

NONDISCRIMINATION/HARASSMENT

District programs and activities shall be free from discrimination, including harassment, based on a student's actual or perceived ethnic group, religion, gender, color, race, ancestry, national origin, physical or mental disability, age or sexual orientation. The Elk Grove Unified School District has a nondiscriminatory practice in all district programs and activities for students.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 6164.6 - Identification and Education Under Section 504)

The Governing Board shall ensure equal opportunities for students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities, regardless of a student's actual or perceived ethnic group, religion, gender, color, race, ancestry, national origin, physical or mental disability, age or sexual orientation. Lack of English language skills will not be a barrier to admission and participation in vocational education programs. Eligibility for choral and cheerleading groups shall be determined on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

(cf. 1240 - Volunteer Assistance)

(cf. 6145.2 - Interscholastic Competition)

(cf. 6162.5 - Standardized Testing)

The schools may provide male and female students with separate shower rooms and sex education classes in order to respect student modesty. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards shall be used to measure achievement and create comparable educational opportunities.

Policies and procedures related to the types of unlawful harassment listed above must also be consistent with First Amendment rights to free speech. 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 and intimidation 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 ethnic group, religion, gender, color, race, national origin, physical or mental disability, age or sexual orientation.

NONDISCRIMINATION/HARASSMENT (cont'd)

The Board prohibits intimidation or harassment of any student by an employee, student or other person in the district based on actual or perceived ethnicity, religion, gender, color, race, ancestry, national origin, physical or mental disability, age or sexual orientation. Staff shall be alert and immediately responsive to such student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

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

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

(cf. 5145.7 - Sexual Harassment)

Students who harass 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 may be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/disciplinary Action)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Any student who feels that he/she is being discriminated against or harassed because of actual or perceived ethnicity, religion, gender, color, race, ancestry, national origin, physical or mental disability, age or sexual orientation, should immediately contact the principal or designee. In addition, a written complaint can be filed in accordance with BP/AR 1312.3. Policies explaining complaint procedures are available at all school sites and at the Education Center.

(cf. 1312.3 - Uniform Complaint Procedures)

In the event you have a complaint regarding gender equity or sexual harassment in the Elk Grove Unified School District, contact one of the following Title IX Coordinators:

The Associate Superintendent, Education Services is the Title IX Coordinator for student to student sexual harassment complaints and for gender equity issues involving students.

Telephone: (916) 686-7785.

The Assistant Superintendent for Human Resources is the Title IX Coordinator for any student sexual harassment complaint involving an employee of the District. Telephone: (916) 686-7795.

In the event that you have a complaint regarding discrimination based upon an actual or perceived mental or physical disability, you should contact the District's Section 504 Coordinator who is the Legal Compliance Specialist in the Prevention and Intervention Department of Student Services. Telephone: (916) 686-7797, ext. 7568.

NONDISCRIMINATION/HARASSMENT (cont'd)

Legal Reference:

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct minor

EDUCATION CODE

40 Prohibited sex discrimination

41 School-sponsored athletic programs; prohibited sex discrimination

200 *et seq.* Prohibition of discrimination on the basis of sex

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

49020 *et seq.* Athletic programs

51006 *et seq.* Equitable access to technological education programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CODE REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice Requirements

UNITED STATES CODE, TITLE 42

2000d & 2000e *et seq.* Title VI & VII, Civil Rights Act of 1964 as amended

2000h-2 *et seq.* Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3a Prohibition of discrimination on basis of race, color or national origin

106.8 Designation of responsible employee

106.9 Notification of nondiscrimination on basis of sex

Policy

Adopted: October 29, 1984

Revised: June 19, 1995

April 6, 1998

June 7, 1999

July 1, 2002

ELK GROVE UNIFIED SCHOOL DISTRICT

Elk Grove, California