

Students

SUBJECT: RACIAL HARASSMENT (STUDENTS)

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide for all District students an environment that is free of racial harassment and intimidation. Racial harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board of Education prohibits any type of racial harassment by employees, students, visitors, guests, or others.

Racial harassment of students occurs when:

- a) An agent or employee of the District, acting within the scope of his or her official duties, has treated a student differently on the basis of race, color, or national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason so as to interfere with or limit the ability of the student to participate in or benefit from the services, activities or privileges provided by the School District. This is referred to as "different treatment" racial harassment.
- b) The District creates or is responsible for a racially hostile environment -- i.e., harassing conduct (e.g., physical, verbal, graphic, or written) that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by the District. The District has subjected an individual to different treatment on the basis of race if it has effectively caused, encouraged, accepted, tolerated or failed to correct a racially hostile environment of which it has actual or constructive notice. This is referred to as "hostile environment" racial harassment.

The Board of Education acknowledges that in determining whether racial harassment has occurred, the relevant particularized characteristics and circumstances of the victim -- especially the victim's race and age -- will be taken into account when evaluating the severity of racial incidents in the School District. If it is determined that the harassment was sufficiently severe so that it has adversely affected the enjoyment of some aspect of the District's educational program by a reasonable person, of the same age and race as the victim, under similar circumstances, the existence of a hostile environment will be found.

Any student who believes that he/she has been subjected to racial harassment shall report all incidents of such conduct to the District's designated complaint officer through informal and/or formal complaint procedures developed by the District. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority. All such reports will be kept as confidential as possible.

(Continued)

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Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, if a District has knowledge of or has reason to know of any alleged racial harassment, the District is obligated, even in absence of a complaint, to investigate such conduct promptly and thoroughly.

Based upon the result of the District's investigation, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures will be applied up to and including suspension/expulsion.

The Board of Education prohibits any retaliatory behavior directed against complainants and/or witnesses. Follow-up inquiries shall be made to ensure that harassment has not resumed and that the victims and/or witnesses have not suffered retaliation.

The District shall take all appropriate measures to prevent the occurrence or continuation of any type of racial harassment and shall implement remedial or corrective action where necessary.

Regulations will be developed for resolving racial harassment complaints by students. The Superintendent/designee(s) shall affirmatively discuss the topic of racial harassment with all employees and students, express the District's condemnation of such conduct and explain the sanctions for racial harassment. Furthermore, the District will provide racial awareness training for all employees and students, and will provide counseling for the victims of racial harassment. A copy of this policy and its accompanying regulation shall be posted in appropriate places and available upon request to all employees and students.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d et seq.
Prohibits discrimination on the basis of race, color, or
national origin.
34 Code of Federal Regulations (CFR) Part 100