

BEVERLY HILLS UNIFIED SCHOOL DISTRICT

Students

BP 5145.3(a)

ANTI-HARASSMENT/ANTI-INTIMIDATION POLICY

The Board of Education affirms the right of all student, staff, and parents/guardians to be free from hate crimes, abusive statements, or any activity which degrades the unique qualities of an individual, such as race, ethnicity, culture, heritage, sexuality, physical/mental attributes, religious beliefs and practices. Such verbal or physical acts are damaging to one's self-esteem and will not be tolerated on any district campus or at any school activity whether on or off campus. The Board encourages the Superintendent and staff to develop programs, which enhance self-esteem, raise awareness and sensitivity, and foster respect for individuals and their unique qualities.

The Board recognizes that such hate-crime statements, threats, physical assaults, or damage to property are inflammatory to those victimized by such acts and jeopardizes the safety and well being of students and staff. The Board authorizes the staff to discipline students involved in such acts, including suspensions and recommendation for expulsion.

Complaints related to disability, race, or sexual harassment will be channeled through the District's Uniform Complaint Procedures.

Legal Reference: (see next page)

ANTI-HARASSMENT/ANTI-INTIMIDATION POLICY (continued)

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*

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

WEB SITES

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>

California Department of Education: <http://www.cde.ca.gov>

BEVERLY HILLS UNIFIED SCHOOL DISTRICT

Students

AR 5145.3(a)

ANTI-HARASSMENT/ANTI-INTIMIDATION POLICY

The district will not tolerate any act of harassment or intimidation including gestures, comments, threats or actions, either written, verbal or physical, which cause, threaten to cause or are likely to cause bodily harm or personal degradation on any district campus or at any school activity whether on or off campus.

The consequences of these actions may include a broad range of disciplinary measures as appropriate; however, every effort will also be taken to provide or locate appropriate assistance for both the victim and the offender.

Initial Response and Reporting Expectations

The district expects all employees, if they observe or become aware of an act of intimidation, take immediate, appropriate steps to intervene.

If, in the opinion of the employee, the matter has not been resolved, the situation must be reported to an administrator for further investigation.

The district expects students, parents and other community members who observe or become aware of a serious act of harassment/intimidation to report this act to a school administrator for further investigation.

Investigation and Response

Any incident, which may constitute an act of harassment/intimidation, which is reported to the principal, shall be thoroughly investigated by the site administrator or designee. Consequences shall be commensurate with the results of the investigation. This may include, but is not limited to, counseling, parent conference, detention, involuntary transfer, a formal suspension and/or expulsion of the offender. The parent/guardian shall be contacted and may be asked to attend a conference with school officials.

If the parent/guardian does not attend the conference, the site administrator shall send a letter informing the parent/guardian of the action under consideration and notifying parent/guardian of all data pertinent to the action.

Depending on the severity of the incident, the administrator shall take appropriate steps to insure campus safety. This may include any or all of the following: implement an immediate safety plan; isolate and supervise involved students; provide staff support for involved students as necessary; report incident to law enforcement, if appropriate; notify the parents/guardians of both the offender and the victim and develop supervision plan with parents.

ANTI-HARASSMENT/ANTI-INTIMIDATION POLICY (continued)

If the act of harassment/intimidation is deemed to warrant a suspension, expulsion, or involuntary transfer to another school, then the matter will be processed in accordance with Board policy 5144.1.

Incidents of Harassment and Intimidation Related To Disability, Race or Sexual Harassment

Complainants reporting specific incidents of harassment and intimidation based on discrimination related to the student's disability or race, or sexual harassment shall be channeled through the Uniform Complaint Procedures.

Assessment and Intervention

An administrative contact will be made with the victim and offender prior to resuming a regular schedule of classes. If deemed necessary, the administrator or designee may convene a multidisciplinary team to further assess and determine the need for ongoing support for the victim or the offender.

Depending upon the severity of the harassment/intimidation, an investigation might include: review of school records; identification of parent/guardian and family issues; and interviews with student, parents, and school staff. A multi-disciplinary team consisting of school staff, counselor/psychologist, parent, student, and other agency personnel as appropriate, will develop a behavior support plan.

The support plan may include any or all of the following; a case manager, counseling services (site, district and/or community resources); parenting skills classes; and other additional support services as deemed appropriate. The case manager will maintain a record of the services provided.

School Follow-up

The case manager has a responsibility to follow up and evaluate the behavior support plan. The case manager will compile a report to the site administrator on the process, resources used, and the follow up procedure involving the victim and the offender.

A copy of the behavior plan and follow-up report will then be forwarded to the Coordinator of Child Welfare and Attendance.