

## **Every Student Belongs**

Every student is entitled to a high quality educational experience, free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin. Every employee is entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

Every visitor is entitled to participate in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

“Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups.

The Madrone Trail Public Charter School strictly prohibits bias incidents at all times on district grounds or in any district- or school-sponsored program, service, school or activity.

“Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national origin including, but not limited to, the noose, swastika, Ku Klux Klan symbology and emblems, or confederate flag<sup>1</sup>, and whose display:

1. Is reasonably likely to cause a disruption of or otherwise interfere with school activities; or
2. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school; or
3. Is reasonably likely to cause mental or psychological harm.

The district prohibits the use or display of any symbols of hate on district grounds or in any district- or school-sponsored program, service, school or activity that is funded in whole or in part by monies appropriated by the Oregon Legislative Assembly, except where used in teaching curriculum that is aligned to the Oregon State Standards. This includes, but is not limited to, the use of personal communication devices, electronic communication systems, and district property as referenced in Policies GBNA and IIBGA.

In responding to the use of any symbols of hate, the district will use non-disciplinary remedial action whenever appropriate.

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<sup>1</sup> While commonly referred to as the “confederate flag,” the official name of the prohibited flag is the Battle Flag of the Armies of Northern Virginia.

The School prohibits retaliation against an individual because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising any rights guaranteed under state and federal law.

Nothing in this policy is intended to interfere with the lawful use of district facilities pursuant to a lease or license.

The School will use administrative regulation ACB-AR - Bias Incident Complaint Procedure to process reports or complaints of bias incidents.

END OF POLICY

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**Legal Reference(s):**

[ORS 659.850](#)  
[ORS 659.852](#)  
[OAR 581-002-0005](#)  
[OAR 581-022-2312](#)  
[OAR 581-022-2370](#)

*Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).  
*Dariano v. Morgan Hill Unified Sch. Dist.*, 767 F.3d 764 (9th Cir. 2014).  
*State v. Robertson*, 293 Or. 402 (1982).

**Cross Reference(s):**

AC - Nondiscrimination  
GBNA - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Staff  
GBN/JBA - Sexual Harassment  
IIGBA – Electronic Communication Systems