

Section J

Students

JD EQUAL EDUCATIONAL OPPORTUNITIES

The school will maintain a safe and supportive learning environment free of unlawful discrimination and ensure that students are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any program or activity of the School on the basis of race, color, national origin, religion, sex, gender, or disability.

The right of a student to participate fully in classroom instruction shall not be abridged or impaired because of race, color, religion, sex, age, national origin, and disability, or any other reason not related to the student's individual capabilities.

Complaints or other allegations of harassment or bullying or discrimination on the basis of race, color, national origin, religion, sex, gender, or disability will be investigated and resolved pursuant to Policies AC, ACA, JB, and JII.

Complaints or other allegations of discrimination relating to the identification, evaluation, or placement of disabled students or the provision of a Free Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA) will be investigated and resolved pursuant to the special education due process procedure set forth in policy IHBA.

Complaints or other allegations of discrimination relating to the identification, evaluation, or placement of disabled students or the provision of FAPE under Section 504 of the Rehabilitation Act of 1973 (Section 504) will be investigated and resolved pursuant to Policies IHBA.

The Superintendent will act as the School Compliance Officer for the Civil Rights Act of 1964 (discrimination on race, color, national origin, or religion) and Title IX of the Education Amendments of 1972 (sex based-discrimination). The Director of Special Education will act as the School's Compliance Officer for the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act (disability-based discrimination).

The Superintendent will adopt regulations as necessary to implement this policy.

The rights of students to participate in extracurricular activities shall be dependent only upon their maintaining the minimum academic and behavioral standards established by the Governing Body, and their individual ability in the extracurricular activity.

Harassment includes conduct based on race, color, national origin, disability, sex, gender, or age that is sufficiently severe, persistent, or pervasive to interfere with, limit, or deny a student's ability to participate in or benefit from the school's educational program. Or to create a hostile educational environment.

Harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on stereotyping. Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile

environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school.

Whether a hostile environment has been created depends on the totality of the circumstances, including but not limited to such factors as: the degree to which the conduct affected one or more students' education; the type, frequency, and duration of the conduct; the identity of and relationship between the alleged harasser and the subject(s) of the harassment; the number of individuals involved; the age and sex of the alleged harasser and the subject(s) of the harassment; the size of the school, location of the incidents, and the context in which they occurred; and other incidents at the school.

Conduct is unwelcome if the student did not request or invite it and regarded the conduct as undesirable or offensive. Acquiescence in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a student may have accepted the conduct does not mean that the conduct was welcome. Also, the fact that a student willingly participated in conduct on one occasion does not prevent him or her from indicating that the same conduct has become unwelcome on a subsequent occasion. On the other hand, if a student actively participates in the conduct and gives no indication that he or she objects, the conduct may not be unwelcome.

The school has the right and responsibility to determine if a hostile environment exists, whether or not a formal complaint is filed, provided the School reasonably knew or should have known the conduct that creates a hostile environment.

Compliance Officer

The Superintendent shall be the compliance officer. Any person who feels unlawfully discriminated against or to have been the victim of unlawful discrimination by an agent or employee of the School or the who knows of such discrimination against another person should file a complaint with the Superintendent. If the Superintendent is the one alleged to have unlawfully discriminated, the complaint shall be filed with the Governing Body.

Complaint Procedure

The School is committed to investigating each complaint and to take appropriate action on all confirmed violations of policy.

See JB-R Complaint Process and JB-E Equal Educational Opportunities

JB-R PROCEDURES FOR NOTICE, REPORTING, AND INVESTIGATION OF HARASSMENT AND BULLYING OF STUDENTS AND DISCRIMINATION AGAINST STUDENTS

1. Notice

The School will use its Handbook for Student Behavior to provide notice of this policy and regulation and will encourage students to report harassment and bullying and discrimination. The Principal or his or her designee will review the School's policy against harassment and bullying and discrimination with

students at the start of each school year and distribute written information about rights, protections, and services available to students who are alleged victims of harassment and/or discrimination.

2. Reporting

A. Students. The School will encourage students and parents of students who are harassed or bullied or the victims of discrimination, or who have first-hand knowledge of harassment of bullying or discrimination, to report such incidents. Students and their parents should report an incident to any teacher, counselor/student advisor, or school administrator.

B. Employees. A school employee who witnesses, overhears, or receives a report, formal or informal, written or oral, of harassment or bullying or discrimination of a student at school or while traveling to and from school, or during school-sponsored activities must immediately report it to the Principal or the employee's supervisor. An employee's report will be documented in writing. An employee who fails to report harassment or bullying or discrimination of a student is subject to disciplinary action pursuant to Governing Board Policy GCQF.

C. Alternative Reporting. A student, parents, or employee may report harassment or bullying or discrimination to any administrator or supervisor to whom the student or employee feels comfortable making the report. A report of harassment or bullying or discrimination may always be made to the Superintendent or, if necessary, the Governing Board President (Chair).

D. Privacy. Reports of harassment or bullying or discrimination will be kept confidential to the extent possible, given the need to investigate and act on investigative results. No report will be disclosed to a person other than a school official or law enforcement agent unless all personally identifiable information has been redacted.

3. Response

A. Principal. The Principal or designee is primarily responsible for receiving oral or written reports of harassment and bullying or discrimination. The Principal may request, but may not insist upon, a written report. If the report was given verbally, the Principal will create within ten school days a written record of what was reported and maintain it. Reports of harassment and bullying or discrimination must be recorded in the School's Student Information System or on a Harassment or Bullying or Discrimination Report Form except for minor social conflicts between students that have been fully addressed and recorded as a disciplinary matter by the school but clearly mischaracterized as harassment or bullying or discrimination by the reporter.

Upon receipt or a report of harassment or bullying or discrimination, the Principal or designee will give to the offended student written information about the rights, protections and services available to students who are alleged victims of harassment or bullying or discrimination. The written information need not be provided when the report concerns a minor social conflict between students that has been fully addressed and recorded as a disciplinary matter by the school, but clearly mischaracterized as harassment or bullying or discrimination by the reporter.

Reports of harassment or bullying or discrimination that create a reasonable belief that a student is a victim of child abuse must be reported to the police or Department of Child Safety in accordance with School Policy JLF and the School's Child Abuse Reporting Protocol.

Within ten school days the Principal will forward reports of harassment or bullying or discrimination that allege inappropriate conduct by a district employee or retaliation to the Superintendent.

B. Superintendent. The Superintendent or designee is primarily responsible for the investigation of reports of employee-to-student and student-to-student harassment or bullying or discrimination. The Superintendent, in consultation with the Principal, will determine whether to place the accused school employee on administrative leave. The Superintendent, in consultation with the Principal will determine whether disciplinary action against an accused student is necessary and appropriate.

4. Informal Resolution

Within ten school days of receipt of a report, the Principal may attempt informally to resolve a report of student-to-student harassment or bullying or discrimination by meeting with the offended student and the offending student individually or together. The Principal will communicate with the parents of the students regarding the allegations and efforts to achieve an informal resolution. If it appears to the Principal that the offended student's concerns have been successfully resolved, the Principal will document the informal resolution and maintain it as a record in the School's Student Information System or on a Harassment or Bullying or Discrimination Report.

If informal resolution cannot be achieved, or if the offended student or parents remain dissatisfied with the informal resolution, within ten school days the Principal will advise the student or parents that the student may request a formal investigation of the report. In addition, if the student or parents believe in good faith that the Informal Resolution process is not likely to resolve the offended student's concerns, the student or parents at any time may request that the concerns be referred for Formal Investigation.

5. Formal Investigation of Employee-to-Student or Student-to-Student Harassment or Bullying or Discrimination

A. Investigator. The Superintendent or a designee will conduct an investigation within ten school days of a report alleging employee-to-student or student-to-student harassment or bullying or discrimination that cannot be resolved with informal resolution. Ordinarily, the investigator will be the Superintendent; however, a designee may be assigned whenever necessary or appropriate to expedite the investigation or remove a concern for bias or conflict of interest.

B. Investigation. The investigator will interview the offended student and offending employee or student and any other persons who may have knowledge of the circumstances giving rise to the report and may use other methods and documentation. Witnesses will be advised to keep their statements and knowledge of the matter confidential.

C. Timeframe. The investigator will complete the investigation as soon as practicable. If the investigation will require more than ten (10) school days, the investigator will contact the offended student's parents to inform them of the progress of the investigation.

D. Findings. Upon completion of the investigation, the investigator will decide whether harassment or bullying or discrimination occurred or did not occur, or that the evidence is inconclusive. The investigator's findings will be entered on an appropriate report form.

E. Notification to Offended Student. Upon completion of the investigative report within ten school days, the investigator will notify in writing the offended student and his or her parent of the investigator's findings and what disciplinary and remedial action, if any, will be pursued against the offending employee or student.

F. Recordkeeping. A written record of any complains of harassment or bullying or discrimination and their resolution will be maintained by the Superintendent.

6. Disciplinary an Remedial Action

When the School determines that harassment or bullying or discrimination has occurred, the School will take disciplinary or remedial action as appropriate to ensure that further harassment or bullying or discrimination does not occur. Disciplinary action for violation of this policy will be taken in accordance with applicable School policy governing discipline of students or employees. (See JK, JKD and JKE.) The school will provide a response and remedial action that is reasonably calculated to end any harassment and prevent recurrence. The investigator may recommend and as appropriate implement remedial action to prevent further tensions between the offended student and the offending student or employee if the investigator finds that the evidence is inconclusive.

7. Appeal.

A. Offended Student. If an offended student is not satisfied with the results of an investigation the student may appeal the matter to the Superintendent within ten (10) days after the student or the student's parent is informed of the result of the investigation. The Superintendent will review the investigation and decision and any relevant documents or statement submitted by the offended student. Based on this information, the Superintendent will issue a decision to affirm, reverse, or modify the original decision within ten (10) school days.

The offended student may appeal the Superintendent's decision to the Governing Board within ten (10) school days after the student or student's parent is informed of the Superintendent's decision. The Governing Board may review the matter and issue a final decision or, alternatively, refer the matter for further investigation or hearing conducted by an independent hearing officer selected from a list of hearing officers approved by the Governing Board.

If an independent hearing officer will e used, the student or student's parent will be allowed to choose between either of two alternatives:

→ An independent investigation that will be conducted by the hearing officer, who will privately interview witnesses and submit a written report of findings and recommendations:

or

→ An independent hearing conducted by the hearing officer, who will allow sworn witnesses to be questioned by the parties and will submit a written report of findings and recommendations.

The Superintendent will complete a review of the appeal and issue a final decision within ten (10) school days after the appeal is received or after the independent hearing officer submits the written report of findings and recommendations, whichever is later.

B. Offending Student or Employee. A person who receives disciplinary action as a result of a violation of this policy may appeal the determination and disciplinary action in accordance with the applicable School policy governing discipline of students or employees.

8. Retaliation and False Reporting

A. Retaliation. Any person who retaliates against an employee or student who reports, testifies assists, or participates in an investigation or hearing relating to a harassment or bullying or discrimination report will be subject to appropriate action and/or discipline by the school.

B. False Reporting. Any person who knowingly makes a false report of harassment or bullying or discrimination will be subject to disciplinary or other appropriate action.

JH STUDENT CONCERNS, COMPLAINTS, AND GRIEVANCES

The Superintendent has established procedures whereby students may present a complaint or grievance regarding a violation of their constitutional rights, equal access to programs, discrimination, harassment, intimidation, bullying or personal safety provided that:

- The topic is not the subject of disciplinary or other proceedings under other policies and regulations of this School, and
- The procedure shall not apply to any matter for which the method of review is prescribed by law, or the School Governing Body is without authority to act.

A complaint/grievance may be raised regarding one (1) or more of the following:

- Violation of the student's constitutional rights.
- Denial of an equal opportunity to participate in any program or activity for which the student qualifies.
- Discriminatory treatment on the basis of race, color, religion, sex, gender, age, national origin, or disability.
- Harassment of the student by another person.
- Intimidation by another student.
- Bullying by another student.
- Concern for the student's personal safety.

The procedure for investigating, processing and resolving a student concern, complaint or grievance is stated in Regulation JB-R.

Any question concerning whether the complaint/grievance falls within this policy shall be determined by the Superintendent.

See JII-EA, EB Student Concerns, Complaints, and Grievance