

RACIAL HARASSMENT: STUDENTS

(See , GAACA, GAAD, GAF, JDDC and KN)

The board of education is committed to providing a positive and productive learning and working environment, free from discrimination, including harassment, on the basis of race, color or national origin. Discrimination or harassment on the basis of race, color or national origin (“racial harassment”) shall not be tolerated in the school district. Racial harassment of employees or students of the district by board members, administrators, certificated and support personnel, students, vendors and any others having business or other contact with the school district is strictly prohibited.

Racial harassment is unlawful discrimination on the basis of race, color or national origin under Titles VI and VII of the Civil Rights Act of 1964, and the Kansas Acts Against Discrimination. All forms of racial harassment are prohibited at school, on school property and at all school-sponsored activities, programs or events. Racial harassment against individuals associated with the school is prohibited, whether or not the harassment occurs on school grounds.

It shall be a violation of this policy for any student, employee or third party (visitor, vendor, etc.) to racially harass any student, employee or other individual associated with the school. It shall further be a violation for any employee to discourage a student from filing a complaint, or to fail to investigate or refer for investigation, any complaint lodged under the provisions of this policy.

Racial Harassment is racially motivated conduct which:

1. Affords a student different treatment, solely on the basis of race, color or national origin, in a manner which interferes with or limits the ability of the student to participate in or benefit from the services, activities or programs of the school;
2. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of creating a hostile academic environment; or
3. Is sufficiently severe, pervasive or persistent so as to have the purpose or effect of interfering with a student’s academic performance or ability to participate in or benefit from the services, activities or programs of the school.

Racial harassment may result from verbal or physical conduct or written graphic material.

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The district encourages all victims of racial harassment and persons with knowledge of such harassment to report the harassment immediately. The district will promptly investigate all complaints of racial harassment and take prompt corrective action to end the harassment.

Any student who believes he or she has been subject to racial harassment or has witnessed an act of alleged racial harassment should discuss the alleged harassment with the building principal, another administrator, the guidance counselor or another certified staff member. Any school employee who receives a complaint of racial harassment from a student shall inform the student of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal. If the building principal is the alleged harasser, the complaint shall be reported to the district compliance coordinator. The building principal shall discuss the complaint with the student to determine if it can be resolved. If the matter is not resolved to the satisfaction of the student in this meeting, the student may initiate a formal complaint under the district's discrimination complaint procedure. (See KN)

Complaints received will be investigated to determine whether, under the totality of the circumstances, the alleged behavior constitutes racial harassment under the definition outlined above. Unacceptable student conduct may or may not constitute racial harassment, depending on the nature of the conduct and its severity, pervasiveness and persistence. Behaviors which are unacceptable but do not constitute harassment may provide grounds for discipline under the code of student conduct. The discipline of a student for violation of any provision of the code of student conduct may be enhanced if the conduct is racially motivated.

An employee who witnesses an act of racial harassment shall report the incident to the building principal. Employees who fail to report complaints or incidents of racial harassment to appropriate school officials may face disciplinary action. School administrators who fail to investigate and take appropriate corrective action in response to complaints of racial harassment may also face disciplinary action.

When a complaint contains evidence of criminal activity or child abuse, the compliance coordinator shall report such conduct to the appropriate law enforcement or SRS authorities. (See GAAD)

To the extent possible confidentiality will be maintained throughout the investigation of a complaint. The desire for confidentiality must be balanced with the district's obligation to conduct a thorough investigation, to take appropriate corrective action or to provide due process to the accused.

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The filing of a complaint or otherwise reporting racial harassment shall not reflect upon the student's status or grades. Any act of retaliation against any person who has filed a complaint or testified, assisted or participated in an investigation of a racial harassment complaint is prohibited. Any person who retaliates is subject to immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee.

False or malicious complaints of racial harassment may result in corrective or disciplinary action against the complainant.

A summary of this policy and related materials shall be posted in each district facility. The policy shall also be published in student, parent and employee handbooks as directed by the district compliance coordinator. Notification of the policy shall be included in the school newsletter or published in the local newspaper annually.