

AR 5154.3 STUDENT NON-DISCRIMINATION / HARASSMENT

Administrative Regulation Issued: January 24, 2019

NON-DISCRIMINATION / HARASSMENT

The O'Farrell Charter Schools Board prohibits discrimination, harassment, intimidation, and bullying based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, immigration status, race or ethnicity, religion, sex, sexual orientation, parental, family, marital status, or association with a person or a group with one or more of these actual or perceived characteristics as applies to all acts related to school activity or school attendance within a school under the jurisdiction of the superintendent of The O'Farrell Charter Schools. BP 5014

This policy shall apply to all acts related to school activity or to school attendance occurring at OCS and to acts that occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance, or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as discrimination complaints.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the OCS nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the OCS nondiscrimination policies and practices. He/she shall report his/her findings and recommendations to the Board after each review.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination,

including discriminatory harassment, intimidation, retaliation, or bullying, shall be subject to disciplinary action, up to and including dismissal.

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, and bullying.

PROCESS FOR INITIATING AND RESPONDING TO COMPLAINTS

Any student who feels that he/she has been subjected to unlawful discrimination described above or in OCS policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so.

Anyone who is the victim of an act of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying has the right to file a formal complaint using the Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with OCS uniform complaint procedures.

If a victim of unlawful discrimination, harassment, intimidation, or bullying is not satisfied with the outcome of the OCS investigation may appeal using the Uniform Complaint Process.

BULLYING

The O'Farrell Charter Schools (OCS) recognizes the negative impact that bullying can have on the health and safety of students and the learning environment. Bullying can create distress, and anxiety, lower levels of self-esteem, and increase feelings of isolation. Bullying materially and substantially disrupts the rights of others to education and is unacceptable in the educational environment.

OCS endeavors to maintain a learning and working environment that is free of bullying. Toward that end, bullying is prohibited on school grounds, and at any school-sponsored events and activities. O'Farrell acknowledges that for this policy to be effective, school personnel must fulfill their responsibilities as assigned.

Definition of Bullying

“Bullying” means repeated behavior by an individual student, an individual student within a group of students, or a group of students that is intended to cause the victim(s) to feel frightened, threatened, intimidated, humiliated, shamed, disgraced, ostracized or physically abused. Bullying implies an imbalance in power or strength in which the student being bullied has difficulty defending him or herself. Bullying can take many forms, including physical, verbal, social/relational, and/or cyber-bullying. Bullying may occur on or off campus. Bullying may occur in several forms, including but not limited to, the following:

- Written, verbal or nonverbal threats
- Intimidating or threatening gestures
- Unwanted physical contact, violence, or assault
- An intentional display of force that would give the victim reason to expect or fear physical contact or injury
- Jeering, taunting, or mocking
- Teasing
- Degrading, insulting, or derogatory comments
- Extortion
- Theft of money or possessions
- Vandalism of a student’s personal property
- Unauthorized exercise of control over a student’s personal property
- Harassment or threats via online social networking sites

Reporting Procedures:

Victims/Targets

All students who believe they have been the victim/target of bullying shall promptly report the bullying to their homebase teacher, campus supervision, or to any O’Farrell staff member.

Student Witness

All students who witness or become aware of bullying shall report the bullying to their Homebase teacher, campus supervision, or to any O’Farrell staff member.

Disciplinary and Other Action

Consistent and appropriate disciplinary action will be taken for bullying behavior. The primary purpose of such action is to protect the victim and to deter bullying behavior in the future. The discipline imposed shall match the offense, as determined by the school administration. Bullying that occurs off campus may result in consequences at school if the behavior is such that it disrupts the school environment.

In regard to investigating reports of bullying, administrators or their designees shall discuss bullying with the victim in a place where the victim feels secure. The initial discussion with the victim shall not take place in the presence of the offending students. If more than one student is involved, the staff member shall talk to each student separately.

If an investigation substantiates that bullying has occurred, the administrator or designee shall take appropriate action consistent with this and the school's Progressive Discipline Policy.

For any concerns or complaints regarding discrimination, harassment, intimidation, or bullying please contact the Equity Compliance Officer.

Susan Cuttitta, Equity Compliance Officer 6130 Skyline Drive
San Diego, CA 92114 (619) 263-3009
susan.cuttitta@ofarrellschool.org

MEASURES TO PREVENT DISCRIMINATION

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at OCS or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize OCS nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public posting them on the OCS website and other prominent locations and providing easy access to them through OCS-supported social media, when available.
2. Provide students with a handbook that contains age-appropriate information that clearly describes the OCS non-discrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.
3. Annually notify all students and parents/guardians of the OCS nondiscrimination policy.
4. Provide to students, employees, volunteers, and parents/guardians age- appropriate training and information regarding the OCS nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them.
5. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so.

ENFORCEMENT OF POLICY

The Superintendent or designee shall take appropriate actions to reinforce BP 5014 – Student Nondiscrimination. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond
3. Disseminating and/or summarizing the OCS policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community
5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true