



## **Staff Nondiscrimination Policy**

The San Diego Cooperative Charter School (SDCCS) is committed to equal opportunity for all students and all staff.

It is school policy that no one shall be treated differently, separately, or have any action directly affecting him or her taken on the basis of race, religion, national origin, marital status, sex, sexual orientation, gender identity, or disability where a person is otherwise qualified or could be with reasonable accommodation.

The immediate remedy for any act of discrimination shall be to end it, treat the individual equally, and, as much as practically possible, to eradicate any effects of discrimination. Discipline should be imposed where appropriate.

This extends to all employees and to all aspects of the employment relationship, including the hiring of new employees and the training, transfer, promotion, compensation, and benefits of existing employees. This policy prohibits discrimination consists of any adverse employment action, including termination or denial of promotion, job assignment, or training, based on any of the prohibited categories of discrimination listed above. Harassment consists of any unwelcome verbal, physical, or visual conduct that is based on any of the prohibited categories of discrimination listed above and that is so severe and pervasive that it adversely affects an individual's employment opportunities, has the purpose or effect of unreasonably interfering with the individual's work performance, or creates an intimidating, hostile, or offensive work environment. The Board also prohibits retaliation against any employee or job applicant who complains, testifies, assists, or in any way participates in the SDCCS's complaint procedures instituted pursuant to this policy. Any employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal. For any concerns or complaints regarding discrimination, harassment, intimidation, or bullying please contact the Executive Director of San Diego Cooperative Charter School.

### COMPLAINT INVESTIGATION

The staff member, position, or unit responsible to receive and investigate UCP complaints and ensure our compliance in our agency is knowledgeable about the laws and programs assigned

to investigate. San Diego Cooperative Charter School will investigate all allegations of unlawful discrimination, harassment, intimidation or bullying against any protected group as identified in ECSection 200 and 220 and Government Code (GC) Section section 11135, including any actual or perceived characteristics as set forth in Penal Code (PC)Section 422.55 or on the basis or a person's association with a person or group with one or more of these actual or perceived characteristics in any program or activity we conduct, which is funded directly by, or that receives or benefits from any state financial assistance. Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. We advise complainants of the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws.

### UCP COMPLAINT RESOLUTION

If San Diego Cooperative Charter School finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school and pupils in military families, and Physical Education Instructional Minutes, we shall provide a remedy. The remedy shall go to the affected pupil in the case of complaints regarding

- Course Periods without Educational Content,
- Education of Pupils in Foster Care, Pupils who are Homeless, former Juvenile Court Pupils now enrolled in our school and pupils of military families.

The remedy shall go to all affected pupils and parents/guardians in the case of complaints regarding

- Pupil Fees
- Physical Education Instructional Minutes and/or
- Local Control and Accountability Plans

A pupil fees complaint may be filed with the Principal of a school or Executive Director or his or her designee.

A pupil fees complaint and/or an LCAP complaint may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

A pupil fees complaint shall be filed no later than one year from the date the alleged violation occurred. We ensure an attempt shall be made in good faith to engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid a pupil fee within one year prior to the filing of the complaint. We will provide an opportunity for complainants and/or representatives to present evidence or information. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to

otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. Refusal by The O'Farrell Charter Schools to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. The complaint will be investigated and a written report with a Decision will be issued to the complainant by us within 60 days from the date of the receipt of the complaint unless the complainant agrees in writing to an extension of time. This report will contain the following elements:

- i. The findings of fact based on the evidence gathered.
- ii. Conclusion of law.
- iii. Disposition of the complaint.
- iv. The rationale for such a disposition.
- v. Corrective actions, if any are warranted.
- vi. Notice of the complainant's right to appeal our Decision to the CDE.
- vii. Procedures to be followed for initiating an appeal to CDE.

An appeal is a request made in writing to a level higher than the original reviewing level by an aggrieved party requesting reconsideration or a reinvestigation of the lower adjudicating body's decision. A complainant may appeal our Decision of a UCP complaint regarding all specified federal and state educational programs subject to the UCP. UCP Complaint Appeal Process 4 To appeal a UCP complaint Decision the complainant must file a written appeal within 15 days of receiving the Decision to CDE. This appeal to the CDE must fully explain the basis for the appeal, stating how the facts of our Decision are incorrect and/or the law is misapplied. In addition, the appeal shall be sent to CDE with:

1. A copy of the original locally filed complaint; and
2. A copy of our Decision of this original locally filed complaint.

Any employee or job applicant who believes that he/she has been or is being discriminated against or harassed in violation of district policy should, as appropriate, immediately contact his/her supervisor, the Principal or the Executive Director who shall advise the employee or applicant about the district's procedures for filing, investigating, and resolving any such complaint. School personnel will take immediate steps to intervene, when safe to do so, when he or she witness an act of discrimination, harassment, intimidation, or bullying.

- SDCCS will protect complainants and witnesses under these policies from further harassment and will work to ensure they do not experience retaliation in any aspect of their employment due to their participation, filing of a complaint or reporting sexual harassment.
- SDCCS investigates complaints promptly and provides a written report of the investigation and decision as soon as practicable.

- SDCCS will handle the investigation in as confidential a manner as possible consistent with a full, fair, and proper investigation.

Complaints regarding discrimination or harassment shall immediately be investigated in accordance with the Uniform Complaint Procedures. Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately.

#### TRAINING AND NOTIFICATIONS

SDCCS shall provide training to employees about how to recognize harassment and discrimination, how to respond appropriately, and components of the school's policies and regulations regarding discrimination. The district's policy shall be posted in the office, teacher meeting rooms and posted on our website.



## **San Diego Cooperative Charter School Cyberbullying Policies and Procedures**

San Diego Cooperative Charter School (SDCCS) is committed to providing all students and staff with a safe learning environment where everyone is treated with respect and no one is physically or emotionally harmed. SDCCS and the Board of Directors will not tolerate any student or staff member being bullied (including cyber-bullying) or intimidated in any form at school or school-related events, (including off-campus events, school-sponsored activities, school buses, any event related to school business), or outside of school hours with the intention to be carried out during any of the above.

Such acts include those that are reasonably perceived as being motivated either by an actual or perceived attribute that includes but is not limited to race, religion, creed, color, marital status, parental status, veteran status, sex, sexual orientation, gender expression or identity, ancestry, national origin, ethnic group identification, age, mental or physical disability or any other distinguishing characteristic.

SDCCS further prohibits the inciting, aiding, coercing or directing of others to commit acts of bullying or cyber-bullying, harassment or intimidation. Any staff member that observes, overhears or otherwise witnesses bullying in any of its forms, harassment, or intimidation, or to whom such actions have been reported must take prompt and appropriate action to stop the behavior and to prevent its recurrence. Students who observe, overhear or otherwise witness such actions shall report the behaviors to a staff member.



## **Student-Employee Interaction Administrative Regulation**

Consistent with Article I, Section 28(c) of the California Constitution and Student-Employee Interaction Board Policy,

All district employees shall:

1. Communicate and interact with students in a manner that respects the student's right to a safe and secure environment as required by the California Constitution.

2. Maintain appropriate boundaries with students that are consistent with their role, duties, responsibilities, within accepted norms of behavior for educators, and in a manner that a reasonable person would not interpret as inappropriate. Examples of boundary violations include, but are not limited to, the following:

- Signaling or seeking out a specific student which may create excessive emotional attachment for all parties or may be perceived as acting in a "parental" role
- Dating or becoming romantically or sexually involved with a student
- Kissing of ANY kind
- Showing inappropriate videos, photographs, images or other content to a student
- Photographing and videoing students without parental permission
- Grabbing, touching, tickling, rubbing, or hugging a student
- Telling sexual jokes, commenting about students' bodies, or communicating in a personal nature with students not related to the employee's professional responsibilities
- Consuming alcohol or drugs with, or offering, giving, or otherwise making alcohol or drugs available to a student

3. Understand that they may only be alone with a single student on school premises during the normal school day when:

- The employee's supervisor or administrators has/have deemed it educationally necessary and has/have authorized in advance.
- It is a requirement of the employee's position, role, duties, or responsibilities.

4. Employees must obtain approval in advance from the student's parent/guardian to:

- Participate in non-school-related extracurricular activities outside of school premises.
- Meet with students outside of the normal school day.
- Visit a student at home.
- Invite student(s) to social events or activities off school premises.
- Transport a student alone in the employee's personal vehicle.
- Conduct instruction outside of the normal school day or outside of school premises.

5. As with in-person communications, employees must avoid appearances of impropriety and refrain from unauthorized and inappropriate communications, by any means with students. Factors that may be considered in determining whether communication is inappropriate include, but are not limited to:

- Using personal social media sites, or other forms of electronic devices, to communicate with students.
- The subject, content, purpose, authorization, timing, and frequency of communications.
- If the communication can be reasonably interpreted as soliciting sexual contact or a romantic relationship.
- If the content of communication is sexual in nature or sexually explicit.

#### CONSEQUENCES OF INAPPROPRIATE BEHAVIOR

All employees shall be disciplined up to and including termination and/or legal action, for noncompliance with this policy. Examples of noncompliance include, but are not limited to:

1. Failure to maintain appropriate boundaries when interacting and communicating with students.
2. Failure to appropriately intervene or report when witnessing, observing, and becoming cognizant of prohibited or unauthorized student-employee interactions.
3. Failure to fulfill duties and requirements as mandated reporters.
4. Failure to report to the California Commission on Teacher Credentialing (CCTC) regarding possible educational misconduct.

This policy will be presented to and signed by all district employees as part of their initial employment, and as part of ongoing training.

LEGAL REFERENCES California Constitution Article 1, Section 28 (c) PENAL CODE 11164  
 Child abuse and Neglect Reporting 11165 Child abuse and Neglect Reporting Cf. 3541.1 -  
 Transportation for School-Related Trips Policy  
 Adopted: (Date)



## HATE MOTIVATED BEHAVIOR ADMINISTRATIVE REGULATION

### **Precursors to Hate Violence**

Hate violence prevention requires being able to recognize precursors to violence and having effective strategies in place to respond. These behaviors include:

1. Use of racial, ethnic, immigration status, national origin, disability, gender identity, sexual orientation, religious, or sexual slurs
2. Use of symbols of hate, such as a swastika or a burning cross
3. Similar behavior by the wrongdoer towards other students from the same racial, ethnic, religious, disabled, gender or sexual orientation group or immigration status
4. Graffiti that identifies or targets particular groups with racial, ethnic, immigration status, religious, or sexual overtones

### **Examples of Hate Violence**

Examples of hate violence include, but are not limited to:

1. A physical attack or a threat of bodily harm, on the basis of another's race, gender, ethnicity, national origin, immigration status, religion, disability, sexual orientation or gender identity
2. Intimidating or threatening language based on a student's race, gender, ethnicity, national origin, immigration status, religion, disability, sexual orientation, or gender identity

3. Damage to a student's personal property or belongings because of race, gender, ethnicity, national origin, immigration status, religion, disability, sexual orientation or gender identity
4. Circulation of written or online material or pictures

### **School Site Proactive Measures**

SDCCS has developed its own proactive measures to prevent bullying, hate violence and bias-related incidents. These measures include:

1. Specify the rules of conduct as part of the school's published disciplinary policies.
2. Establish and disseminate policies and procedures for responding to hate crimes or bias-related incidents.
3. Develop a range of corrective actions for those who violate hate-prevention policies with a firm position in taking disciplinary actions against all injurious manifestations of hate, from ethnic slurs, racial epithets and graffiti, to vandalism and violence. The steps of restorative practice should take place with all parties involved.
4. Assess the existing school climate, review incident reports, and identify potential problems, work with staff to proactively prevent any incidents.
5. Provide age-appropriate hate prevention, empathy and perspective taking training to all students through activities, assemblies, and other school-related activities.
6. Provide education and training for conflict resolution, teaching students the techniques of resolving interpersonal conflicts and inter-group relations.
7. Encourage students to participate in the development of class norms and agreements regarding expected behavior.
8. Provide structured opportunities for integration. Encourage students to interact across racial and ethnic lines through activities, multiage settings and buddy groups.
9. Follow-up with victims is critical. They should be checked on - briefly - daily, then weekly to make sure the bullying/harassment/hate crime does not continue.

## **District Coordinated Preventive Measures**

1. Provide hate prevention training to all staff, including teachers, administrators and support staff. All staff members should be aware of the various manifestations of hate and be capable of addressing hate incidents. Teachers shall intervene when they observe bullying happening: and take corrective action. Staff shall report instances and work with others to move through corrective actions, teaching and restorative practices.
2. Develop partnerships with families, community organizations, and law enforcement agencies, including parent groups, youth serving organizations, criminal justice agencies, victim assistance organizations, businesses, and advocacy groups.

*San Diego Cooperative Charter School shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.*

- SDCCS shall notify parents and 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 "Know Your Rights" immigration enforcement established by the Attorney General. In addition, SDCCS shall inform students who are victims of hate crimes of their right to report such crimes.
- SDCCS shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:

\*disability

\*nationality

\*gender

\*gender expression

\*gender identity

\*race or ethnicity

\*religion

\*sexual orientation

\*immigration status

\*association with a person or group with one or more of the aforementioned characteristics

The complaint process must include, but is not limited to, the following steps:

- A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.
- A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by SDCCS.
- An appeal process afforded to the complainant should he/she disagree with the resolution of a complaint.
- SDCCS shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
- SDCCS shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.
- SDCCS 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.
- SDCCS 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 should, at a minimum, provide district personnel with 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 and 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.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for threats or harassment

#### PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

#### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

#### CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints

#### 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

110.25 Prohibition of discrimination based on age

#### Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Prohibited Disability Harassment, July 2000

#### WEB SITES

CSBA: <http://www.csba.org>

California Association of Human Relations Organizations: <http://www.cahro.org>

California Department of Education: <http://www.cde.ca.gov>

California Office of the Attorney General: <http://oag.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

Policy Adopted:





## **The San Diego Cooperative Charter School Pest Control Policies and Procedures**

The San Diego Cooperative Charter School (SDCCS) Board of Directors follows an Integrated Pest Management Plan (IPM) for Charter School buildings and grounds that complies with policies and regulations as defined by the Department of Agriculture.

SDCCS shall utilize IPM procedures to manage structural and landscape pests and the pesticides used for their control in order to alleviate pest problems with the least possible risk to people, property and the environment.

SDCCS and its Board of Directors establish that the use of pesticides will only be used after carefully considering the full range of alternatives, based on analysis of environmental effects, safety, effectiveness and costs.

Date approved: