

# **Berkeley USD**

## **Board Policy**

### **Nondiscrimination/Harassment**

BP 5145.3

#### **Students**

##### Philosophy and Beliefs

District programs and activities shall be free from discrimination and harassment of students with respect to their actual or perceived sex, gender, transgender or gender-identity non conforming, socio-economic status, their race, color, religion, ancestry, national origin, ethnic group identification, physical or mental disability, age, sexual orientation, marital or parental status.

Members of the school community are expected to treat each other with dignity and mutual respect and to honor the rich diversity that makes up the community. Disrespect among members of the school community is disruptive to the learning environment and potentially damaging to students' well-being, self-esteem and academic achievement. Students should therefore treat all persons equally and respectfully and refrain from the willful or negligent use of slurs against any person based on actual or perceived sex, gender identity, race, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, age, or sexual orientation. Discrimination or harassment can take many forms, formal or informal, verbal, visual, written or physical, and as such, is prohibited at all times.

The Governing Board desires to provide 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 or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, 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.

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 curricular or co-curricular. School staff and volunteers shall carefully guard against segregation, bias and stereotyping in the delivery of all services and programs and respond appropriately to ensure schools are free from discrimination and harassment.

The Board recognizes that students' respect for, and understanding of, the various, diverse and wide variety of family structures within our community can help to eliminate discrimination and harassment within the school. As such, curriculum, instruction and activities that promote the inclusion of all types of students and families should be encouraged and welcomed.

### Procedures and Process

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.

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. 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 and to bring to the attention of school personnel the instances of discrimination. Harassment complaint forms and complaint procedures will be available at every school site.

The Board also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

Any student who feels that he/she is being harassed should immediately contact either the nondiscrimination coordinator or the principal or designee. If a situation involving harassment is not promptly remedied by the nondiscrimination coordinator, principal or designee, a complaint may be filed with the Superintendent or designee who shall determine which complaint procedure is appropriate.

The Board hereby designates the following position as Coordinator for Nondiscrimination:

Dana Clark, Compliance Officer/Title IX Coordinator  
2020 Bonar Street, Room 116  
(510) 486-9338  
nondiscrimination@berkeley.net

## Facilities and Accommodations

The schools shall provide male and female students with separate shower rooms in order to protect student modesty. In physical education, when objective standards have an adverse effect on students because of any of the factors listed in the first part above, other standards shall be used to measure achievement and create comparable educational opportunities. Steps should be taken by all staff to recognize the consistently asserted gender differences of students who are transgender and non-conforming, and protect and ensure their safety while in school.

Policy    BERKELEY UNIFIED SCHOOL DISTRICT  
adopted: May 5, 2004   Berkeley, California  
revised: February 1, 2006  
revised: October 24, 2007  
revised: February 13, 2013  
revised: XX-XX-XXXX