

**NONDISCRIMINATION/HARASSMENT/ANTI-BULLYING**

District programs and activities shall be free from discrimination, including harassment, intimidation or bullying with respect to a sex, gender, gender identity or gender expression, ethnic group identification, race, ancestry, national origin, religion, color, physical or mental disability, marital or parental status, age or sexual orientation; the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics.

The Governing Board desires to provide a safe school environment that allows all students equal opportunities in admission and access to the district's academic and other educational support program, guidance and counseling programs, athletic programs, testing procedures, and other activities.

The Board prohibits discrimination, harassment, intimidation or bullying 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. Prohibited discrimination, harassment, intimidation or bullying includes physical, verbal, nonverbal or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an education program or activity; creates and intimidating, threatening, hostile, or offensive education environment, has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

The Superintendent or designee shall provide age-appropriate training and information to the students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

The Principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of the law, Board Policy, or Administrative Regulation shall be subject to appropriate discipline, up to and including counseling, suspension and/or expulsion. An employee who permits or engages in discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

The Board hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

**NONDISCRIMINATION/HARASSMENT/ANTI-BULLYING**

Assistant Superintendent of Human Resources  
San Ramon Valley Unified School District  
699 Old Orchard Drive  
Danville, CA 94526  
(925) 552-2923

Any student who feels that he/she is being subjected to discrimination, harassment, intimidation bullying should immediately contact the Coordinator for Nondiscrimination, the principal or any other staff member. Any student who observes an incident of harassment should report the incident to the Coordinator, principal or other school employee, whether or not the victim files a complaint.

Employees who become aware of an act of discrimination, harassment, intimidation or bullying shall immediately report the incident to the Coordinator for Nondiscrimination or the site designee. The designee for each site will be identified with the Annual Notice of this policy to each employee. In addition, the employee shall immediately intervene when safe to do so.

Upon receiving a complaint of discrimination or harassment, the Coordinator and/or site designee shall immediately investigate the complaint in accordance with site/level grievance procedures specified in AR 5145.7 – Sexual Harassment.

The Coordinator and/or designee shall also advise the victim of any other remedies that may be available. The Coordinator and/or designee shall file a report with the Superintendent or designee and refer the matter to law enforcement where required.

Within 30 days of receiving the district's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The district's policy shall also be posted on the district web site or any other location that is easily accessible to students.

The Coordinator and/or designee shall distribute this policy annually to all families and staff and provide training to all staff regarding Nondiscrimination/Harassment/Anti-Bullying.

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

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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

PENAL CODE

422.55 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

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

100.3 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

COURT DECISIONS

Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

OFFICE OF CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January, 1999

Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 FR 47, March, 1994

**SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT**  
**Danville, California**

Policy Adopted: December 14, 2010

Policy Revised: April 9, 2013