

PROCEDURES FOR REPORTING AND HANDLING COMPLAINTS OF HARASSMENT/DISCRIMINATION

A. REPORTING At each school site the principal or designated employee knowledgeable about the law, will handle complaints of harassment and discrimination. 1.

Students and their families - It is the policy of the Santa Cruz City School District, in accordance with AB537, to encourage student targets of harassment/ discrimination and students who have first-hand knowledge of such harassment/ discrimination to report such claims. Students should report incident(s) to any teacher, guidance counselor, or school administrator. 2.

Employees - It is the policy of the Santa Cruz City School District, in accordance with AB537, to encourage employee targets of harassment/ discrimination to report such claims. Employees should report incident(s) to a school administrator or supervisor. 3.

Employees - Any Santa Cruz City School District employee who witnesses, overhears, or receives a report, formal or informal, written or oral, of harassment and/or discrimination at school or during school-sponsored activities shall report it to the principal or the principal's designee. If the report involves the school principal or supervisor, the reporter shall make the report directly to the office of the Assistant Superintendent of Educational Services (hereinafter "Assistant Superintendent").

4. Privacy - Complaints will be kept confidential to the extent possible given the need to investigate and act on investigative results. Under certain circumstances, alleged harassment/ discrimination may constitute child abuse under state law. The statutory obligation to report suspected abuse, therefore, may be applicable. **B.**

RESPONSE 1.

Principal's Duty - The principal or the principal's designee is the person responsible for receiving oral or written reports of harassment/ discrimination. In situations involving complaints between employees, the principal and/or the Human Resources Department, will be the primary respondent to the complaint and may request, but may not insist upon, a written complaint. A written statement of the alleged facts, prepared by the complainant, will be forwarded as soon as practicable by the principal to the Assistant superintendent of educational services. If the report was given verbally, the principal shall request it to be in written form within 24 hours and forward it to the Assistant Superintendent of Educational Services. **C.**

INVESTIGATION

1. Who - The principal or designee shall conduct a preliminary investigation upon receipt of a report or complaint alleging harassment/ discrimination to determine the credibility of the allegations. If the allegation is deemed credible, the principal or designee shall contact Human Resources for assistance with the investigative process.

2. How - The investigator shall interview individuals involved, including the accused and any other persons who may have knowledge of the circumstances giving rise to the complaint.

3. If the accusation is deemed credible, the accused will be included as an active participant through the stages of the investigation. The accused will be given the opportunity to secure representation.

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4. When - The investigator shall complete the investigation as soon as practicable, but in no event later than (30) thirty calendar days following receipt of the complaint. 5.

Result - Upon completion of the investigation, the investigator shall decide if a violation of this policy has occurred and report that decision, along with the evidence supporting it, to the principal, the Assistant Superintendent of Educational Services, and/or Human Resources. If the complaint involves an assistant superintendent, the report is given directly to the superintendent. If the complaint involves the superintendent, the report is given directly to the school board. The district will comply with Education Code provisions regarding the discipline of students and employees. If the complaint proves to be unfounded, no documentation pertaining to such investigation shall be placed in the employee's permanent file.

D. SCHOOL SITE ACTION The school site administration shall take disciplinary or remedial action as appropriate in order to ensure that further harassment/discrimination does not occur. Such action may include, but is not limited to counseling, awareness training, parent-teacher conferences, warning, transfer, suspension and/or expulsion of a student, and counseling, awareness training, transfer, suspension and/or termination of an employee. School action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, California and federal law, and School District policies, including the Uniform Complaint Policy. **E.**

APPEAL A person judged to be in violation of the policy on harassment/discrimination and subjected to action under it may appeal the determination and/or the action taken as follows:

1.

Student - If the person filing the appeal is a student, the appeal shall proceed in accordance with School District policy governing discipline of students and with legal due process requirements.

2.

Employee - If the person filing the appeal is an employee, the appeal shall proceed in accordance with the Uniform Complaint Appeal Process.**F.**

CLAIMANT APPEALS If the claimant is unsatisfied with a decision made by the District, the claimant has 15 days to appeal to the CDE: **Address:** Categorical Programs Complaints Management Unit California Department of Education, School and District Accountability Division 1430 N. Street Sacramento, Ca 95814-5901 Phone: 916-319-0929

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G. RETALIATION Any individual who retaliates against any employee or student, who reports, testifies, assists, or participates in an investigation or hearing relating to a harassment/ discrimination complaint will be subject to appropriate action and/or discipline by the District. Retaliation for reporting harassment/ discrimination or cooperating in an investigation of harassment/ discrimination is unlawful under state law.

H. RECORD KEEPING AND NOTIFICATION

1. Record keeping - The Assistant Superintendent shall ensure that a record of any complaint and investigation of harassment/ discrimination as well as the disposition of the complaint and any disciplinary or remedial action taken is maintained by the District in a confidential file.
2. Notification - The Assistant Superintendent shall notify the complainant, in writing, of all relevant findings and actions taken.

I. NOTICE The Assistant Superintendent shall use all reasonable means to inform employees, students, parents or guardians, and other school community members that the District's harassment/ discrimination policy. Copies of the policy and procedures shall appear in the student and employee handbooks (or other similar publications) as well as publications distributed to parents and community members and shall be posted prominently in each school. The notice shall also provide information about the following additional methods of pursuing claims of harassment/ discrimination: A person may make a complaint of harassment/ discrimination to the California Human Relations Commission or the federal Office of Civil Rights at the following places: California Human Relations Commission 320 West Temple Street #1184 Los Angeles, CA 90012 213-974-7601 Office for Civil Rights 1-800-421-3481

In addition, an individual may seek other remedies through civil action and, in some circumstances, through criminal prosecution.

J. TRAINING

The District will take active steps to educate employees, students and their families, and other school community members about issues of race, color, religion (creed), national origin, marital status, sex, sexual orientation, gender identity and expression, and disability. The District shall develop age-appropriate methods of discussing the meaning and substance of this policy with staff and students in order to help prevent

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harassment/discrimination. In addition to informing employees, students, families, and school community members about the policy, these programs, will be implemented within the context of professional development and school curriculum.

K. SEVERABILITYThe provisions of this policy shall be severable. If any provision of portion of this policy or its application to any person or circumstance is held invalid, the remainder of the policy or the application of the provision to other persons or circumstances shall remain in effect.

L. CONFIDENTIALITYEffort will be made to protect the privacy of parties involved in a complaint. The identity of employees involved shall be kept confidential until the complaint moves to Level 1 of the Uniform Complaint Policy and /or until permission has been granted by the employee. All parties and witnesses will be encouraged to respect the privacy of all individuals involved in the investigation. Files pertaining to complaints handled under this process are confidential and therefore will only be discussed on a need-to-know basis as a means of investigating and resolving the matter(s). Employees involved will have access and may respond to any documentation in their personnel file.

M. DEFINITIONS
Discrimination: For purposes of this policy, discrimination is the unfair treatment of a person or group on the basis of prejudice.
Harassment: Harassment is verbal or physical conduct based on an individual's real or perceived race, religion (creed), color, national origin, marital status, sex, sexual orientation, gender identity, disability, or on the basis of association with others identified by these categories, that (1) substantially interferes with or will substantially interfere with an individual's educational benefits, opportunities, or performance; or a individual's physical or psychological well-being; or (2) creates an intimidating or hostile environment.
Employee: For purposes of this policy, an employee includes any person employed directly by the school district or through a contract with another company, agents of the school, school board members and any student teacher, intern, or school volunteer.
School Environment: For purposes of this policy, school environment includes but may not be limited to instruction, support services, and /or co-curricular activities.
Sexual Orientation: A person's sexual orientation is defined by their enduring emotional, romantic, and sexual attraction to other people. Heterosexual refers to people whose sexual and romantic feelings are primarily for people of the opposite sex. Homosexual (or gay and lesbian) refers to a person whose sexual and romantic feelings are primarily for those of the same sex. Bisexual refers to people whose sexual and romantic feelings are for people of both sexes. Other terms that people use to describe their sexual orientation are "queer" and "questioning."
Gender Identity: For purposes of this policy, gender identity means a person's identity, expression, or physical characteristics, whether or not traditionally associated with one's biological sex or one's sex assigned at birth.

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Retaliation: Any harassment or discrimination taken against a person for reporting a complaint of harassment and/or discrimination or for participating in or cooperating with an investigation. **Hostile Environment:** Hostile environment harassment can be created by anyone in the school environment, whether supervisors, other employees, or students. It consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the school environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

N. COMMUNICATION OF DISTRICT POLICYIt is the District's intent that this policy will be known and understood by all employees, students, their families, and district and school committees. This will be accomplished by:

- Inserting this policy in all district policy manuals.
- Including this policy in the notifications that are sent to parents/guardians at the beginning of the school year.
- Displaying this policy in a prominent location near each school principal's office.
- Provide as part of any orientation program conducted for new employees and new students, at the beginning of each quarter, semester, or summer session.
- Inserting this policy in any school or district publication that sets forth the school or the District's comprehensive rules, regulations, procedures and standards of conduct.
- The District will inform all current employees and students of this policy.
- Publicly display and distribute the Uniform Complaint Brochure in English and Spanish at each school site.

The Superintendent or designee will keep record of all complaints and make an annual report to the board regarding number and type of complaints under this policy and actions taken.

APPROVED:

Alan Pagano, Superintendent
Date: _____

**PROCEDURES FOR REPORTING AND HANDLING COMPLAINTS OF HARASSMENT/DISCRIMINATION
ATTACHMENT I: POLICY IMPLEMENTATION**

A. TRAINING

- Santa Cruz City School District should provide training to counselors—all staff on LGBT issues, so that they are sensitive to the needs of LGBT students and their families, employees, and school community members.
- Santa Cruz City School District should provide specific counseling and support for LGBT students and their families, employees, and school community members.
- Santa Cruz City School District should encourage and support Gay-Straight Alliances, Project 10s or other similar groups that deal with LGBT issues on campus.
- Each school site will implement age and grade appropriate education and awareness activities for students regarding LGBT issues

B. IMPLEMENTATION PROCEDURES

1. The District will convene a task force consisting of employees, students, and their families to monitor and support the implementation of Santa Cruz City School District Harassment and Discrimination policy
2. Each school site will incorporate policy implementation plan into required safety plan report

PROCEDURES FOR REPORTING AND HANDLING COMPLAINTS OF HARASSMENT/DISCRIMINATION
ATTACHMENT II: GENDER BASED DISCRIMINATION - IMPLEMENTATION PROCEDURES

The California Education Code states that “ all pupils have the right to participate fully in the educational process, free from discrimination and harassment. Cal. ED. Code Section 201 (a). Section 220 of the Education Code Provides that no person shall be subject t discrimination on the basis of gender in any program or activity conducted by an educational institution that receives or benefits from state financial assistance. The Code further provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils. Cal.Ed.Code Section 2011 (b).

The California Code of Regulations similarly provides that “No person shall be excluded from participation in or denied the benefits of any local agency’s program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an ‘educational institution’ or any other ‘local agency’ ... that receives or benefits from any state financial assistance.’ 5 CCR Section 4900(a).

The California Code of Regulations defines “gender” as: “a person’s actual sex or perceived sex and includes a person’s perceived identity, appearance or behavior, whether or not that identity, appearance, or behavior is different from the traditionally associated with a person’s sex at birth.” 5 CCR Section 491 (k).

- A. NAMES/PRONOUNS**Students shall have the right to be addressed by a name and pronoun corresponding to their gender identity that is exclusively and consistently asserted at school. Students are not required to obtain a court ordered name and/or gender change or to change their official records as prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. The directive does not prohibit inadvertent slips, but it does apply to an intentional and persistent refusal to respect a student’s gender identity. The requested name shall be included in the SASI system in addition to the student’s legal name, in order to inform teachers of the name and pronoun to use when addressing the student.
- B. OFFICIAL RECORDS**
The district is required to maintain a mandatory permanent pupil record, which includes the legal name of the pupil, as well as the pupil’s gender. 5 Cal. Code Reg. 432(b) (1) (A), (D). The district shall change a student’s official records to reflect a change in legal name or gender upon receipt of documentation that such legal name and/or gender have been changed pursuant to California legal requirements.

C. RESTROOM ACCESSIBILITY

Students shall have access to the restroom that corresponds to their gender identity exclusively and consistently asserted at school. Where available a single stall bathroom may be used by any student, employee, or member of the school community, who desires increased privacy, regardless of the underlying reason. The use of such a single stall bathroom shall be a matter of choice for a student, employee, and/or member of the school community and no one shall be compelled to use such a bathroom.

D. LOCKERROOM ACCESSIBILITY

Transgender students shall not be forced to use the locker room corresponding to their gender assigned at birth. In locker rooms that involve undressing in front of others, transgender students who want to use the locker room corresponding to their gender identity exclusively and consistently asserted at school will be provided with the available accommodations that best meets the needs and privacy concerns of all students involved. Based on availability and appropriateness to address privacy concerns, such accommodations could include, but are not limited to:

Use of a private area in the public area (i.e., a bathroom stall with a door, an area separated by a curtain, a PE instructor's office in the locker room);

A separate changing schedule (either utilizing the locker room before or after the other students); or

Use of a nearby private area (i.e., a nearby restroom, a nurse's office).

E. SPORTS AND GYM CLASS

Transgender students shall not be denied the opportunity to participate in physical education, nor shall they be forced to have physical education outside of the assigned class time. Generally, students should be permitted to participate in gender-segregated recreational gym class activities and sports in accordance with the student's gender identity that is exclusively and consistently asserted at school. Participation in competitive athletic activities and contact sports will be resolved on a case by case basis.

F. DRESS CODE

School sites can enforce dress codes that are adopted pursuant to Education Code 35291. Students shall have the right to dress in accordance with their gender identity that is exclusively and consistently asserted at school, within the constraints of the dress codes adopted at their school site. This regulation does not limit a student's right to dress in accordance with the Dress/Appearance standards articulated in the Student and Parent/Guardian Handbook.

G. GENDER SEGREGATION IN OTHER AREAS

As a general rule, in any other circumstances where students are separated by gender in school activities (i.e., class discussions, field trips), students shall be permitted to participate in accordance with their gender identity exclusively and consistently asserted at school. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case by case basis. In such circumstances, staff shall make a reasonable effort to provide an available accommodation that can address any such concerns.