



5010.1: NON-DISCRIMINATION AND HARASSMENT

I. Unlawful Discrimination and Unlawful Harassment Prohibited. The District is committed to offering a learning environment to its students that is free from unlawful discrimination and unlawful harassment (including sexual harassment) and will not tolerate unlawful discrimination or unlawful harassment (including sexual harassment). All students are responsible for creating and maintaining an environment free of such unlawful discrimination and unlawful harassment (including sexual harassment). The District does not discriminate on the basis of race, color, religion, national origin, gender, marital status, disability, age, or on any other basis prohibited by federal, state, or local laws (hereinafter “protected status”).

A. Unlawful discrimination is defined as unfavorable or disparate treatment of a person or class of persons when that person’s protected status is a factor in such unfavorable or disparate treatment.

B. Disparate or unfavorable treatment of similarly situated students is not necessarily unlawful discrimination. Treating a person unfavorably in comparison to other similarly situated students may be unlawful when that person’s protected status is a factor in the disparate or unfavorable treatment.

II. Harassment by Students. Sexual harassment is considered a form of sex discrimination. Sexual harassment by District students of other District students or of District personnel, on District property or any other place where governing law permits the District to discipline students for such misconduct, is strictly prohibited. Any student who retaliates against any person who testifies at, or assists or participates in, an investigation, proceeding, or hearing relating to a sexual harassment complaint shall be subject to discipline. Sexual harassment occurs when an adverse action is taken, or a hostile environment is created, or a quid pro quo relationship is created.

III. Complaints. Complaints by students or parents regarding unlawful discrimination or unlawful harassment (including sexual harassment) shall follow the procedures of District Rule 5010.2.

IV. Retaliation Prohibited. Retaliation is also strictly prohibited and shall be grounds for discipline. There shall be no retaliation by the District or its personnel against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of unlawful discrimination or unlawful harassment (including sexual harassment). The initiation of a complaint in good faith about behavior that may violate the District’s policy shall not result in any adverse action.

V. Definitions.

A. “Adverse action” is defined as a response by a harassing party which is directed at the complainant as a direct result of the complainant’s failure to succumb to the sexual harassment. Adverse actions may include, but are not limited to, any form of physical or verbal intimidation or threat, job loss, increase in work responsibilities without adequate compensation or training, and lateral transfers without a reduction in pay or benefits if the complainant is transferred to an undesirable location in the office, or any change in or interference with the complainant’s education and is a result of his or her reaction to unlawful discrimination

or unlawful harassment (including sexual harassment).

B. "Hostile environment" is defined as an educational environment which is permeated with a consistent pattern of sexually discriminatory intimidation, ridicule, and insult that is sufficiently severe enough to alter the conditions of the complainant's employment or education and create an abusive environment. Examples of actions creating a hostile environment include, but are not limited to, unwanted touching, body contact, pinching, patting, name-calling, repeated propositions, written messages, notes, cartoons, and graffiti.

C. "Quid pro quo" relationship includes, but is not limited to, a superior of the complainant making submission or rejection to requests for sexual favors explicitly or impliedly, a term or condition or privilege of education.

D. "Retaliation" shall include, but is not limited to, adverse actions against a complainant for his or her reaction to unlawful discrimination or unlawful harassment (including sexual harassment), taken by the person responsible for the unlawful discrimination or unlawful harassment (including sexual harassment), or by any other party so long as the adverse action is the result of the complainant's reaction to unlawful discrimination or unlawful harassment (including sexual harassment).

E. "Sexual harassment" shall mean an unwelcome verbal or nonverbal conduct of a sexual nature which is directed at or to a specific student or students or conduct that has the purpose or effect of unreasonably interfering with a student's work or performance, or which creates an intimidating, hostile, or offensive educational environment. Examples include, but are not limited to, unwanted touching, pinching, patting, verbal comments of a sexual nature, sexual name-calling, pressure to engage in sexual activity, repeated propositions, written messages, notes, cartoons, graffiti, and unwanted body contact.

F. "Title IX Coordinator" shall mean the District's Associate Superintendent of Human Resources.

G. "Unlawful Harassment" is defined as unwelcomed repetitive conduct affecting the learning environment with the effect of unreasonably interfering with the ability of a student to perform in the school related program or activity and creates an intimidating, offensive or hostile learning environment, which is based in whole or in part on the student's protected status.

Date of Adoption

November 20, 1995

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March 17, 1997

October 2, 2000

September 20, 2010

July 9, 2018

Related Policies and Rules

[1100.4: Notice of Non-Discrimination](#)

[4001: Non-Discrimination and Harassment](#)

[4001.1: Non-Discrimination and Harassment](#)

[4100: Recruitment, Selection, and Non-Discrimination](#)

[4163.3: Remedial Action Investigation/Procedure](#)

[5010: Non-Discrimination and Harassment](#)

[5010.2: Discrimination and Harassment Complaint Procedure](#)

[5020: Equal Educational Opportunity](#)

[5020.1: Equal Educational Opportunity](#)

[6002: Non-Discrimination](#)

Legal Reference

20 U.S.C. § 1681 et seq.