**Students** BP 5145.3(a)

**NONDISCRIMINATION/HARASSMENT**

College and Career Advantage (CCA) programs and activities shall be free from discrimination, including harassment, with respect to a student’s actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age or sexual orientation.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

The Governing Board shall ensure equal opportunities for all students in admission and access to the educational program, guidance and counseling programs, athletic programs, testing procedures, and other activities. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in instruction, guidance and supervision.

*(cf. 6164.2 - Guidance/Counseling Services)*

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the ROP. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges.

*(cf. 5145.2 - Freedom of Speech/Expression)*

*(cf. 5145.7 - Sexual Harassment)*

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

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 5131 - Conduct)*

*(cf. 5144 - Discipline)*

The Board hereby designates the following position(s) as Coordinator(s) for Nondiscrimination to handle complaints regarding discrimination and inquiries regarding the ROP’s nondiscrimination policies:

Executive Director or Director of Curriculum & Instruction

33122 Valle Road

San Juan Capistrano, CA 92675

949-234-9477

*(cf. 1312.1 - Complaints Concerning ROP Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

Any student who feels that he/she is being harassed should immediately contact the Coordinator for Nondiscrimination, the Executive Director or any other staff member. Any student who observes

 BP 5145.3(b)

**NONDISCRIMINATION/HARASSMENT** (continued)

an incident of harassment should report the harassment to a school employee, whether or not the victim files a complaint.

Employees who become aware of an act of harassment shall immediately report the incident to the Coordinator for Nondiscrimination. Upon receiving a complaint of discrimination or harassment, the Coordinator shall immediately investigate the complaint. Where the Coordinator finds that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and address its effects on the victim.

The Coordinator shall also advise the victim of any other remedies that may be available. The Coordinator shall file a report with the Executive Director or designee and refer the matter to law enforcement where required.

*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*

*CODE OF REGULATIONS, TITLE 5*

*4621 District policies and procedures*

*4622 Notice requirements*

*PENAL CODE*

*422.55 Interference with constitutional right or privilege*

*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*

 BP 5145.3(c)

**NONDISCRIMINATION/HARASSMENT** (continued)

*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*

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| Policyadopted: August 28, 2008revised: February 1, 2024 | **COLLEGE AND CAREER ADVANTAGE**San Juan Capistrano, California |