

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5145.3

ADOPTED: 08/26/02

CLASSIFICATION: Students

**REVISED: 05/29/12
09/30/14
10/26/15
06/25/18**

SUBJECT: Non-Discrimination, Harassment, Intimidation or Bullying of Students

The Ventura County Superintendent and the Board of Education desire to provide a safe school environment that allows all students equal access and opportunities in all programs and activities operated by the Ventura County Office of Education (VCOE). All programs and activities operated by the VCOE shall be free from unlawful discrimination, including discriminatory harassment, intimidation, and bullying targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, nation origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The County Superintendent or designee shall facilitate students' access to the educational program by publicizing VCOE's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The County Superintendent or designee shall regularly review the implementation of VCOE's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program.

Regardless of whether a complainant complies with the writing timeline and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

No individual or group shall, through physical, written, verbal, or other means, harass, sexually harass, threaten, intimidate, retaliate, cyberbully, cause bodily injury to, or commit hate violence against any student or school personnel.

Cyberbullying includes the transmission of harassing, communication, direct threats, or other harmful texts, sounds, or images on the Internet, social media, or other technologies using the telephone, computer or any wireless communication device. Cyberbullying also includes accessing another person's electronic account and assuming that person's identity in order to damage that person's reputation.

To the extent possible, VCOE schools shall focus on bullying prevention strategies by establishing clear rules for student conduct and strategies for establishing a positive, collaborative school climate. Students shall be informed, through student handbooks and other appropriate means of rules related to bullying, mechanisms available for reporting incidents or threats and the consequences for perpetrators of bullying.

VCOE may provide students with instruction, in the classroom or other educational settings, that promotes effective communication and conflict resolution skills, social skills, character/values education, respect for cultural and individual differences, self-esteem development, assertiveness skills and appropriate online behavior.

Each complaint of discrimination, harassment, intimidation, or bullying shall be immediately investigated in a way that respects the privacy of all parties concerned. All complaints will be taken seriously and confidentiality will be maintained as appropriate. There shall be no retaliation in any form against any complainant or participant in the complaint process.

When the circumstances involve cyberbullying, individuals with information about the activity shall be encouraged to save and print any electronic or digital messages that they feel constitute cyberbullying and to notify a teacher, the principal, or other employee so that the matter may be investigated. When a student uses a social networking site or service to bully or harass another student, the Superintendent or designee may file a request with the networking site or service to suspend the privileges of the student and to have the material removed.

Students are encouraged to notify school staff when they are being bullied or suspect that another student is being victimized. All complaints of harassment, discrimination, intimidation, or bullying shall be processed in compliance with the Uniform Complaint Procedures set forth in Board Policy 1312.3.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequences or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying shall be subject to disciplinary action, up to and including dismissal.

Legal Reference:

EDUCATION CODE

262.4	Prohibition of Discrimination
48900, 48900.2	Suspension
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
48915	Expulsion
48915.5	Expulsion of Pupils with Exceptional Needs
48950	Freedom of Speech
48980	Required Notification
49020-49023	Athletic Programs
51500, 51501	Prohibited Instruction or Activity / Prohibited Means of Instruction
60044	Prohibited Instructional Materials