

Section: Chapter 2: SCHOOL BOARD GOVERNANCE AND ORGANIZATION

Title: Prohibiting Discrimination, Including Sexual and Other Forms of Harassment

Code: 217

Legal: STATUTORY AUTHORITY: 120.54, 1001.41, 1001.42, 1012.23 F.S.

LAW(S) IMPLEMENTED: 112.51, 119.07, 760.01 ET.SEQ, 1000.05, 1001.21, 1001.43, 1012.22, F.S., 34 CFR 99, 34 CFR 108, 34 CFR 108 34 CFR 200.43(c), P.L. 110-233

STATE BOARD OF EDUCATION RULE(S): 6A-19.001 et seq.

- I. Policy Against Discrimination
 - A. No person shall, on the basis of race, color, religion, gender, age, marital status, sexual orientation, pregnancy, disability, political or religious beliefs, national or ethnic origin, or genetic information, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.
 - B. The School Board shall comply with all state and federal laws, which prohibit discrimination and are designed to protect the civil rights of applicants, employees, and/or students, or other persons or organizations protected by applicable law.
 - C. The School Board shall admit students to District Schools, program and classes without regard to race, color, religion, gender, age, national or ethnic origin, marital status, disability or handicap.
- II. Policy Against Sexual Harassment or Other Forms of Harassment Prohibited by Law
 - A. The School Board desires to maintain an academic and work environment in which all employees, volunteers, and students are treated with respect and dignity. A vital element of this atmosphere is the Board's commitment to equal opportunities and the prohibition of discriminatory practices. The Board's prohibition against discriminatory practices includes prohibitions against sexual harassment, or any other form of illegal harassment based upon a person's membership in a protected class and specifically prohibited by applicable state or federal law. The School Board forbids sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers or agents.
 - B. The prohibition against discrimination including sexual and other forms of illegal harassment shall also apply to non-employee volunteers who work subject to the control of school authorities, and to all vendors or service providers who have access to the School Board facilities.
- III. Definition of Sexual Harassment
 - A. Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:
 - 1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
 - 2. Submission to or reaction of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
 - 3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance or employment, unreasonably interfering with the individual's

education or employment, or creating an intimidating, hostile, or offensive educational or employment environment.

4. Submission to or rejection of the conduct by the individual is used as the basis of any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.

B. Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:

1. Graphic verbal comments about an individual's body or appearance.
2. Sexual jokes, notes, stories, drawings, pictures or gestures.
3. Sexual slurs, leering, threats, abusive words, derogatory comments or sexually degrading descriptions.
4. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.
5. Spreading sexual rumors.
6. Touching an individual's body or clothes (including one's own) in a sexual way, including but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.
7. Cornering or blocking normal movements.
8. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.

IV. Definitions of Other Forms of Prohibited Harassment

A. Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, disability, marital status, sexual orientation, citizenship or genetic information and any other characteristic protected by law and that:

1. Has the purpose or effect of creating an intimidating, hostile, offensive work, or academic environment;
2. Has the purpose or effect of interfacing with an individual's work or academic performance; or
3. Otherwise, adversely affects an individual's employment or academic performance.

B. Examples of prohibited actions, which may constitute harassment include, but are not limited to, the following:

1. Epithets, slurs, or negative stereotyping;
2. Threatening, intimidating or hostile acts, such as stalking; or
3. Written graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school or District office premises or circulated in the workplace or academic environment.

V. Retaliation Prohibited

A. Any act of retaliation against an individual who files a complaint alleging a violation of the District's anti-discrimination policy and/or sexual or illegal harassment policy or who participates in the investigation of a discrimination complaint is prohibited.

B. Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation of or filing a complaint of discrimination.

VI. Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment

A. Procedures for Filing Complaints

1. Any person who believes that he or she has been discriminated against, or placed in a hostile environment based on gender, marital status, sexual orientation, race, national origin, religion, age, or disability by an employee, volunteer, agent or student of the School District school within sixty (60) days of alleged occurrence file a written or oral complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint.
2. The complaint should be filed with the School Principal, Site Administrator or supervisor. Complaints filed with the Principal, Site Administrator or supervisor must be forwarded to the Human Resources Director within five (5) days of the filing of the complaint. If the

complaint is against the principal or site administrator, the complaint may be filed directly with the Human Resources Director.

3. A complaint against the District's Human Resources Director should be filed with the Superintendent. A complaint against the Superintendent, or member of the School Board should be filed with the School Board Attorney. **If the complainant does not believe the problem is resolved after working with the Human Resource Director, he/she should describe the problem in writing and submit it to the School Board Attorney within three (3) business days of the Human Resource Director's decision. The matter will be reviewed by the School Board Attorney, and the final written decision will be provided within seven (7) business days from the time the written description of the problem is received.**

B. Procedures for Processing Complaints

1. Complaints filed against persons other than the Superintendent or member of the School Board
 - a. Upon receipt of the written complaint by the Human Resources Director, the Human Resources Director shall appoint an investigator to conduct an investigation of the allegations in the complaint. The investigator shall interview the complainant and the accused; interview any witnesses identified by the complainant; accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the investigator shall prepare a written summary of the investigation, and make a recommendation to the Human Resources Director as to whether there is reasonable cause to believe a violation of the District's anti-discrimination policy has occurred. Copies of documents, evidence and witness statements which are considered in the investigation must be sent to the Human Resources Director and School Board Attorney along with the summary and recommendation for review.
 - b. If the complaint is against the Human Resources Director, the Superintendent shall appoint an investigator, who shall conduct an investigation in the manner set forth in section VI.B.1.a.
 - c. The investigation, summary, relevant documents, witnesses' statements and recommendation should be completed and forwarded to the Human Resources Director within thirty (30) days or to the Superintendent within thirty (30) days, if the complaint is against the Human Resources Director. The Human Resources Director, or Superintendent, respectively, shall review the investigation summary, evidence and recommendation, and determine within ten (10) days whether there is reasonable cause to believe a discriminatory practice occurred.
 - d. If the Human Resources Director or Superintendent determines there is reasonable cause to believe a violation of the nondiscriminatory policy occurred, he or she shall within ten (10) days provide notice of the reasonable cause finding to the complainant and the accused. The Human Resources Director shall then forward the investigatory file, reasonable cause determination, and all related documents and evidence, to the Superintendent.
 - e. If the Human Resources Director or Superintendent determines, after a review of the investigation, summary, recommendation and other evidence, that there is no reasonable cause to believe a discriminatory practice occurred, he or she shall provide within ten (10) days notice of the finding of no reasonable cause to the complainant and accused.
 - f. The complainant may request a no reasonable cause finding by the Human Resources Director to be reviewed by the Superintendent within ten (10) days of receipt of this notice. The complainant shall provide a written statement detailing facts in support of his or her disagreement with the determination. The complainant will also be given an opportunity to meet with the Superintendent and Human Resources Director to present his or her position. The Superintendent and the Human Resources Director shall prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall within ten (10) days of receipt of the notice make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.
 - g. If review by the Superintendent is not timely requested, the Human Resources Director's determination of no reasonable cause shall be final.
 - h. The accused may request, within ten (10) days of receipt of a notice of a finding of reasonable cause, that the determination be reviewed by the Superintendent.

