

## **Students**

### **Nondiscrimination/Harassment**

District programs and activities shall be free from discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Penal Code Section 422.55 and Education Code Section 220, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, 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. 5145.9 - Hate-Motivated Behavior)  
(cf. 6164.6 - Identification and Education under Section 504)

The Board of Trustees shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

(cf. 1240 - Volunteer Assistance) (cf. 6145.2 - Athletic Competition)  
(cf. 6162.5 - Student Assessment)

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

(cf. 5145.2 - Freedom of Speech/Expression)  
(cf. 5145.7 - Sexual Harassment)

Students who harass other students shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in 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 - Discipline)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)  
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

## **Students**

### **Nondiscrimination/Harassment (continued)**

#### Legal Reference:

##### EDUCATION CODE

- 200-262.4 Prohibition of discrimination on the basis of sex, especially:
- 221.5 Prohibited sex discrimination
- 221.7 School-sponsored athletic programs; prohibited sex 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
- 49020-49023 Athletic programs
- 51006-51007 Equitable access to technological education 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

##### CODE OF REGULATIONS, TITLE 5

- 4621 District policies and procedures
- 4622 Notice requirements

##### PENAL CODE

- 422.6 Interference with constitutional right or privilege

##### UNITED STATES CODE, TITLE 42

- 2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
- 2000h-2-2000h-6 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
- 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: March 23, 1987

Policy Revised: September 26, 2005; June 18, 2012