



SECTION IV: EMPLOYEE POLICIES 4060

Prohibition of Race and Sex Discrimination

(a) **Purpose.** It shall be the policy of the Board of Education (the “Board”) of Oklahoma Virtual Charter Academy (the “School”) to prohibit discrimination on the basis of race or sex in the form of bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex. Public schools in this state shall be prohibited from engaging in race or sex-based discriminatory acts by utilizing these methods, which result in treating individuals differently on the basis of race or sex or the creation of a hostile environment.

(b) **Definitions.**

(A) “Course” means any forum where instruction or activities tied to the instruction are provided, including courses, training, seminars, professional development, lectures, sessions, coaching, tutoring, or any other class.

(B) “Teacher” has the same meaning as defined in 70 O.S. § 1-116.

(c) **Applicability.** As expressly set forth in 24 O.S. § 24-157(B), this policy shall apply to any Teacher, administrator, or other employee of the School.

(d) **Nondiscrimination.** Nothing in this policy shall be intended to prohibit the School from employing lawful methods to address discrimination consistent with the requirements of the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act of 1964 (“Title VI”), Title IX of the Education Amendments of 1972 (“Title IX”), and 70 O.S. § 24-157.

(e) **Severability.** If any specific provision of this policy is held invalid, the remainder of the policy shall not be affected.

(f) **Instruction.** Nothing in this policy shall be construed to prevent the teaching of history, social studies, English language arts, biology, or any other subject matter area consistent with the Oklahoma Academic Standards as adopted and approved by the Oklahoma State Board of Education and approved by the Oklahoma Legislature.

(g) **Title IX of the Education Amendments of 1972.** Nothing in this policy shall be interpreted to prohibit the lawful consideration of sex, as authorized by Title IX, which permits distinctions and/or classifications based on sex in specific circumstances. This includes but is not limited to the provision of single-sex programs, the establishment of separate sex facilities (bathrooms and locker rooms) or sex-specific athletic teams, consistent with the requirements of Title IX and its implementing regulations at 34 C.F.R. Part 106.

(h) **General Prohibition.** No teacher, administrator or other School employee shall require or make part of any Course offered in at the School the following discriminatory principles:

- (1) One race or sex is inherently superior to another race or sex,
- (2) An individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,
- (4) Members of one race or sex cannot and should not attempt to treat others without respect to race or sex,
- (5) An individual's moral character is necessarily determined by his or her race or sex,
- (6) An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex,
- (7) Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex, or
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.

(i) **Specific Prohibitions Ensuring Compliance.** To ensure compliance with 70 O.S. §24-157(B) and to not discriminate on the basis of race or sex, as a part of any Course or activities, the following requirements shall apply to the School, any Teacher, administrator, other employee, or other individual, group or representative of the School:

- (1) the School shall be prohibited from providing, contracting to provide, offering, or sponsoring any Course(s), as defined herein, that includes, incorporates, or is based on discriminatory practices identified in this policy.
- (2) the School shall be prohibited from using any monies, property, or any other assets or resources to engage in race or sex-based discrimination, including discriminatory practices identified in this policy.
- (3) the School shall be prohibited from adopting programs or utilizing textbooks, instructional materials, curriculum, classroom assignments, orientation, interventions, or counseling that include, incorporate, or are based on the discriminatory concepts identified in this policy.
- (4) the School shall be prohibited from executing contracts or agreements with internal or external entities, persons, companies, or businesses to provide services, training, professional development, or any other assistance that includes, incorporates, or is based on discriminatory practices identified in this policy.

Within sixty (60) days of the approval of this policy, existing contracts or agreements executed by the School that conflicts with this policy shall be amended to come into compliance with this section. Contracts or agreements executed solely to provide services prohibited by 70 O.S. §24-157(B) or this policy shall be cancelled or terminated, consistent with the terms of the contract and applicable law.

(j) **Other Prohibitions.** The School shall be prohibited from receiving or applying to receive any monies that require, as a condition of receipt, the adoption of a Course(s), policies, curriculum, or any other instructional material that includes, incorporates, or is based on discriminatory practices identified in this policy. The School shall be prohibited from adopting diversity, equity, or inclusion plans that incorporate the concepts identified in this policy. The School be prohibited from mandating diversity training that includes, incorporates, or is based on discriminatory practices identified in this policy. This includes providing such training to employees, contractors, staff members, parents, students, or any other individual or group. The School shall be prohibited from adopting policies, including grading or admissions policies, or providing any other benefit or service that applies to students or any school employee differently on the basis of race or sex, unless specifically permitted by Title IX. (See (b)(6)). This prohibition includes segregated classes, programs, training sessions, extracurricular activities, or affinity groups unless otherwise permitted by Title IX. (See (b)(6)).

(k) **Parents Rights.** Parents and legal guardians of students enrolled at the School shall have the right to inspect curriculum, instructional materials, classroom assignments, and lesson plans to ensure compliance with 70 O.S. §24-157(B). Consistent with 20 O.S. § 2001-2002, the School shall not interfere with or infringe upon the fundamental rights of parents to determine their child's education.

(l) **Investigations.** The School shall ensure that the parent or legal guardian of all students enrolled in the school are annually notified of the non-discrimination requirements in 70 O.S. §24-157(B) and this policy. The School shall provide a process for students, parents, teachers, school staff, and members of the public to file a complaint alleging a violation of the provisions of 70 O.S. §24-157 or this policy. In order for a complaint to be accepted for investigation, it must:

- (A) Be submitted in writing, signed, and dated by the complainant, including complaints submitted through electronic mail that include electronic signatures;
- (B) Identify the dates the alleged discriminatory act occurred;
- (C) Explain the alleged violation and/or discriminatory conduct and how 70 O.S. §24-157 or the provisions of this policy have been violated;
- (D) Include relevant information that would enable the School to investigate the alleged violation; and
- (E) Identify witnesses the School may interview, if applicable, provided the school will not dismiss a complaint for failure to identify witnesses.

The School designates the Head of School, Audra Plummer who may be contacted by phone at 405-259-9478 ext 2041, or via email: aplummer@okvirtual.org to receive reports of violations filed by students, parents, teachers, school staff, or members of the public.

The School's designated employee responsible for receiving complaints pursuant to this policy shall notify the complainant that the complaint has been received and whether it will be investigated within ten (10) days of receipt. The School shall be required to investigate all legally sufficient complaints that meet the requirements of section (l) of this policy and decide whether a violation occurred. The School must conclude the investigation of a complaint filed pursuant to the law, administrative rules, and this policy within ninety (90) days of receipt.

A complainant shall be notified in writing of a final determination, including the School's findings of whether a violation occurred. It is permissible for the School to receive, process, and investigate complaints filed under the applicable law, administrative rules, and this policy in the same manner in which the School processes and investigates all other complaints of discrimination, provided the School notifies a complainant pursuant to this policy, reaches a final determination in the investigation within ninety (90) days of receipt of the complaint pursuant to this policy.

A complainant may file a complaint alleging a violation of 70 O.S. §24-157 or this policy directly with School or may file a complaint directly with the State Department of Education provided:

(A) A complainant may not file complaints simultaneously with the School and the State Department of Education;

(B) The State Department of Education may not require a complainant to first file with the School; and

(C) Any complainant who believes that the School has incorrectly refused to investigate a complaint or has evidence that the School has reached an incorrect determination may subsequently file a complaint with the State Department of Education.

(m) **Public Reporting.** The School shall be required to report to the State Department of Education each complaint filed within thirty (30) days of resolution of the complaint.

(n) **Retaliation.** Consistent with the provisions of Title VI and Title IX, no individual shall be retaliated against for: 1) filing a complaint pursuant to applicable law, administrative rules, or this policy; or 2) the purpose of interfering with any right or privilege secured by federal civil rights laws and regulations. Any School employee who retaliates against a complainant shall be subject to disciplinary action.

(o) **Whistleblower Protection.** Any Teacher who files a complaint pursuant to the applicable law, administrative rules, or this policy or who otherwise discloses information the Teacher reasonably believes evidence a violation of 70 O.S. §24-157(B) or this policy shall be entitled to the Whistleblower Protections in applicable laws, including those at 70 O.S. § 6-101.6b.

(p) **False Reporting.** Any Teacher or other school employee who, willfully, knowingly and without probable cause make a false report may be subject to disciplinary action.

(q) **Complaints by School Staff.** Any School employee who is discriminated against by the School in the form of race or sex-based harassment, bias, stereotyping, scapegoating, classification, or the categorical assignment of traits, morals, values, or characteristics based solely on race or sex in violation 70 O.S. §24-157(B), may file an employment discrimination complaint with the Oklahoma Attorney General's Office of Civil Rights Enforcement pursuant to 25 O.S. §1101, *et seq.*