

FORESTVILLE UNION SCHOOL DISTRICT

6321 HIGHWAY 116
FORESTVILLE, CA 95436
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TALIN TAMZARIAN, PRINCIPAL

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Forestville Union School District

Discrimination or Harassment Concerns at Forestville School/Academy?

The district works to ensure that the Forestville Union School District is a safe and fair environment for all of its students, staff, parents and other members of its community. District policy forbids illegal discrimination or harassment (copies of District policy bp 5145.3 are available in the front office, on our website, and are distributed at the beginning of the school year to all parents). We encourage you to familiarize yourself with that policy and to keep us informed. If you have concerns with respect to any events or actions that relate to the instructional program, things that happen during the school day or on our campus, and when students are involved in a school activity or being transported by the District to and from school, we encourage you to report specific concerns to the principal, the District's designated contact for any concerns.

Principal:	Talin Tamzarian
Phone number:	707-887-2279
Address:	Forestville Union School District 6321 Hwy 116 Forestville CA 95436
Email:	ttamzarian@forestvilleusd.org

The district will record, track, and investigate all reports of specific instances of harassment-discrimination. Reports and investigations of harassment-discrimination will be kept confidential, but should include sufficient contact information so the District can follow up with an appropriate investigation. (Written report forms are available through the front office and on our website.)

The Forestville Union School District is an equal opportunity agency and employer. The Forestville Union School District does not unlawfully discriminate on the basis of ethnicity, age, religion, gender, color, sexual orientation, or physical or mental disability. The District compliance officer is the Superintendent, who can be contacted at Forestville Union School District, 6321 Highway 116, Forestville, CA 95436, Phone: (707) 887-9767; Fax 887-1037.

A California Distinguished School

NONDISCRIMINATION/HARASSMENT

The District is committed to ensuring that all students and staff learn and work in an atmosphere that is respectful of ethnic, religious, gender, race, sexual orientation, national origin, and physical and mental differences or the perception of any of these. District programs and activities shall be free from all unlawful discrimination. Acts that amount to any of the foregoing will not be tolerated.

The Governing Board shall provide equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other District or school activities. Eligibility for performance groups shall be determined solely on the basis of objective competencies. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

In order to protect student modesty and to promote an appropriate academic environment the school may provide girls and boys with separate shower rooms, provide separate sex education classes, maintain single sex athletic teams, and other similar provisions. In physical education, when objective standards have an adverse effect on students because of their gender, race, ethnic group or disability, other standards may be used to measure achievement and create comparable educational opportunities.

The Board seeks to prohibit intimidation or harassment of any student by any employee, student or other person in the District occurring at a school or District related activity or on District property or school premises operated by the District Staff shall be alert and immediately responsive to student conduct that may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

The District is committed to the equal application of all laws to all persons within the District; accordingly this policy is not intended to be, nor shall it be construed as, limiting the rights of students, teachers, staff, or other personnel to engage in free expression which does not substantially disrupt school operations or interfere with the rights of others. The District acknowledges the diversity of its employees, students, parents or other community members through their religious, ethnic, cultural and other forms of expression and discourse. The District actively promotes and seeks to foster the free, open and civil exchange of ideas among its various diverse groups and individuals.

HARASSMENT DEFINITIONS; EXAMPLES OF PROHIBITED CONDUCT**RACIAL, SEXUAL, AND OTHER FORMS OF HARASSMENT DEFINITIONS**

- A. Racial Harassment: As used in this policy, racial harassment means conduct which substantially disrupts school operations or interferes with the rights of others, consisting of physical, written or verbal conduct relating to an individual's race, color, national origin or ethnicity, or perceived race, color, national origin or ethnicity, when the conduct occurs at a school or District related

related activity or on District property or school premises operated by the District and:

1. is severe, persistent, or pervasive in affecting the student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive environment; or
2. has the purpose or effect of interfering with an individual's academic performance; or
3. otherwise affects an individual's learning opportunities in an adverse way; and
4. is determined to have occurred as a result of an objective review of credible information considering the totality of the circumstances.

Racial harassment may include but is not limited to the following conduct when such conduct results in substantial disruption to school operations or interference with the rights of others:

1. using racial slurs or similar name calling at any curricular or extracurricular activity;
2. threatening or intimidating conduct directed at another because of the other's race, color, national origin or ethnicity;
3. creating written or graphic material including graffiti containing racial or ethnic comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
4. engaging in any act of aggression or assault upon another because of, or in a manner related to, race, color, national origin or ethnicity.

B. Sexual Harassment: As used in this policy, sexual harassment means conduct that substantially disrupts school operations or interferes with the rights of others, consisting of physical, written or verbal conduct or communication of a sexual nature occurring at a school or District related activity or on District property or school premises operated by the District and when:

1. submission to that conduct or Communication is made a term or condition, either explicitly or implicitly, of obtaining an educational benefit or service; or

NONDISCRIMINATION/HARASSMENT (continued)

2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education; or
3. that conduct or communication is sufficiently severe, persistent, or pervasive to affect the student's ability to participate in or benefit from an educational program or setting; and
4. is determined to have occurred as a result of an objective review of credible information considering the totality of the circumstances.

Sexual harassment may include but is not limited to the following conduct when such conduct results in substantial disruption to school operations or interference with the rights of others:

1. pressuring any individual for sexual activity;
2. inappropriate touching, especially uninvited or unwelcome patting, pinching or other physical contact that is sexually motivated;
3. using sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational status;
4. creating persistent or pervasive written or graphic material containing sexual comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes.

C. Bullying Harassment: As used in this policy, bullying harassment is physical, written or verbal conduct that is intentional, repeated and deliberately harmful when the conduct substantially disrupts school operations or interferes with the rights of others occurring at a school or District related activity or on District property or school premises operated by the District and:

1. is persistent in affecting a student's ability to participate in or benefit from an educational program or activity, or has the purpose or effect of creating an intimidating, hostile or offensive environment; or
2. has the purpose or effect of interfering with an individual's educational performance; or
3. otherwise adversely affects an individual's educational opportunities; and

NONDISCRIMINATION/HARASSMENT (continued)

4. is determined to have occurred as a result of an objective review of credible information considering the totality of the circumstances,

Bullying harassment may include but not be limited to the following conduct when such conduct substantially disrupts school operations or interferes with the rights of others:

1. physical: shoving, hitting, grabbing an individual, taking or hiding belongings;
2. verbal: taunting, defaming, insulting or using other deliberately inciting remarks;
3. emotional: intimidating, extorting, defaming, terrorizing or blackmailing individuals due to their race, disability, ethnicity, religion, or perceived sexual orientation,

D. Religious Harassment: As used in this policy, religious harassment is conduct that substantially disrupts school operations or interferes with the rights of others by means of physical, written or verbal conduct which is related to an individual's religion or perceived religion occurring at a school or District related activity or on District property or school premises operated by the District and when it:

1. has the purpose or effect of creating an intimidating, hostile or offensive environment; or
2. has the purpose or effect of interfering with an individual's educational performance; or
3. otherwise adversely affects an individual's educational opportunities; and
4. is determined to have occurred as a result of an objective review of credible information considering the totality of the circumstances.

Religious harassment may include but is not limited to the following conduct when such conduct results in substantial disruption to school operations or interference with the rights of others:

1. threatening or intimidating conduct directed at another because of the other's religion or perceived religion;

NONDISCRIMINATION/HARASSMENT (continued)

2. creating written or graphic material including graffiti containing comments, symbols or stereotypes of a religious nature which is posted or circulated and which is aimed at degrading individuals or members of that religion;
3. making taunting, defamatory, threatening or other deliberately inciting remarks towards an individual due to their religion or perceived religion;
4. committing any act of aggression or assault upon another because of, or in a manner related to, religion.

E. Sexual Orientation Harassment: As used in this policy, sexual orientation harassment is conduct that substantially disrupts school operations or interferes with the rights of others by means of verbal, written or physical conduct, directed at the characteristics of a person's sexual orientation or at their sexual orientation, or their perceived sexual orientation, such as taunting and defamation occurring at a school or District related activity or on District property or school premises operated by the District and when the conduct:

1. has the purpose or effect of creating a hostile or substantially disruptive environment; or
2. has the purpose or effect of substantially interfering with an individual's educational performance or access to educational opportunities; or
3. otherwise adversely affects an individual's educational opportunities, and
4. is determined to have occurred as a result of an objective review of credible information considering the totality of the circumstances.

Sexual orientation harassment may include but is not limited to the following conduct when such conduct results in substantial disruption to school operations or interference with the rights of others:

1. threatening or intimidating conduct directed at another because of the other's sexual orientation;
2. creating written or graphic material including graffiti containing comments, symbols or stereotypes which is posted or circulated and which is aimed at degrading individuals based on their sexual orientation;
3. making taunting, defamatory or other deliberately inciting remarks towards an individual based on their actual or perceived sexual orientation at any curricular extracurricular activity;

NONDISCRIMINATION/HARASSMENT (continued)

4. committing any act of aggression or assault upon another because of, or in a manner related to, a person's sexual orientation.

F. Disability Harassment: As used in this policy, disability harassment is conduct that substantially disrupts school operations or interferes with the rights of others by means of harassment based on a person's disabling mental or physical condition, or perceived condition, and includes any verbal, written or physical conduct, directed at demeaning the characteristics of a person's disabling condition, such as mockingly imitating manner of speech or movement, or interference with necessary equipment occurring at a school or District related activity or on District property or school premises operated by the District and when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive environment; or
2. has the purpose or effect of interfering with an individual's educational performance; or
3. otherwise adversely affects an individual's educational opportunities, and
4. is determined to have occurred as a result of an objective review of credible information considering the totality of the circumstances.

Disability harassment may include but is not limited to the following conduct when such conduct results in substantial disruption to school operations or interference with the rights of others:

1. threatening or intimidating conduct directed at another because of a person's disability;
2. creating written or graphic material including graffiti containing comments, symbols or stereotypes which is posted or circulated and which is aimed at degrading individuals based on their disability;
3. making taunting, defamatory or threatening statements or other deliberately inciting remarks due to an individual's disability;
4. committing any act of aggression or assault upon another because of, or in a manner related to, a person's disability.

NONDISCRIMINATION/HARASSMENT (continued)

The Forestville Union School District is committed to its primary purpose of providing a safe educational environment for all students, and is committed to the reporting of any known or suspected sexual abuse of minors, including abuse by and between minors.

Students who harass or discriminate against other students shall be subject to appropriate counseling and discipline, up to and including expulsion. An employee who permits or engages in discrimination or harassment may be subject to disciplinary action, up to and including dismissal.

Any student who feels that he/she is being harassed or discriminated against should immediately contact the principal or designee. The student and/or parent may file a complaint verbally or in writing under the District "Discrimination/Harassment Complaint Procedure" (AR 5145.3). Upon receipt of a harassment complaint, either written or verbal, the Superintendent or designee will be notified by the principal or designee. Complaints of harassment will be investigated immediately according to the procedures set forth in AR 5145.3,

Each elementary and secondary school's student handbook will include a section regarding the District's nondiscrimination/harassment policy and the "Discrimination/Harassment Complaint Procedure". Student handbooks will be reviewed with students at the beginning of each school year, either in the classroom or in student assemblies.

At the start of each school year, this policy will be distributed to parents/guardians.

Legal reference: (see next page)

NONDISCRIMINATION/HARASSMENT (continued)

Legal reference:

CIVIL CODE

200-262.5 Prohibition of discrimination

1714.1 Liability of parents/guardians for willful misconduct of minor

EDUCATION CODE

40 Prohibited sex discrimination

41 School-sponsored athletic programs; prohibited sex discrimination

200-262 Prohibition of discrimination on the basis of sex

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

CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

100.3a Prohibition of discrimination on basis of race, color or national origin

106.8 Designation of responsible employee

106.9 Notification of nondiscrimination on basis of sex

GOVERNMENT CODE

Title VI Civil Rights Act of 1964; name calling based on a person's sexual orientation at any curricular or extracurricular activity

Title VII Civil Rights Act of 1964

Title IX Education Amendments of 1972

Section 504 Rehabilitation Act of 1973

Americans with Disabilities Act of 1990 (Title II)

Age Discrimination Act of 1975

34 Code of Federal Regulations

UNITED STATES CONSTITUTION

Amendment I

COURT DECISIONS

Tinker v. Des Moines Ind. School District, 393 U. S. 503 (1969)

Saxe V. State College Area School District, 240 F 3d 200 (3rd Cir. 2001)

Policy

adopted: April 23, 2002

revised: March 8, 2007

updated: August 14, 2008

FORESTVILLE UNION SCHOOL DISTRICT

Forestville, California

Students

AR 5145.3(a)

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

Any parent or student who sincerely believes that a student has been subjected to discrimination (including harassment) based on race, color, national origin, religion, gender, sexual orientation, or physical or mental disability, or the perception of one or more of such characteristics, in any District program or activity may file a complaint under this procedure.

The District prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, or for participation in complaint procedures.

The District acknowledges and respects students' and employees' rights to privacy. Complaints shall be investigated in a manner that protects these rights. The identity of any complainant shall be kept confidential as appropriate.

The Superintendent shall ensure that employees designated to receive and investigate complaints are knowledgeable about applicable laws and regulations. Such employees may have access to legal counsel as determined by the Superintendent or designee. The District designates the principal or his/her designee as the person at each school responsible for receiving and investigating complaints pursuant to this policy.

The District administrator responsible for overseeing the District's response to harassment/discrimination of students is:

Assistant Principal/Student Services

HOW TO FILE A COMPLAINT

Our schools are committed to providing a safe learning environment for all students. Any student who believes that he/she has been subjected to discrimination or harassment (including bullying, intimidation, or retaliation) based on race, color, national origin, religion, gender, sexual orientation, or physical or mental disability in any District program or activity should immediately contact the school principal to file a complaint. Any parent can contact the school principal to file a discrimination/harassment complaint on behalf of their child. The following steps will be taken when a complaint is filed:

Procedures

1. The principal or designee shall promptly investigate all complaints of

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE (continued)

discrimination or harassment in a confidential and respectful manner. In doing so, he/she shall talk individually with:

- a. The parent of the complainant, pursuant to board policy and procedure
 - b. The student who is complaining
 - c. The person accused
 - d. Anyone who saw the incident or conduct take place
 - e. Anyone mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence, and put his/her complaint in writing.
3. If the principal or designee determines that discrimination/harassment has taken place, he/she will take immediate action to protect the safety of the student who has been discriminated against or harassed. To judge the severity of harassment, the principal may take into consideration:
- a. How the misconduct affected one or more students' education
 - b. The type, frequency, and duration of the misconduct
 - c. The number of persons involved
 - d. The age and sex of the person accused of harassment
 - e. The subject(s) of harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school, including incidents of discrimination/harassment

Nothing in this procedure will restrict or prohibit the right of an employee to seek representation in any investigative meeting, pursuant to the collective bargaining agreements with employee groups.

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE (continued)

4. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. The parent/guardian of the person accused of the discrimination or harassing conduct
 - c. The school resource officer(s)
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports
 - f. Legal counsel for the District
5. When the parent or student who complained and the person accused so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be forced to work out the problem directly with the accused person unless such help is also provided.
6. In reaching a decision about the complaint, the principal or designee may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of past instances of discrimination or harassment by the accused person
 - e. Evidence of past complaints
7. If the principal or designee determines that discrimination/harassment has taken place, he/she will implement interventions (during and/or following the investigation, as appropriate) to prevent further discrimination/harassment

DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE (continued)

and/or mitigate the effects of the discrimination/harassment. These interventions may include, but are not limited to, a review of policy with students and staff and/or letter(s) to parents, counseling for the victim, schedule changes, increased supervision, among other steps.

Within 10 days of receiving the complaint, the principal or designee shall write a report of his/her findings, decisions, and reasons for the decisions and shall present this report to the student who complained and the person accused. If he/she verifies that discrimination/harassment occurred, this report shall describe the actions he/she took to end the harassment, address the effects of the discrimination or harassment on the person who was subject to it, and prevent retaliation or further discrimination or harassment.

8. The principal or designee shall give the Superintendent or designee a written report (findings) of the complaint and investigation. Within two weeks after issuing his/her findings, the principal or designee shall determine whether or not the student who complained has been further harassed or discriminated against. The principal or designee shall keep a record of this information and shall continue to monitor as appropriate.

Legal Reference

EDUCATION CODE

200-262.5 Prohibition of discrimination

GOVERNMENT CODE

Title VI Civil Rights Act of 1964

Title VII Civil Rights Act of 1964

Title IX Education Amendments of 1972

Section 504 Rehabilitation Act of 1973

Americans with Disabilities Act of 1990 (Title II)

Age Discrimination Act of 1975

34 Code of Federal Regulations

Regulation

adopted: April 23, 2002

revised: March 8, 2007

updated: August 14, 2008

FORESTVILLE UNION SCHOOL DISTRICT

Forestville, California

3. Statement and description by witness(es)-(additional pages may be attached)

4. Statement and description of the accused perpetrators:

7. The names of the perpetrators:

8. What was the scope and severity of the behavior?

9. Harm to victim(s) if any:

10. Remedial action taken:

Conflict resolution

Disciplinary actions

Counseling for the victim

Resources provided to perpetrator(s)

Other

11. Notice to complainants about findings of investigation:
