



## **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 and will not tolerate unlawful discrimination or unlawful harassment. All students are responsible for creating and maintaining an environment free of such unlawful discrimination and unlawful harassment. The District does not discriminate on the basis of race, color, religion, national origin, marital status, disability, age, sex, sexual orientation, gender, gender identity, 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. Complaints.** Complaints by students or parents regarding unlawful discrimination or unlawful harassment (excluding sexual harassment) shall follow the procedures of District Rule 5010.2. Complaints regarding sexual harassment shall follow the procedures of District Rule 5010.3.

**III. 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. The initiation of a complaint in good faith about behavior that may violate the District’s policy shall not result in any adverse action.

**IV. 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 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.**

**B. “Retaliation” shall include, but is not limited to, adverse actions against a complainant for his or her reaction to unlawful discrimination or unlawful harassment, taken by the person responsible for the unlawful discrimination or unlawful 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.**

**C. “Title IX Coordinator” shall mean the District’s Associate Superintendent of Human Resources.**

D. “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

#### **Date of Revision**

March 17, 1997

October 2, 2000

September 20, 2010

July 9, 2018

November 16, 2020

#### **Related Policies and Rules**

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

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

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

[4001.2: Non-Discrimination and Harassment Complaint Procedure](#)

[4001.3: Sexual Harassment Complaint Procedure](#)

[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.