

Policy 5145.3: Nondiscrimination/Harassment

Status: ADOPTED

Original Adopted Date: 08/20/2008 | **Last Revised Date:** 06/07/2023 | **Last Reviewed Date:** 06/07/2023

The West Contra Costa Unified School District Board of Education, hereinafter referred to as the Board, is committed to equal opportunity for all individuals in education within a safe school environment that allows all students equal access and opportunities to all of the district's programs and activities, including academic programs, educational support, services, and enrichment activities.

The Board is committed to providing a safe educational environment and positive school climate to all students. In the West Contra Costa Unified School District, all students have the right to be educated in a positive and safe environment that is free from harassment and discrimination.

The Board is committed to providing a safe school environment that allows all students equal access and opportunities in the District's academic and other educational support programs, services, and activities.

The Board prohibits, at any district school, school activity, or attendance within a school under the jurisdiction of the superintendent of the school district, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, immigration status, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or gender expression; the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics. For questions or complaints, contact Equity Compliance Officer|Title IX Coordinator: Jose Espinoza, 1108 Bissell Avenue, Richmond, CA 94801, (510) 231-1118, email: jespinoza2@wccusd.net, and Section 504 Coordinator: Darlene Almeida, 3000 Parker Road, Richmond, CA 94806, (510) 307-4630, email: dalmeida@wccusd.net.

Gender identity is a person's personal sense of gender (e.g., being a boy or a girl), which may or may not be the same as their biological sex at birth. For transgender persons, the sex at birth (i.e., male or female) does not match their own internal sense of their gender identity. Since gender identity is internal, it isn't necessarily visible to others. Gender expression is a person's external manifestation of their gender identity. Gender expression is visible to others - it's the way a person expresses their gender identity through clothing, behavior, posture, mannerisms, speech patterns, activities and more.

The Board prohibits discrimination or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to conduct that interferes with student's ability to participate in or benefit from school services, activities or privileges.

The Board hereby designates the following person as Compliance Officer to handle complaints regarding discrimination and inquiries regarding the district's nondiscrimination policies:

Jose Espinoza
Director, Office of Educational Equity | Title IX Coordinator | Equity Compliance Officer
1108 Bissell Avenue,
Richmond, CA 94801
Tel: (510) 231-1118
Email: jespinoza2@wccusd.net

Any student who feels they are being or have been harassed while on school grounds, while going to or coming from school, while at school activities on or off school grounds, while on district transportation, or while otherwise in a district program or activity is encouraged to immediately contact a teacher or any other employee. Any student who observes an incident of harassment should report the harassment to a school employee, whether or not the victim files a complaint.

An employee who receives such a complaint, otherwise becomes aware, or personally observes possible harassment shall intervene when it is safe to do so and immediately report it to the District's Compliance Officer or the principal or vice principal of the relevant school site. Such reports will be processed in accordance with Administrative Regulation 5145.7.

adopted: August 20, 2008

revised: March 26, 2014

revised: April 23, 2014

revised: October 17, 2018

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor - https://simbli.eboardsolutions.com/SU/NSknepEduiYWusJFnU3r9Q==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 48900.3	Suspension or expulsion for act of hate violence - https://simbli.eboardsolutions.com/SU/TbEb6tizJ9UjTrGDceluHw==
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation - https://simbli.eboardsolutions.com/SU/MUr3O32UqydHbdf2UJrQw==
Ed. Code 48904	Liability of parent/guardian for willful student misconduct - https://simbli.eboardsolutions.com/SU/HuoUSHfesn0eJY8nP1JfrA==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnrLBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPIoTFejGslshDadJ4g==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==
Ed. Code 49020-49023	Athletic programs - https://simbli.eboardsolutions.com/SU/ID9M5yIWFtGKE0KgInhCAg==
Ed. Code 49060-49079	Student records - https://simbli.eboardsolutions.com/SU/48PbpM8vuGlggyF7weQSbw==
Ed. Code 51500	Prohibited instruction or activity - https://simbli.eboardsolutions.com/SU/8PftogQddGHWag4KsriB4A==
Ed. Code 51501	Prohibited means of instruction - https://simbli.eboardsolutions.com/SU/txGfKL89VkvCW7IFg8Emtw==
Ed. Code 60044	Prohibited instructional materials - https://simbli.eboardsolutions.com/SU/47yyslshLPfayieNRsfjYPDw==
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Pen. Code 422.55	Definition of hate crime - https://simbli.eboardsolutions.com/SU/EXmP7bT1slshj3qOjaM9qTkHA==
Pen. Code 422.6	Crimes; harassment - https://simbli.eboardsolutions.com/SU/vVSJrxnKuuauWDFn4F58wg==

Federal References

	Description
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
29 USC 794	Rehabilitation Act of 1973; Section 504

34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin
34 CFR 104.7	Section 504; Designation of responsible employee and adoption of grievances procedures
34 CFR 104.8	Notice of Nondiscrimination on the Basis of Handicap
34 CFR 106.8	Designation of coordinator; dissemination of policy, and adoption of grievance procedures
34 CFR 106.9	Severability
34 CFR 110.25	Prohibition of discrimination based on age
34 CFR 99.31	Disclosure of personally identifiable information
42 USC 12101-12213	Americans with Disabilities Act
42 USC 2000d-2000e-17	Title VI and Title VII Civil Rights Act of 1964, as amended
42 USC 2000h-2-2000h-6	Title IX of the Civil Rights Act of 1964
42 USC 6101-6107	Age Discrimination Act of 1975

Management Resources References

Description

CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018
Court Decision	Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
CSBA Publication	Updated Legal Guidance: Protecting Transgender and Gender Nonconforming Students Against Sex Discrimination, March 2017
First Amendment Center Publication	Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006
U.S Dept of Ed Office for Civil Rights Publication	Resolution Agreement Between the Arcadia USD, US Dept of Ed, OCR, & the US DOJ, CRD, (2013) OCR 09-12-1020, DOJ 169-12C-70
U.S. Dept. of Health & Human Services Publication	Guid. to Fed Fin. Assist. Recipients Re. Title VI Prohibition Against Nat'l Origin Discrimination Affect Limited English Proficient Persons, Aug. 2013
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016
U.S. DOE, Office for Civil Rights Publication	Notice of Non-Discrimination, Fact Sheet, August 2010
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	First Amendment Center - https://simbli.eboardsolutions.com/SU/jzlfta62CjSCuo68JOXF1w==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Safe Schools Coalition - https://simbli.eboardsolutions.com/SU/WemZSI34fz0YvWHUM4trDg==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==

Cross References**Description**

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/KsjDUyplusN6usWAHaLYsWSplusg==
0415	Equity - https://simbli.eboardsolutions.com/SU/i43w754rYf8plvtvtfJ4Q==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/3sEgordpNAd9pitTHk0IIA==
1240	Volunteer Assistance - https://simbli.eboardsolutions.com/SU/7ON7yfPNplusm1kMfPYtVtrCA==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/vpJUf4IVhOMgpd3vvd3IKA==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/vSvdEh24ID2XLEUslshVBf3ww==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jTXa27ru6jYMNEnhEslshd46A==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sAne3rlX9rujnAiEpaecYA==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/6lLv0bXplus9cHcnDplusldG6SfQ==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/lg6tM2aapPtfqrBZHgLg==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/jG3bjl8Dddh50ldxbvyMNg==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/qslnhBplslshARXUyk5I9XcQZmg==
3530	Risk Management/Insurance - https://simbli.eboardsolutions.com/SU/L8bPwHIX7E3YlzoBXW88kg==
3553	Free And Reduced Price Meals - https://simbli.eboardsolutions.com/SU/pt0ITHxZWe59KpYnk746jQ==
3580	District Records - https://simbli.eboardsolutions.com/SU/Q4SOT7Fy6j1GBob91sX2sw==
3580	District Records - https://simbli.eboardsolutions.com/SU/5U4plus7xdcRpBfqKAE8LAIRQ==
4112.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/Ma5gG7Aazys0mlH3H7yXA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/FStvdhtDr0Q0u5KlCWHR5g==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/3UgpoC1fW4B1plus2Vwx5Mi4g==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/JKZe3DTplusjf1A4fk0sLYOQ==
4119.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/JPgkejH10RWqtPkKbr0JVg==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/BWkeN4McHiPJshe7LmjMEg==
4212.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/77NB0h5QJGalIKgpxNLZsQ==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/N7WDSUsIshMSslshiWDtjRvnABvQ==
4219.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/KCS5EibPZqmgiOBiOamslshoA==

4231	Staff Development - https://simbli.eboardsolutions.com/SU/wGPBPx9gl7eBfzF0yOdX7A==
4312.9	Employee Notifications - https://simbli.eboardsolutions.com/SU/WV5XeHfYulX2qnhL8Y3fgw==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/q3BODXEgNMIVyh72120fGQ==
4319.23	Unauthorized Release Of Confidential/Privileged Information - https://simbli.eboardsolutions.com/SU/knQhFWppRPjaAWplus5RZDplusXQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/xsmtm0shCslshTTcVYM8pT1tg==
5000	Concepts And Roles - https://simbli.eboardsolutions.com/SU/tEgLVQZR9t1vkvPm3xw9Xw==
5030	Student Wellness - https://simbli.eboardsolutions.com/SU/yZBNhTn9zdWmM0st9XKBwA==
5111	Admission - https://simbli.eboardsolutions.com/SU/CvZPyrxqREkE5hffUeqKWw==
5125	Student Records - https://simbli.eboardsolutions.com/SU/U4kF2zgdMVIPIJYFUA6RVA==
5125	Student Records - https://simbli.eboardsolutions.com/SU/iDwPg9FuBfTzgMJbMkkoDQ==
5125.1	Release Of Directory Information - https://simbli.eboardsolutions.com/SU/vhSFovnl8cNlslsho73l4Ze8Q==
5131	Conduct - https://simbli.eboardsolutions.com/SU/7hteKnTueOT1nW4gVUjCjQ==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/XpluspMTmZwxl379NWXVZavCw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/gF7CM9GY0HNQslshVUYQslshuqFw==
5132	Dress And Grooming - https://simbli.eboardsolutions.com/SU/ZNRTMoyhic33AKz6iX5uSg==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/mH9XP7TAyfs5gG16b4MYyg==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/HJoEtYhdB6TXnNnvUwxl3g==
5141.27	Food Allergies/Special Dietary Needs - https://simbli.eboardsolutions.com/SU/Vczr7TeF3XkCMqzyCWWScw==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/hlg1Ny7iuXwRzLmsrhwEIA==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/FCRBgg2YtjQxe1XWqmqMMw==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/X8dYplus3y0KOM9ynCaH0OvNQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/arzB6j956FQB9ZVpuPXrdg==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/cL7VGO0gOAB8Uq0LwYnlVQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/YbZmIEgZM69ECslshslsh0Lm8plusplusA==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/F6slshdw9TuqpbVmzn9adoTIQ==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/tEHCaclpOjlvpa2efd0FNA==

5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/rTVEGjuSslshzZjHaDyg71w==
5145.6	Parent/Guardian Notifications - https://simbli.eboardsolutions.com/SU/9C8WoofUSOslshxDQlpm0QhyQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/rBQeKJ8CuSK3Vs2ghQlp6A==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/8uQACoOGLQW90jy5rRhSVw==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/d0GfkpEwPcjQBNt5WbT4Q==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/9VqcQFGQvtC93eHXkr8uFg==
5146	Married/Pregnant/Parenting Students - https://simbli.eboardsolutions.com/SU/YmJslshJcPslsh3ZefYqmjlGdfiw==
6142.1	Sexual Health And HIV/AIDS Prevention Instruction - https://simbli.eboardsolutions.com/SU/eAplus10cSE8xpG5pMJfyDMpw==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/51jD3XTslsh3lp6JOLqHKxWIA==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/KxhqbsO5qxQJplusDEZxjCndQ==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/wTGAooyS1lg9S8K8MCaiJw==
6145	Extracurricular And Cocurricular Activities - https://simbli.eboardsolutions.com/SU/VbMmUulRE4mNN5BvoFh0Ag==
6145.2	Athletic Competition - https://simbli.eboardsolutions.com/SU/NzSssODr4DFgKRGKKbxC5A==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/DGdUMrSBwf1T5eXac6NCpw==
6159.4	Behavioral Interventions For Special Education Students - https://simbli.eboardsolutions.com/SU/4NlkQDDplpyYFA9E2FvoVg==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/sYc1GUunbWU43SBERZYebA==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/KLJx2omqwfVvFrhclIY3IQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/ULy61SPu3ykXzwHDslsh6bLWw==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/WW8plus8ZVtEZLLpU2ljJS7pg==