



POLICY 3.19

5-F I recommend that the Board approve development of the proposed **revised** Policy 3.19, entitled "Policy Prohibiting Discrimination and Harassment."

[Contact: Elizabeth McBride, PX 47673.]

Development

CONSENT ITEM

- The definitions in this policy have been revised to include genetic information. See 3 and 5(a).

POLICY 3.19

POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

- 1
2
3 1. **Purpose.** The School Board recognizes that the goal of eliminating all forms of
4 unlawful discrimination, harassment and retaliation in the workplace will create a
5 better work and learning environment for Board employees and students. This
6 policy establishes procedures for the reporting, investigation and resolution of
7 complaints of sexual harassment, other forms of harassment, discrimination and
8 retaliation.

- 9 2. **Scope and Applicability.** This policy covers all phases of employment, including,
10 but not limited to recruitment, testing, hiring, promotions, demotions, transfers,
11 layoffs, termination, suspensions, rates of pay, benefits and the selection for
12 training. The policy applies to all employees, applicants, non-employee volunteers,
13 vendors or service providers.

- 14 3. **Policy.** The School Board is committed to maintaining a work and learning
15 environment in which all individuals are treated with dignity and respect. All
16 employees and applicants for employment of the School District of Palm Beach
17 County, Florida, have the right to work in an environment free from discrimination
18 and conduct which can be considered harassing or coercive. Therefore,
19 harassment based on race, color, religion, sex, ethnicity, national origin, age,
20 sexual orientation, gender identity or expression, genetic information, marital
21 status, parental status, disability or any other characteristic protected by federal
22 and state law, will not be sanctioned or tolerated, regardless of whether it takes
23 place in the Board's administrative or school centers during work-related
24 assignments outside of administrative or school centers, during school related or
25 work-related extracurricular activities or during a work-related social function. All
26 employees and applicants for employment should be aware of the following:

- 27 4. **Sexual Harassment.** Sexual harassment is defined as:
28
29 a. "Unwelcome" sexual advances, requests for sexual favors, and other verbal,
30 written or physical conduct of a sexual nature when:
31
32 i. Submission to such conduct is made, either explicitly or implicitly, a term
33 or condition of an individual's employment;
34
35 ii. When submission to or rejection of such conduct is used as the basis of
employment decisions affecting such individual; or
iii. Such conduct has the purpose or effect of unreasonably interfering with
the individual's work performance or creating an intimidating, hostile, or

36 offensive working environment.

37 b. Examples of sexual harassment may include, but are not limited to, the
38 following:

39 i. Gestures, letters, notes, invitations, comments, slurs, jokes or epithets
40 that are suggestive, derogatory or obscene;

41 ii. Unwanted physical contact of a sexual nature, sexual molestation or
42 assault, leering with sexual overtones, or impeding or blocking
43 movement;

44 iii. Display of sexually suggestive objects, posters or cartoons;

45 iv. Continuing to express sexual interest after being informed that the
46 interest is unwelcome;

47 v. Offering favors such as employment benefits, promotions, favorable
48 duties or shifts, recommendations, reclassification, etc., in exchange for
49 sexual favors;

50 vi. Coercive sexual behavior used to control, influence, or affect the career,
51 salary, and/or work environment of another employee;

52 vii. Coercive sexual behavior used to imply or withhold support for an
53 appointment, promotion, or change of assignment;

54 viii. Coercive sexual behavior used to suggest that a poor performance report
55 will be prepared or probation will be failed; or

56 ix. Engaging in a course of conduct which, under § [748.048](#) Fla. Stat.
57 constitutes the stalking of a staff member, student, chaperone, or parent
58 in the workplace.

59 **5. Other Harassment.**

60 a. Harassment on the basis of any other protected characteristic is also strictly
61 prohibited. This includes verbal or physical conduct that denigrates or shows
62 hostility or aversion toward an individual because of his/her race, color,
63 religion, sex, ethnicity, genetic information, sexual orientation, gender identity
64 or expression, national origin, age, disability, marital status, citizenship or any
65 other characteristic protected by law and that:

66 i. Has the purpose or effect of creating an intimidating, hostile, or offensive
67 work environment;

- 68 ii. Has the purpose or effect of unreasonably interfering with an individual's
69 work or performance;
- 70 iii. Otherwise, adversely affects an individual's employment;
- 71 iv. Implies that submission to such conduct is made an explicit or implicit
72 term of employment; or
- 73 v. Implies that submission to or rejection of such conduct will be used as a
74 basis for an employment decision affecting the harassed employee.
- 75 b. Examples of such harassment include the following:
- 76 i. Epithets, slurs or negative stereotyping;
- 77 ii. Threatening, intimidating or hostile acts, such as stalking; or
- 78 iii. Written or graphic material that denigrates or shows hostility or aversion
79 toward an individual or group and that is placed on walls or elsewhere on
80 the employer's premises or circulated in the workplace.

81 **6. Complaint Procedure.**

- 82 a. Supervisors and managers are responsible for assuring that no employee is
83 subjected to conduct that constitutes sexual or any other form of harassment.
84 Any supervisor or manager receiving an oral or written complaint alleging
85 discrimination, sexual harassment, harassment or retaliation shall refer the
86 complaint to the Equal Employment Opportunity Coordinator opportunity for
87 handling.
- 88 b. Any employee, who believes that he or she has been the subject of sexual or
89 any other form of harassment by anyone at the district or by any person who
90 does business with the district, should, and is encouraged to, bring the matter
91 to the attention of his/her supervisor, except when the immediate supervisor is
92 the offending party, to the Equal Employment Opportunity Coordinator. Any
93 employee who is aware of behavior toward another employee which they feel
94 may constitute sexual or any other form of harassment shall also report the
95 matter to their supervisor except when the immediate supervisor is the
96 offending party, or to the Equal Employment Opportunity Coordinator.

97

- 98 c. A prompt and thorough investigation of the alleged incident will be conducted
99 and appropriate corrective action will be taken, if warranted. To the extent
100 consistent with adequate investigation and appropriate corrective action, any
101 complaints of harassment will be treated as confidential throughout the
102 investigation. Once the investigation is completed, confidentiality shall be
103 determined by the applicable laws. A person alleging that they are a victim of
104 sexual harassment may request that their records remain confidential as
105 specified in Florida Statute § [119.07 \(3\) \(u\)](#).
- 106 d. Any individual found to have engaged in sexual or any other form of
107 harassment will be disciplined as appropriate, up to and including termination.
108 Individuals receiving action under this section may appeal such action in
109 accordance with the appropriate grievance procedure or administrative
110 process.
- 111 e. The district will not in any way retaliate against an employee, potential
112 employee, or former employee who, in good faith, makes a complaint or report
113 of harassment, or participates in the investigation of such a complaint or
114 report. Retaliation against any individual for good faith reporting of a claim of
115 harassment or cooperating in the investigation will not be tolerated and will
116 itself be subject to appropriate discipline. Incidents of retaliation shall be
117 reported in the manner as provided in this section.
- 118 f. The district will take all appropriate steps to enforce this policy.
- 119 g. All employees must file the complaint pursuant to the procedure herein. The
120 exception is the superintendent, internal auditor or chief counsel to the school
121 board, who must file the complaint with the board chair.
- 122 7. **Limitations.** Nothing in this policy is intended nor shall be construed to create a
123 private right of action against the Board or any of its employees. The provisions
124 herein do not affect the right of any person to file a charge of discrimination with
125 any agency having jurisdiction over such claims.

126 STATUTORY AUTHORITY: Fla. Stat. §§ [1001.41](#), [1001.42](#), [1001.43](#)
127 LAWS IMPLEMENTED: Fla. Stat. §§ [42 U. S.C. § 2000e](#) and [20 U. S.C. § 1681](#)
128 HISTORY: 9/21/94; 5/21/97; 02/25/2002; 7/7/2010; ___/___2011

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.19 and finds it legally sufficient for development by the Board.

Attorney

Date