

ADMINISTRATIVE REGULATION

130 Nondiscrimination and Affirmative Action

Racial Harassment

I. Purpose

To provide procedures to implement the School Board's policy on nondiscrimination and affirmative action, specifically racial harassment.

II. Definition

Racially based conduct that consists of different treatment of staff by students, school district employees or agents acting within the scope of their official duties when the conduct subjects an employee to discrimination on the basis of race, color or national origin or when such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Racial harassment, as defined above, may include, but is not limited to the following:

- Verbal or written racial slurs, epithets, jokes, comments or terms;
- Repeated remarks to a person that contain racial, derogatory or demeaning implications;
- Sabotage of work or projects when associated with other forms of racial harassment;
- Racially oriented graffiti;
- Verbal, written, or physical expressions of hatred due to race;
- Display or distribution of racially oppressive or demeaning objects, pictures, literature, magazines, cartoons, posters or images;
- Harassment involving objects or items historically or stereotypically associated with race; and/or,
- Unwelcome physical contact, close physical proximity or looks when associated with other forms of racial harassment.

III. Procedures

- A. Racial harassment committed by employees against other school district employees constitutes misconduct. Racial harassment committed by school district employees against students, volunteers, visitors or agents constitutes misconduct. Racial harassment committed by volunteers, visitors, agents or staff against volunteers, visitors or agents constitutes misconduct. The intentional fabrication of a racial harassment complaint constitutes misconduct.
- B. Students may approach teachers, counselors, nurses, principals, and the Employment and Educational Opportunity (EEO) director for guidance, support, and/or advocacy in addressing matters related to racial harassment or inappropriate behavior of a racial nature. Employees, volunteers, visitors and agents may approach their supervisors, principals and EEO director.

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- C. Supervisors, principals and directors are responsible for taking appropriate and effective action when they know, or reasonably should have known, that an individual under their supervision is being racially harassed.
- D. All staff members are responsible for taking appropriate and effective action to educate students and report racial harassment incidents.
- E. Filing a complaint
 - 1. Any student, employee or parent of a student who believes that she/he or his/her student has been subjected to racial harassment should report such conduct promptly.
 - (a) The report may be verbal or written.
 - (b) The student or parent may report to any teacher, counselor, nurse or other staff member(s), who in turn shall report to the principal or designee. The employee may report to the supervisor, principal, administrator or EEO director.
 - 2. The supervisor, principal or designee, administrator or EEO director shall promptly investigate any complaints of racial harassment. The principal or designee, supervisor or administrator may confer with the EEO director.
 - 3. A written report stating the findings and action taken shall be rendered in a timely manner and reported to the EEO director.
 - 4. The EEO director will present the findings of investigations to the Superintendent of Schools or designee for his or her concurrence.
- F. Grievance Process
 - 1. Any student, parent or employee who is not satisfied with the outcome of the complaint process may file a grievance. A copy of the grievance procedure and form is available from the EEO director.
 - 2. Level One: Grievant may informally discuss the grievance with the school principal or immediate supervisor.
 - 3. Level Two: Grievant may formalize the allegation of noncompliance by submitting the grievance in writing to the EEO director within fifteen (15) working days from the date of final action of the complaint. The EEO director shall investigate the grievance, attempt to resolve it, and write a report within fifteen (15) working days after receipt of the written grievance.
 - 4. Level Three: Grievant may appeal the level two response to the superintendent. The request to appeal must be submitted in writing within ten (10) working days after receipt of the level two report. The superintendent will render a written decision within ten (10) working days after receipt of the written appeal.

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5. Level Four: Grievant may appeal the level three response to the Board of Education. The request to appeal must be submitted in writing within ten (10) working days after receipt of the decision from the Superintendent. The Board of Education will render a decision at the next regularly scheduled meeting. Grievant will receive written notice of the Board's decision within ten (10) working days.
- G. Retaliation or adverse action against an individual for reporting an incident or participating in or cooperating with an investigation of an alleged incident is prohibited.
 - H. Confidentiality will be preserved consistent with applicable laws and the school district's duty to investigate and address complaints.
 - I. The school district shall endeavor to provide appropriate relief for victims of racial harassment. Appropriate relief is reasonable, timely, effective, tailored to the specific incident, prevents recurrence and does not burden the victim(s).
 - J. A student who violates the racial harassment policy will be subject to disciplinary action deemed necessary and appropriate, including parental notification, warnings, counseling, suspension, expulsion and/or exclusion.
 - K. An employee who violates the racial harassment policy will be subject to disciplinary action, which may include verbal warning, letter or reprimand, suspension and/or termination.

IV. Responsibilities

- A. EEO Director responsibilities:
 1. Distribute information on the school district's policy, regulations and complaint procedures regarding racial harassment.
 2. Provide training regarding racial harassment and investigation and resolution of complaints. Inform supervisory staff of their duties, responsibilities and potential liabilities regarding racial harassment in schools and the workplace.
 3. Ensure that students are provided information appropriate to grade level on racial harassment and how to respond to it.
- B. School principals shall be responsible for developing and implementing a plan to help students recognize, understand and prevent racial harassment that will include:
 1. Guidelines for responding to racial harassment.
 2. Opportunities designed for students to develop appropriate behaviors and attitudes in school, work and social settings.
 3. Incorporating available Fairbanks North Star Borough School District student materials.



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V. Supplemental Information

A. Government agencies that accept racial harassment complaints include:

Alaska State Commission for Human Rights
800 A Street, Suite 204
Anchorage, AK 99501-3669
(907) 474-4692
(800) 478-4692

U.S. Equal Employment Opportunity Commission
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104-1061
(206) 220-6883

U.S. Department of Education
Office for Civil Rights, Region X
Henry M. Jackson Federal Bldg.
Mail Code 10-9010
915 Second Avenue, Room 33 10
Seattle, WA 98174-1099
(206) 220-7920

Contact agencies for information on time lines for filing a complaint.

B. References:

1. Title VI of the Civil Rights Act of 1964
2. 34 CFR Part 100
3. AS 18.80.255
4. School Board Policy 130

C. Fairbanks North Star Borough School District Employment and Educational Opportunity Director:

EEO Director
520 Fifth Avenue, Room 410
Fairbanks, AK 99701-4756
(907) 452-2000, ext. 466

Approved: January 12, 1998



ADMINISTRATIVE REGULATION

130.2 Gender Identity

- A. Purpose: The purpose of this regulation is to advise District staff regarding issues relating to transgender and gender nonconforming students in order to create a safe learning environment for all students, and to ensure that every student has equal access to all components of the educational program.
- B. Procedure: The issues addressed in this regulation include:
1. Definition
 2. Names/Pronouns
 3. Dress
 4. Family Acceptance
 5. Access to gym class and sports
 6. Locker room accessibility
 7. Restroom accessibility
 8. Confidentiality
 9. Discrimination and/or Harassment

This regulation does not anticipate every situation that might occur. It does offer suggested approaches to specific issues when the safety of transgender and gender nonconforming students may be at risk.

1. Definitions
 - a. “Transgender Students” refers to students whose gender identity is different from their sex at birth, and whose gender expression is different from the way males or females are expected to look or behave.
 - b. “Gender Identity” refers to one’s feelings, understanding, interests, and outlook about whether one is female or male, or both, or neither, regardless of one’s biological sex.
 - c. “Gender Expression” refers to the way a person expresses her or his gender, through gestures, movement, dress and grooming.
 - d. “Gender Nonconforming Students” refers to students who have a gender expression that does not conform with stereotypical expectations, for example, “feminine boys,” “masculine girls,” and students who are androgynous.
 - e. “Sexual Orientation” refers to a student’s sexual attraction to or sexual preference for a sexual relationship with others. Sexual orientation could be homosexual, heterosexual, or bisexual.
 - f. “Gay, Lesbian, Bisexual” are terms that refer to students with particular sexual preferences towards others of their same sex or of either sex.



ADMINISTRATIVE REGULATION130.2 Gender Identity (continued)

2. Names/Pronouns

- a. It is strongly suggested that teachers, including counselors, privately ask transgender or gender nonconforming students when appropriate how they want to be addressed. If a school staff member has a question pertaining to how a student wishes to be addressed it is recommended the staff member consult with the student's counselor who can determine the student's preference and then communicate to the staff as appropriate. In cases where a student and parents are in disagreement about the name and pronoun to be used at school, school officials should seek a resolution acceptable to the student and to the parents.
- b. Students are to be addressed by the name and pronoun that corresponds to the gender identity that the student consistently asserts at school. A student may request to be addressed by his or her "preferred name" (and preferred pronoun) that corresponds to their gender identity without obtaining a court order or without changing their official records. This preference guide acknowledges that inadvertent slips or honest mistakes in the use of the "preferred" names or pronouns might occur, *but* it does not condone an intentional and persistent refusal to respect a student's gender identity.
- c. The District is required to maintain a permanent student record which includes the legal name of the student and the student's sex. The District will change a student's official records to reflect a change in legal name or gender upon receipt of documentation that such legal name or gender has been changed pursuant to a court order.

3. Dress

The district's dress code should be applied uniformly to all students. Transgender and/or gender nonconforming students have the right to dress in accordance with the gender identity the student consistently asserts at school recognizing the district's dress code with its safety provisions, its prohibitions, and guidance regarding appropriate attire.

4. Family Acceptance

Some transgender and gender nonconforming students are not open about their gender identity at home because of safety reasons. A school should focus on the student's safety as the priority when providing or reporting information about the student to parents or guardians.

ADMINISTRATIVE REGULATION130.2 Gender Identity (continued)

5. Access to Physical Education_and Sports

Transgender and gender nonconforming students shall have the same opportunities to participate in physical education as all other students. Participation in competitive athletic activities and contact sports are to be addressed on a case-by-case basis to ensure fairness.

6. Locker Room Accessibility

Schools shall provide appropriate locker room facility access to nonconforming gender identity students. If there is a reason or desire for increased privacy and/or safety, the student may be provided access to a reasonable alternative locker room such as: use of a private area (i.e., a nearby restroom stall with a door, an area separated by a curtain, a P.E. instructor's office in the locker room, or a nearby health office restroom). If needed a separate changing schedule may be provided utilizing the locker room before or after the other students.

7. Restroom Accessibility

At the discretion of the school administrator, a student may be provided access to a restroom facility that corresponds to the gender identity that the student consistently asserts at school. If the student and administrator feel that there is a reason or desire for increased privacy and/or safety, the student may be provided access to an alternative restroom such as a single stall "unisex" restroom or the health office restroom. In all instances, the school administrator makes the decisions about alternative restroom use governed by judgment concerning the safety and best interests of the student in question.

8. Confidentiality

- a. Transgender students have a right to privacy regarding their transgender status. Therefore, school personnel should not disclose a student's transgender status to others, including parents, and/or other school personnel unless there is a specific "need to know."
- b. When discussing a particular issue such as conduct, discipline, grades, attendance, or health with a transgender or gender nonconforming student, focus should be on the conduct or particular issue, and not on any assumptions regarding the student's actual or perceived gender identity.

ADMINISTRATIVE REGULATION130.2 Gender Identity (continued)

9. Discrimination and/or Harassment

Complaints alleging discrimination or harassment based on a student's actual or perceived transgender or gender nonconforming identity are to be handled in the same manner as other discrimination/harassment complaints. (See Administrative Regulation 131 for information regarding the filing of discrimination/harassment complaints.)

Approved: May 16, 2011



ADMINISTRATIVE REGULATION131.1 Sexual Harassment**Purpose**

To provide procedures to implement the school district's policy on sexual harassment.

Definition

Sexual harassment is an unlawful form of discrimination on the basis of sex under Title VII of the Civil Rights Act of 1964, as amended in 1972 and 1991; Title IX of the Education Amendment of 1972; and Chapter 18 of the Alaska Statutes. Some forms of sexual harassment may also constitute criminal conduct resulting in criminal penalties.

Unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, written or physical conduct of a sexual nature when made by a school district employee to a student or when made by an employee to another employee or when made by a student to an employee constitutes sexual harassment when:

- A. Submission to such conduct is made, explicitly or implicitly, a term or condition of an individual's employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- C. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. While a single incident of offensive sexual conduct, remarks or display will generally not create a hostile environment unless it is severe, such behavior is inappropriate and may subject the employee or student to counseling and/or discipline.

Sexual harassment, as defined above, may include but is not limited to the following:

Verbal or written harassment or abuse;

Pressure for sexual activity;

Repeated remarks to a person which contain sexual or demeaning implications;

Unwelcome touching, close physical proximity or looks;

Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, job, promotion, compensation, etc.

Display or distribution of sexually suggestive or derogatory objects, pictures, magazines, cartoons, posters, drawings or images;

Sexually oriented gestures.

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Procedure

- A. Sexual harassment committed by school district employees against school district employees or students constitutes misconduct. Sexual harassment committed by students against school district employees constitutes misconduct. The intentional fabrication of a sexual harassment complaint constitutes misconduct.
- B. Supervisors, principals, and directors are responsible for taking appropriate and effective action when they know, or reasonably should have known, that an individual under their supervision is being sexually harassed.
- C. Filing a complaint.
 - 1. Any school district employee who believes that he or she has been subjected to sexual harassment should report such conduct promptly.
 - (a) The report may be verbal or written.
 - (b) The employee may report to her or his immediate supervisor, principal, administrator or the Employment and Educational Opportunity (EEO) director.
 - (c) The supervisor, principal, administrator or EEO director shall promptly investigate complaints of sexual harassment. The supervisor, principal or administrator shall confer with the EEO director. The investigation shall be conducted in a fair and impartial manner in order to reach an equitable resolution.
 - (d) A written report stating the findings and action taken shall be rendered in a timely manner and reported to the EEO director.
 - (e) The EEO director will present the findings of investigations to the Superintendent of Schools or designee for his or her concurrence.
- D. Retaliation or adverse action against an individual for reporting an incident or participating in or cooperating with an investigation of an alleged incident is prohibited.
- E. Confidentiality will be preserved consistent with applicable laws and the school district's duty to investigate and address complaints.
- F. An employee who violates the sexual harassment policy will be subject to disciplinary action which may include verbal warning, letter of reprimand, suspension and/or termination.
- G. A student who violates the sexual harassment policy will be subject to disciplinary action deemed necessary and appropriate, including parental notification, warnings, counseling, suspension, expulsion or exclusion.

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Supplemental Information

A. Government agencies that accept sexual harassment complaints include:

Alaska State Commission for Human Rights
 800 A Street, Suite 204
 Anchorage, Alaska 99501-3669
 Toll free: (800) 478-4692
 In Anchorage: (907) 274-4692
 TTY/TDD: (800) 478-3177

U.S. Equal Employment Opportunity Commission
 Seattle District Office, Federal Office Building
 909 First Avenue, Suite 400
 Seattle, Washington 98104-1061
 Toll free: (800) 669-4000
 In Seattle: (206) 220-6883
 TTY/TDD: (206) 220-6682

Office for Civil Rights, Region X
 U.S. Department of Education
 Henry M. Jackson Federal Bldg.
 915 Second Avenue, Room 3310
 Seattle, Washington 98174-1099
 Toll free: (800) 421-3481
 Telephone: (206) 220-7900
 TTY/TDD: (206) 220-7907

Contact agencies for information on time lines for filing a complaint.

B. Legal References

1. Title XI of the Education Amendments of 1972
2. Section 703 of Title VII of the Civil Rights Act of 1964, as amended
3. AS 18.80.220

C. Fairbanks North Star Borough School District Employment and Educational Opportunity Director:

EEO Director
 520 Fifth Avenue, Room 410
 Fairbanks, Alaska 99701
 (907) 452-2000, ext. 466

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 Revised: September 20, 1999

