienced prohibited conduct and against a student who in good faith makes a report of prohibited conduct, serves as a witness, or participates in an investigation of an allegation of prohibited conduct.

**Appeal Process** For the purposes of filing a complaint regarding the investigation and/or outcome of a complaint made under this policy, the parent, student, or legal guardian shall follow the complaint process as provided in FNG(LOCAL).

**Access to Policy and Procedures** Information regarding this policy and procedures for making a complaint regarding allegations of discrimination, harassment, and retaliation shall be distributed annually in the employee and student handbooks, posted on the District's website, and made available at each campus and the District administrative offices.

**Adoption or Last Amended Date** This policy was last adopted or amended on November 16, 2017.