

Policy Adopted: 5/31/2022

Revised: 4/15/2024

Section V Students

Article XIII Nondiscrimination, Harassment, Intimidation, Bullying

The UCEN Board/Oasis Charter Public School (OCPS) recognizes the need to create and maintain a learning environment where students and employees are treated with dignity, decency, and respect in accordance with Safe Place to Learn Act and their right to a free public education regardless of immigration status or religious beliefs.

The school strictly prohibits, discrimination, harassment (including sexual harassment), intimidation and bullying at all levels to create an environment free from all forms of discrimination, harassment (including sexual harassment), intimidation, and bullying, based on the following characteristics, whether actual or perceived: age, ancestry, ethnicity, parental status, pregnancy status, color, mental or physical disability, gender, gender identity, gender expression, genetic information, immigration status, marital status, medical information, nationality, race, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics and/or any other legally protected category is unlawful and undermines the character and purpose of the school.

Such discrimination, harassment (including sexual harassment), intimidation, or bullying violates school policy and will not be tolerated. This policy applies to anyone on school campus or anyone attending school sponsored activities or any other situation that is under the jurisdiction of the school.

Any form of retaliation against anyone who has complained or formally reported discrimination, harassment, intimidation or bullying or against anyone who has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated and violates this policy and the law.

Allegations of sexual harassment by employees may be processed internally through the school's Uniform Complaint Procedure (UCP) but may eventually be referred to the Department of Fair Employment and Housing.

If the school possesses information that could indicate immigration status, citizenship status or national origin information, the school shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school. If parents/guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status or national origin information, the school shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.

Each year, the school shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. The school shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training shall provide school personnel with the skills to do the following:

- Discuss the varying immigration experiences among members of the student body and school community.
- Discuss bullying-prevention strategies with students and teach students to recognize the behavior and characteristics of bullying perpetrators and victims.
- Identify the signs of bullying or harassing behavior.
- Take immediate corrective action when bullying is observed; and
- Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.
- Discuss if a person believes they are being harassed, bullied, sexually harassed, intimidated or feeling retaliated against, they have the right to tell the person that their comments and/or behavior is offensive and to tell them to STOP.
- All personnel should know that they have a responsibility to intervene and take immediate steps when it is safe to do so whenever they witness any form of harassment, intimidation, retaliation and or bullying.

Parental Notification

Each year, the school shall notify parents/guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to the "Know Your Rights" immigration enforcement established by the California Attorney General. The school shall also inform students who are the victims of hate crimes of their right to report such crimes.

Definitions

Discrimination

Discrimination is adverse treatment of any person based on the protected class from participating or benefiting from school activities or services.

Harassment

Harassment is unwelcome verbal or physical conduct prohibited by law directed toward, or differential treatment of, a student because of their membership (or perceived membership) in any protected group or on any other prohibited basis. The harasser can be a student, a school official or employee, or someone who is not an employee of the school, such as a vendor or parent.

of Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, name calling, degrading, or ridiculing another person or group.
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes epithets or demands;
- Physical assault or stalking;
- Displays or electronic transmission of derogatory, demeaning, or hostile materials; and
- Graphic and written statements, which may include use of cell phones or the Internet.

Harassment does not have to include intent to harm, be directed at a specific target or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent to interfere with or limit a student's ability to participate in or benefit from the services, activities or opportunities offered by the school.

Sexual Harassment

Sexual harassment is a form of harassment based on sex, including sexual harassment, gender harassment and harassment based on pregnancy, childbirth or related medical conditions, gender identity, gender expression, and sexual orientation. It generally involves unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of violations:

- Unwanted sexual advances;
- Offering educational benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of suggestive objects or pictures, cartoons, or posters;
- Verbal conduct: making or using derogatory comments, epithets, slurs and jokes;
- Verbal sexual advances or propositions;
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive, or obscene letters, notes or invitations; and
- Physical conduct: touching, assault, impeding or blocking movements.

Intimidation

Intimidation includes adverse actions intended to fill another with fear; to overawe or cow, as through force of personality or by superior display of wealth, talent, etc., or to force another into or deter from some action by inducing fear.

Bullying

Bullying may take place in a variety of hostile acts that are carried out repeatedly over time. The acts involve a real or perceived imbalance of power, with the more powerful child or group attacking those who are less powerful. It may be physical (hitting, kicking, spitting, pushing), verbal (taunting, malicious teasing, name calling, threatening), or psychological (spreading rumors, manipulating social relationships, or promoting social exclusion, extortion, or intimidation). Bullying is any severe or pervasive action or conduct directed toward one or more students that have the effect of one or more of the following:

- 1) places a reasonable student in fear of harm to that student's person or property;
- 2) causes a reasonable student to experience a substantially detrimental effect on his or her physical or mental health;
- 3) causes a reasonable student to experience substantial interference with his or her academic performance;
- 4) causes a reasonable student to experience interference with his or her ability to participate in or benefit from the services, activities or privileges provided by the school.

Other types of bullying:

- **Sexual bullying** includes many of the actions typical of bullying behavior with the added actions of exhibitionism, voyeurism, sexual propositioning, sexual harassment and sexual abuse (touching, physical contact, sexual assault).
- **Bias or hate-motivated bullying** is a basic bias against or hate for a person or group. Examples include taunting one's race, religion, national origin, sexual orientation, or physical or mental disabilities. The bullying behavior may also be aggressive, antagonistic, and assaultive.
- **Hazing** is a form of aggressive behavior that usually involves intimidation and humiliation during an initiation for a student organization or body, club, group, or sports team. It may involve conduct that is likely to cause serious bodily injury or personal degradation or disgrace resulting in physical or mental harm to a former, current, or prospective pupil. Hazing does not include athletic events or school-sanctioned events.
- **Cyberbullying** involves bullying conduct that is created or transmitted by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer or pager communicating any of the following:
 - 1) a message, text, sound or image;

2) a post on a social network Internet Web site, including a “Burn Page,” an impersonation of another student, and a false profile.

- **Cyber sexual bullying** involves dissemination of, or the solicitation or incitement to disseminate, a photograph or other visual recording by a student to another student or to school personnel by means of an electronic act that has or can be reasonably predicted to have one or more effects described in (1) – (4) above. A photograph or other visual recording shall include the depiction of a nude, semi-nude, or sexually explicit photograph or other visual recording of a minor where the minor is identifiable from the photograph, visual recording, or other electronic act.

Social media bullying involves bullying through forums for social media, such as internet websites with free registration and ease of registration, internet websites offering peer-to-peer instant messaging (such as Snapchat, Tox, FireChat, Orbit, Bleep), internet websites offering comment forums (such as FaceBook, Twitter, Reddit) and internet websites offering image or video posting platforms (such as YouTube, Instagram, Twitch, Imgur).

Retaliation

Retaliation is any adverse action taken against a student because they filed a charge of harassment, discrimination, intimidation or bullying complaint to the school or another agency or participated in an investigation about the same (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived harassment, discrimination, intimidation or bullying. Retaliation of any kind or sort is strictly prohibited.

Reporting Discrimination, Harassment, Intimidation, Bullying or Retaliation

Any student who believes that he or she has been the victim of discrimination, harassment, intimidation, bullying, or retaliation prohibited by this policy, or any student who has witnessed such discrimination, harassment, intimidation, bullying or retaliation, should immediately report the circumstances in accordance with the procedure set forth below. The school will investigate any conduct that violates this policy, even in the absence of a complaint, and take remedial action where appropriate.

A student may make a complaint, written or oral, to any of the individuals listed below:

- Their teacher, school counselor or other school personnel
- The Executive Director or designee of the school

Complaints may be submitted to the Executive Director or designee by any of the following methods:

Natalie Zayas, Executive Director, Title IX Coordinator

1135 Westridge Drive
Salinas, California

Phone: 1-831-424-9003

Email: info@oasischarterpublicschool.org

Any teacher, school counselor or other school employee that receives any complaints of misconduct, or personally observes, learns about from others, or reasonably suspects has occurred, shall report the same to the Executive Director or designee so that the school may attempt to resolve the claim internally. Any school personnel that witness an act of discrimination, harassment, intimidation, bullying or retaliation shall take immediate steps to intervene when it is safe to do so. If such an act committed by the Executive Director can be submitted to the Executive Director's designee or to the Board President. The discretion to investigate the allegation will be determined.

Investigation and Disposition of Complaints

The school shall conduct a prompt, thorough and impartial investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. The investigation, conducted by a qualified investigator(s) (who may be a school employee), will include an interview with the alleged student-victim and their parent(s)/guardian(s). It may also include interviews with the person who made the initial report, the complainant (if not the alleged victim), the alleged wrongdoer and/or any other person who may have information to cooperate with any investigation. The investigator may also review any relevant documents.

The school will work to complete its investigation within thirty (30) school days. If the investigator determines that an investigation may take longer than the (30) school days and needs to be delayed or extended due to good cause, the Executive Director or designee will inform the complainant of the reasons for the delay or extension and provide an approximate date when the investigation will be complete.

Confidentiality

The school shall ensure that all complainants are protected from retaliation and that the identity of a complainant remains confidential as appropriate unless otherwise required by law. The school shall ensure confidentiality with respect to a student's or family's immigration status unless otherwise required by law.

The investigator (if a third party) will report their findings to the Executive Director or designee and/or Board of Directors. Where the investigator concludes that a violation of this policy has occurred, the Executive Director or designee and/or Board of Directors will take prompt and appropriate corrective action(s), including disciplinary action whenever necessary and appropriate. Depending upon the circumstances, disciplinary action may include, but is not limited to suspension and/or recommendation for expulsion. Discipline for a violation of this policy is not progressive, so a first violation of this policy may warrant suspension or a recommendation for expulsion.

Every complaint will constitute the creation of an investigation file. The investigation file will consist of the initial complaint, the final investigative report, including a record of the

remedial action to be taken, if any, and all documents created, used, or reviewed during the investigation and shall be maintained for a minimum of 12 months.

Appeal Process

At the conclusion of the investigation, the Executive Director or designee shall notify the complainant of the resolution. If, within (5) days after notification of resolution, the complainant does not agree with the resolution, the complainant may appeal the matter to the Board of Directors of the school by filing a notice of appeal stating the reasons for the appeal and specific disagreement with the school's resolution of the complaint. The OCPS Board of Directors will review the appeal and render a decision. The Board's decision will be considered final.

Sexual Harassment Poster

The school shall create a poster that notifies pupils of the applicable written policy on sexual harassment. The poster shall display, at a minimum, all of the following: 1) The rules and procedures for reporting a charge of sexual harassment; 2) The name, phone number and email address of an appropriate school official to contact to report a charge of sexual harassment; 3) The rights of the reporting pupil, the complainant, and the respondent and the responsibilities of the School in accordance with the School's written policy on sexual harassment.

The poster shall be prominently and conspicuously displayed in public areas at the school site that are accessible to, and commonly frequented by students, including, but not limited to staff lounges, school offices, classrooms, classroom hallways, and cafeteria. This policy Nondiscrimination, Harassment, Intimidation and Bullying shall be posted on the school's internet website in a manner that is easily accessible to parents/guardians/students.