

Policy JBBA- HARASSMENT BASED ON RACE OR COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, OR RELIGION (STUDENT)

I. GENERAL STATEMENT OF POLICY

Harassment based on race or color, national origin, sexual orientation, gender identity, disability or religion, hereinafter referred to as protected categories is specifically prohibited. Every student within the School District shall have the opportunity to learn in an environment free from such harassment as defined by this policy. Complaints of prohibited harassment will be promptly investigated by the procedures delineated in this policy and district Procedures. If the principal/department head or designee determines that such harassment occurred, it will promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy, provide appropriate assistance to the victim and/or take other appropriate action reasonably calculated to end the harassment. Following an investigation of a complaint of harassment or discrimination, the building principal or designee shall verify with the complainant that the perceived harassment or discrimination has ceased, regardless of the outcome of the investigation, and that no retaliation has occurred against the complainant. This verification will occur within ten (10) days of the conclusion of the investigation.

II. DEFINITION OF HARASSMENT BASED UPON RACE OR COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, GENDER IDENTITY DISABILITY OR RELIGION

For purposes of this policy, harassment of a student consists of verbal or physical conduct relating to a student's status in a protected category, when:

1. the harassing conduct is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment; or
2. the harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
3. the harassing conduct otherwise adversely affects an individual's learning opportunities.

Examples of conduct which may constitute harassment regarding a protected category, MAY include:

- graffiti containing offensive language
- name calling, jokes or rumors degrading the protected category

- threatening or intimidating conduct
- notes or cartoons which are degrading
- slurs, negative stereotypes, and hostile acts
- written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals based upon their status in a protected category
- a physical act of aggression or assault upon another because of, or in a manner reasonably related to their status in a protected category
- other kinds of aggressive conduct such as theft or damage to property

However, whether any alleged conduct rises to the level of prohibited harassment will depend on a whole host of factors; such as, the surrounding circumstances, expectations, and relationships.

Retaliation against any person for filing a complaint of harassment, participating in, or cooperating with an investigation is prohibited. False reports of violations of this policy are also prohibited.

Policy JK and JK-R (Student Discipline) shall control discipline related to harassment by a student.

Approved: June 16, 2000

Revised: June 20, 2002

Revised: December 18, 2003

Revised: October 15, 2009

LEGAL REFS.: Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d, et seq.

Title II of the Americans with Disabilities Act of 1009, 42 U.S.C. Section 12101, et seq.

Section 504 of the Rehabilitation Act of 1973