

POLICY 5.81

- 4-B** I recommend the Board adopt the proposed revisions to Policy 5.81, to be re-named "Protecting Students from Sexual Harassment and Discrimination."

Adoption

CONSENT ITEM

- There was discussion at the Sept. 9th Board meeting about time limits for filing a complaint with OCR. The guidelines generally require filing an OCR complaint within 180 days after the last act of alleged discrimination/ harassment. However, an OCR pamphlet explains:

OCR may extend the time for filing a complaint [with OCR] in certain circumstances, e.g., when a student [had first] file[d] a grievance under *school [district] procedures within 180 days* of the *last act* of alleged discrimination. Because OCR encourages the use of school [district] grievance procedures, OCR will generally accept a complaint raising the same allegations *up to 60 days after the end of the [school district] procedure [which had allowed up to 180 days]*.

To promote early resolution and to the right of students to file a complaint with OCR after completing the District's grievance process, the Legal Department recommends requiring students to file their complaints with the District no more than 180 days after the last act of harassment or discrimination.
- As the Board requested at the Sept. 9th Policy meeting, this version requires the principal to obtain the complainant's signature on the principal's written summary of the complainant's verbal report, if the matter is to be resolved *informally*. (As recommended by OCR, the informal process is available only for student-to-student incidents. Any complaint against an employee must use the formal complaint form.)
- As request by the Board at the Sept. 9th meeting, the term "written" has been added to the definition of "complaint" and in the definition of "complainant." However, lines 209 and 271 also reflect the OCR guidelines in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II* (1999): schools "should investigate all complaints and reports of harassment, whether or not the complaint is in writing."
- Based on the Board's discussion at the August 5th Policy meeting regarding possible parental notice in cases of harassment or discrimination against certain adult students, a definition of "minor" or "minor student" has been added. The definition refers to any student who has not yet attained the age of 18; but it also refers, *for purposes of this Policy*, to an adult student who has been determined incompetent or unable to give informed consent due to disability under state law. Additionally, any procedure mentioning the parent/guardian of a minor student should also be construed to include the parent/guardian of an adult student who has given *consent* for the parent to be involved. See line 92.
- A trilingual brief summary of the levels of complaint and appeal for students will be distributed with the Policy. An English prototype is included herewith.

PROPOSED REVISION OF POLICY 5.81

~~**POLICY AGAINST PROTECTING STUDENTS FROM SEXUAL HARASSMENT AND DISCRIMINATION OF STUDENTS**~~

1. ~~**General Provisions**~~-- The School Board of Palm Beach County, as governing body for the District of Palm Beach County, Florida ("School District" or "District"), does not discriminate on the basis of sex in education programs and prohibits sexual harassment of, or gender-based discrimination against, any student or applicant for admission by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school, or outside the school, at school-sponsored events, on school buses, and at training facilities sponsored by the School District.
2. Sexual harassment and discrimination will not be tolerated and ~~will~~ shall be just cause for disciplinary action. Pursuant to § 230.23(6)(d)8, the Board hereby gives notice that "violation of the district school board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed."
3. In an effort to promote an environment free of sexual harassment and discrimination, the School District has adopted this Policy prohibiting Against Sexual Harassment of, and or gender-based Discrimination against of students, in order to prevent, investigate, and take prompt, equitable, and appropriate action with regard to alleged sexual harassment and discrimination.
4. ~~Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay and lesbian students may constitute sexual harassment covered by Title IX. The School District believes that all students are entitled to a safe, equitable, and harassment-free school experience. The School District Board will not tolerate sexual harassment between members of the same or opposite sex. **The Office for Civil Rights (OCR) states in its Revised Sexual Harassment Guidance (2001):**~~
Although Title IX does not prohibit discrimination on the basis of sexual orientation, sexual harassment directed at gay or lesbian students that is sufficiently serious to limit or deny a student's ability to participate in or benefit from the school's program constitutes sexual harassment prohibited by Title IX For example, if a male student or a group of male students target a gay student for physical sexual advances . . . the school would need to respond promptly and effectively . . . , just as it would if the victim were heterosexual. On the other hand, if students heckle another

45 student with comments based on the student's sexual orientation
46 ... but their actions do not involve conduct of a sexual nature, their
47 actions would not be sexual harassment covered by Title IX.
48 However, sufficiently serious sexual harassment is covered by Title
49 IX even if the hostile environment also includes taunts based on
50 sexual orientation.

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- 52 5. This Policy shall be interpreted and applied consistent with all applicable state and
53 federal laws and the Board's collective-bargaining agreements.
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- 55 6. **Title IX Coordinator.** -- Title IX of the Education Amendments ("Title IX") and
56 regulations of the Department of Education's Office for Civil Rights ("OCR") require
57 that the School District not discriminate on the basis of sex and that the School
58 District designate a Title IX Coordinator who is responsible for compliance with
59 Title IX and this Policy. The School District has designated the ~~EEO~~ Equal
60 Employment Opportunity ("EEO") Coordinator as the person responsible for
61 ensuring that students and their custodial parent(s)/guardian receive information
62 related to sexual harassment.
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- 64 7. The EEO Coordinator is the District's Title IX Coordinator and Sexual Harassment
65 Officer and is located at: 3370 Forest Hill Boulevard, Suite A-428-115, West Palm
66 Beach, Florida, 33406; Telephone: (561) 434-8637.
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- 68 8. Along with similar information required by Policy 5.001, this contact information is
69 to be posted in highly visible locations at each school including the main office, the
70 guidance waiting area, and student services.
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- 72 9. **Definitions.**-- For purposes of this Policy, the following definitions shall apply:
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- 74 a. ~~Accused/employee:~~ The accused is defined as a School District employee
75 alleged to be responsible for the violation alleged in the complaint.
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- 77 b. ~~Accused/student:~~ The accused defined as a student alleged to be responsible
78 for the violation that is alleged in the complaint.
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- 80 c. ~~Complaint:~~ A complaint means is defined as written allegations regarding any
81 action, policy, procedure, or practice prohibited by Title IX, the Florida
82 Education Equity Act, and/or this pPolicy.
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- 84 d. ~~Complainant:~~ A complainant is defined as is a student of, or applicant for
85 admission to, the School District who submits a written complaint of sexual
86 harassment or discrimination or an individual or group submitting a complaint
87 on behalf of a student(s).
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- 89 e. ~~Day: All days are~~ is defined as a working days and does not include
90 weekends or holidays unless noted as “calendar day.”
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- 92 f. **Minor, or minor student**, is defined as any student who has not yet attained
93 the age of eighteen (18). For purposes of this policy, the term should also be
94 construed to include an adult student who has been determined incompetent
95 or unable to give informed consent due to disability under state law. Note: any
96 procedure in this Policy mentioning a minor student's parent/guardian should
97 also be construed to include an adult student's parent, if the adult student has
98 given consent. For example, where the Policy requires giving notice to the
99 parent of a minor student, this requirement also includes notice to the parent
100 of an adult student who has given consent for the parent to receive the notice.
101 The notice would also be given to the parent of any adult student who has
102 been determined to be incompetent or unable to give informed consent due to
103 disability under state law.
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- 105 g. ~~Parties: Parties means~~ is defined as the accused student/applicant for
106 admission and/or accused/employee, and the complainant.
- 107
- 108 h. ~~School Official: School Officials include~~ is defined for purposes of this Policy,
109 as School Board employees, principals, assistant principals, teachers, and
110 school police officers who have the duty of reasonable supervision with
111 respect to student activities.
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113 10. **Prohibited Sexual Harassment**

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- 115 a. There are two (2) types of sexual harassment: quid pro quo harassment and
116 hostile environment harassment.
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- 118 i. Quid pro quo harassment occurs when some advancement or
119 opportunity, such as grades, credits, graduation, or other benefits are
120 conditioned upon sexual favors or that an advancement or opportunity is
121 withheld or punishment will result from a refusal to comply with a demand
122 for sexual favors.
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- 124 ii. Hostile environment harassment occurs when sexual conduct is
125 sufficiently severe, persistent, or pervasive that it has the purpose or
126 effect of unreasonably interfering with a student's performance or ability
127 to benefit from his/her education, or creates an intimidating, hostile,
128 offensive, or abusive school environment.
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- 130 b. Prohibited sexual harassment includes, but is not limited to, requests for
131 sexual favors, and other verbal, visual or physical conduct of a sexual nature
132 when:

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- i. ~~S~~ubmission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress;
 - ii. ~~S~~ubmission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, unreasonably interfering with the individual's education, or creating an intimidating, hostile, or offensive educational environment; or
 - iii. ~~S~~ubmission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.
- c. Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:
- i. ~~G~~raphic verbal comments about an individual's body or appearance;
 - ii. ~~S~~exual jokes, notes, stories, drawings, pictures or gestures;
 - iii. ~~S~~exual slurs; sexually-suggestive leering, threats, abusive words, derogatory comments; or sexually-degrading descriptions;
 - iv. ~~U~~nwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates;
 - v. ~~S~~spreading sexual rumors;
 - vi. ~~T~~ouching 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;
 - vii. ~~C~~ornering or blocking normal movements, or bullying;
 - viii. ~~D~~isplaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment; or
 - ix. ~~A~~ny act of retaliation against an individual who reports a violation of the District's Board's sexual harassment Policy or ~~who~~ participates in the investigation of a sexual harassment complaint.

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179 11. Site Level GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR
180 DISCRIMINATION BY STUDENTS -- Investigation and Resolution of
181 Complaints Against an (Accused/Student)
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- 183 a. Site Level Procedure Reporting Discrimination or Harassment.-- Any
184 student or applicant for admission who believes he/ or she is a victim of sexual
185 harassment or discrimination (or any individual, including any student, teacher,
186 or other employee of the School District, who has knowledge of any incident(s)
187 involving sexual harassment or discrimination of students or applicants for
188 admission) is strongly encouraged to report the incident(s) in writing to the
189 principal or other a school official. Due to the sensitive nature of sexual
190 harassment complaints, the written complaint may be filed directly with or the
191 EEO/Title IX Coordinator and ADA/504 Specialist.
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193 b. School officials must report in writing any allegations of harassment or
194 discrimination to the Principal and to the EEO/Title IX Coordinator.
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196 c. School officials must instruct students and their custodial parent(s)/guardian
197 that they the student (or custodial parent(s)/guardian on behalf of the student)
198 may file a written complaint with the Principal/ordesignee or EEO/Title IX
199 Coordinator.
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201 d. The principal/designee shall document all complaints in writing to ensure that
202 problems are appropriately addressed. Failure by the principal to respond to a
203 complaint within two (2) work days will automatically allow the complainant to
204 re-file the complaint with the area superintendent.
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206 e. It is the responsibility of the principal to forward all complaints within two (2)
207 work days to the area superintendent, EEO/Title IX Coordinator, and ADA/504
208 Specialist. Although this Policy encourages students to use the formal written
209 complaint process, school officials "should investigate all complaints and
210 reports of harassment, whether or not the complaint is in writing," as stated by
211 the Office for Civil Rights in Protecting Students from Harassment and Hate
212 Crime: A Guide for Schools, Part II (1999).
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214 f. Principal Involvement.-- If the Principal is directly and personally involved
215 with a complaint or is closely related to the a parties party to the complaint,
216 then an impartial designee the area superintendent shall be asked to conduct
217 the investigation.
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219 g. Informal Resolution.-- Where appropriate, the complainant and the
220 accused/student may agree to informally resolve the complaint. Complaints

221 should be made as soon as possible but no later than one hundred eighty
222 (180) calendar days after the alleged incident (that is, within 180 days after the
223 last act of harassment or discrimination). Even at this stage, where a formal
224 complaint form is not filed, the principal must summarize, in a written record,
225 the complainant's allegations. The principal should request the complainant
226 (or minor complaint's parent/guardian) to sign the summary to indicate that it is
227 accurate. The principal must transmit a copy of this summary to the area
228 superintendent, EEO/Title IX Coordinator, and ADA/504 specialist within two
229 (2) work days, noting that the parties agreed to attempt informal resolution.

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231 i. If both parties are willing, the principal/designee may arrange for the
232 parties to resolve the complaint informally through a voluntary
233 conversation between the complainant and the accused/student,
234 facilitated by the principal/ designee, within two (2) work days of receiving
235 the complaint. Both the complainant and the accused/student may be
236 accompanied by a person of their choice for support and guidance.

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238 ii. The parties shall never be asked to work out the problem directly with the
239 accused/student unless the assistance of a counselor, teacher,
240 administrator, or mediator is provided and both the complainant and the
241 accused/student are willing.

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243 iii. If the principal/designee and the complainant and the accused/student
244 (and/or their parents) agree that a satisfactory resolution has been
245 achieved through the informal conversation, then no further action need
246 be taken (besides notifying the area superintendent, EEO/Title IX
247 Coordinator, and ADA/504 Specialist that the matter has been resolved).
248 However, if a complete resolution has not been achieved, a formal written
249 complaint should be filed within ten (10) work days after the informal
250 meeting.

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252 iv. If the complaint is satisfactorily resolved informally, the Pprincipal/er
253 designee shall notify the area superintendent, EEO/Title IX Coordinator,
254 and ADA/504 Specialist of the resolution of the complaint.

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256 h. **Filing a Formal Complaint Report.**-- If the matter cannot be is not
257 satisfactorily resolved informally, the Pprincipal/ er-designee shall assist the
258 student (or custodial parent(s)/guardian on behalf of a minor as defined in
259 paragraph (9)(f)) in filing a complaint. Individuals may file a written complaint,
260 either orally or in writing with the Pprincipal/ erdesignee or EEO/Title IX
261 Coordinator by using the *Harassment and Discrimination Complaint Student*
262 *Complaint Report* form (PBSD 1615). Said form is hereby incorporated by
263 reference and made a part of this Policy and shall be filed with the Clerk of the

264 School Board herewith and is available on the District's web site at
265 www.palmbeach.k12.fl.us/Records/Forms.htm.

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- 267 i. Complaints should be made as soon as possible but no later than ~~sixty (60)~~
268 one hundred eighty (180) calendar days ~~of~~ after the alleged incident (that is,
269 within 180 days after the last act of harassment or discrimination). Failure on
270 the part of the complainant to initiate and/or follow up on the complaint within
271 this period may result in the complaint being deemed abandoned. The P
272 principal/ or designee shall record in writing and document all complaints
273 regarding sexual harassment and discrimination to ensure that problems are
274 appropriately addressed, whether the report is made verbally or in writing.
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- 276 j. ~~If the student does not file a written complaint, the student will be requested to~~
277 ~~complete the complaint form.~~ The principal/ or designee may assist the
278 student in completing the form or may complete the form for a student. The
279 complainant will be requested to provide signed, specific information regarding
280 the alleged discrimination or harassment, the alleged offender(s), witnesses,
281 and other relevant information. In all instances, the student (or custodial
282 parent(s)/guardian on behalf of a minor as defined in paragraph (9)(f)) shall
283 review the form to ensure its accuracy and sign and date the complaint.
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- 285 k. All complaints filed with the P principal/ or designee must be reported in writing
286 to the A area superintendent Executive Director and the EEO/Title IX
287 Coordinator and ADA/504 Specialist.
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- 289 l. **Notice to Accused/Student.** -- Within two (2) days of receipt of a complaint,
290 the P principal/ or designee will notify the accused/student of the allegations.
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- 292 m. **Notice to Parent(s)/Guardians.**-- Within two (2) days of receiving a
293 complaint, and in accordance with federal and state privacy laws, the
294 principal/designee shall notify the custodial parent(s)/ guardian of any minor
295 student, as defined in paragraph (9)(f), who is involved in alleged harassment
296 or discrimination. Notification may be made by telephone, letter, or personal
297 conference. The students involved and their custodial parent(s)/ guardians will
298 also be notified of events and decisions described in this pPolicy.
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- 300 n. **Steps in the Investigation.**-- The Pprincipal/or designee shall promptly and
301 begin an investigation within two (2) work days and thoroughly investigate all
302 complaints of sexual harassment or discrimination, including at a minimum the
303 following steps:
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- 305 i. Promptly talk with the complainant within two (2) work days:
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- 307 ii. give ~~the~~ complainant (or custodial parent(s)/guardian of a minor as
308 defined in paragraph (9)(f)) shall have an opportunity to describe the
309 incident, present witnesses and other evidence of the harassment or
310 discrimination, and ensure that ~~put~~ his/her the complaint is put in writing
311 if he/she has not already done so;
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- 313 iii. ~~P~~romptly talk with the accused/student (or custodial parent(s)/guardian
314 of a minor as defined in paragraph (9)(f)) within two (2) work days;
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- 316 iv. ~~T~~he accused/student shall have an opportunity to describe the incident,
317 present witnesses and other evidence, and put his/her response in
318 writing;
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- 320 v. ~~T~~alk with any person who saw the harassment, has knowledge of the
321 discrimination, or who may have related information; and
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- 323 vi. ~~C~~onduct a conference, if appropriate, with the complainant (and
324 custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)) and
325 the accused/student (and custodial parent(s)/guardian of a minor) and
326 give with prior notice of the date, time, place and rules to the parties.
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- 328 vii. The principal/designee is encouraged to ask open-ended questions to
329 enable students to describe what happened in their own words.
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- 331 viii. The principal/designee may request that the accused/student (or the
332 custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)),
333 prepare a written response to the complaint; or the principal/designee
334 may prepare a written statement of the accused/student's oral response
335 to the complaint based on their meeting and obtain the signature of the
336 accused/student (and/or custodial parent(s)/guardian of the minor student
337 as defined in paragraph (9)(f)), after his/her review of the statement.
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- 339 ix. The principal/designee should dictate and then review his/her notes with
340 the complainant and accused/student after the interviews to verify the
341 facts and ensure accuracy, and then obtain signatures, but shall not tape
342 the interviews.
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- 345 e. ~~If the complainant and the accused/student agree, the Principal or designee~~
346 ~~may arrange for the parties to resolve the complaint informally.~~
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- 348 x. ~~The student who complained shall never be asked to work out the~~
349 ~~problem directly with the accused/student unless the assistance of a~~
350 ~~counselor, teacher, administrator, or mediator is provided.~~

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- ~~xi. If the matter cannot be resolved informally, the Principal/ or designee shall assist the student in filing a complaint. If the complaint is resolved informally, the Principal/or designee shall notify the EEO Coordinator of the resolution of the complaint.~~
- o. **Pursuing the Investigation.--** During the investigation, the ~~P~~principal/ or designee may take any action necessary to protect the complainant, or other ~~employees or students~~ or employees, consistent with the requirements of applicable regulations and statutes.
 - i. In general, complainants shall continue attendance at the school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution.
 - ~~ii. The Principal or designee is encouraged to ask open-ended questions to enable students to describe what happened in their own words.~~
 - ~~iii. The Principal or designee may request that the accused/student prepare a written response to the complaint, or the Principal or designee may prepare a written statement of the accused/student's response to the complaint based on their meeting and obtain the signature of the accused/student after his/her review of the statement.~~
 - ~~iv. The Principal or designee should review and dictate his/her notes with the complainant and accused/ student after the interviews to verify the facts and ensure accuracy, and obtain signatures, but shall not tape the interviews.~~
 - ~~v. ii.~~ When necessary to carry out his/her investigation or for other good reasons, and consistent with federal and state privacy laws, the ~~P~~ principal/ or designee may discuss the complaint with any of the following persons:
 - A. Superintendent/ or designee;
 - B. Chief Academic Officer;
 - C. Area superintendents ~~Executive Directors~~;
 - D. associate ~~S~~superintendents;
 - E. Chief of School Police;

- 395 F. the custodial parent(s)/guardian of the complainant, if the
396 complainant is ~~under eighteen (18) years of age~~ a minor, as defined
397 in paragraph (9)(f) of this Policy.;
- 398
- 399 G. the custodial parent(s)/guardian of the accused/student, if the
400 accused/student is ~~under eighteen (18) years of age~~ a minor, as
401 defined in paragraph (9)(f).;
- 402
- 403 H. a teacher or staff member whose knowledge of the students involved
404 may help determine who is telling the truth;
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- 406 I. child protective agencies responsible for investigating child abuse;
407 and/or
- 408
- 409 J. legal counsel for the district Board.
- 410
- 411 p. **Written Decision of the Principal/Designee.**-- Upon completion of the
412 investigation, the ~~P~~principal/~~or~~designee will make a decision about the validity
413 of the allegations in the complaint and about any corrective action, if
414 applicable, consistent with the Matrix of Incidents and Actions in Policy 5.1812
415 (elementary) or Policy 5.1813 (secondary). In reaching a decision about the
416 complaint, the ~~P~~principal/~~or~~ designee should take into account:
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- 418 i. ~~S~~statements made by the persons identified in ~~Section 5~~ paragraphs
419 (11)(n), (o) above;
- 420
- 421 ii. ~~T~~the details and consistency of each person's account;
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- 423 iii. ~~E~~evidence of how the complainant reacted to the incident;
- 424
- 425 iv. ~~E~~evidence of past instances of harassment or discrimination by the
426 accused/ student (provided that, if evidence of harassment/
427 discrimination, accusations, or complaints is to be considered, the
428 principal/designee must review in their entirety the files regarding those
429 past incidents);
- 430
- 431 v. ~~E~~evidence of past harassment or discrimination complaints that were
432 found to be untrue (provided that, if evidence of past accusations or
433 complaints is to be considered, the principal/designee must review in their
434 entirety the files regarding those past incidents); and
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- 436 vi. ~~C~~case law, state and federal laws and regulations, and the ~~D~~istrict's
437 Board's pPolicyies prohibiting sexual harassment and discrimination.
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- 439 q. To determine the severity of the harassment or discrimination, the
440 Principal/~~or~~ designee may consider, among other things:
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- 442 i. ~~H~~ow the misconduct affected one or more student's education~~;~~
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- 444 ii. ~~T~~he type, frequency, and duration of the misconduct~~;~~
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- 446 iii. ~~T~~he number of persons involved~~;~~
- 447
- 448 iv. ~~T~~he subject(s) of harassment or discrimination~~;~~
- 449
- 450 v. ~~T~~he place and situation where the incident occurred~~;~~ and/or
- 451
- 452 vi. ~~O~~ther incidents at the school, including incidents of harassment or
- 453 discrimination that were not related to sex.
- 454
- 455 r. Within thirty (30) calendar days of the filing of the complaint, the Principal/~~or~~ or
456 designee shall give the Area superintendent/ Executive Director or designee
457 and the EEO/Title IX Coordinator and ADA/504 Specialist a written report that
458 describes the complaint and investigation and contains his/~~her~~ findings,
459 decision, and reasons for the decision.
- 460
- 461 i. If the principal/designee he/she verifies that sexual harassment or
462 discrimination occurred, this report shall describe the actions ~~he/she took~~
463 taken to end the harassment or discrimination pursuant to the Matrix of
464 Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813
465 (secondary)~~;~~ address the effects of the harassment or discrimination on
466 the complainant~~;~~ and prevent retaliation or further harassment or
467 discrimination.
- 468
- 469 ii. The Principal/~~or~~ designee ~~will~~ shall notify the parties (and their custodial
470 parents(s)/guardian if the parties are minors as defined in paragraph
471 (9)(f)) in writing of his/~~her~~ the decision and their right to review by the
472 Area superintendent/ Executive Director or designee. (If the complaint
473 was originally filed with, and investigated by, the EEO/Title IX
474 Coordinator or ADA/504 Specialist instead of the principal, the Title IX
475 Coordinator or ADA/504 Specialist shall inform the parties of the right to
476 appeal to the Chief Academic Officer/designee within ten (10) days after
477 receiving the Coordinator's/Specialist's decision.)
- 478
- 479 s. No retaliation of any kind is permitted on the basis of an individual's having
480 made a discrimination or harassment complaint.
- 481

- 482 12. **Appeal to Area Superintendent Executive Director of a Complaint Against an**
483 **Accused/Student.**-- If the complaint against an accused/student is not resolved at
484 the school-site level to the satisfaction of the parties ~~in the site-level process~~,
485 either party (or their custodial parents(s)/guardian if the parties are minors as
486 defined in paragraph (9)(f)), may seek review by the Aarea superintendent
487 Executive Director or designee, by using through the following procedures
488 process:-
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- 490 a. The written complaint and request for review shall be sent to the area
491 superintendent's office within ten (10) days of the completion of the site-level
492 process by the principal/designee.
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- 494 i. If the principal's designee conducted the investigation and made the
495 decision, the first level of appeal is to the principal rather than the area
496 superintendent. If the complaint was reviewed or investigated by the
497 principal, the next level of appeal is to the area superintendent/designee.
498 (If the complaint was originally filed with, and investigated by, the
499 EEO/Title IX Coordinator or ADA/504 Specialist instead of the principal,
500 the next level of appeal is to the Chief Academic Officer/designee.) ~~The~~
501 ~~written complaint and request for review shall be sent to the Area~~
502 ~~Executive Director's office within ten (10) days of the completion of the~~
503 ~~site-level process by the Principal or designee.~~
504
- 505 ii. However, if if the A area superintendent/ Executive Director or designee
506 is directly involved with a complaint or closely related to with the a parties
507 party to the complaint, then an impartial designee the Chief Academic
508 Officer/designee shall be asked to conduct the investigation review and/or
509 further investigation.
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- 511 b. **Notice Requirement.**-- Notice will be given to all parties of a request for
512 review by the A area superintendent/ Executive Director or designee within
513 two (2) business days of the request for review.
514
- 515 c. **Procedure.**-- The A area superintendent/ Executive Director or designee shall
516 review the complaint, the answer to the complaint, the P principal's report, and
517 any other evidence in the record. The Aarea superintendent/ Executive
518 Director or designee may conduct any further investigation he/she deems
519 necessary.
520
- 521 i. The area superintendent/designee will review the principal's decision as
522 to the validity of the allegations and any corrective action and will make a
523 decision within thirty (30) calendar days after receipt of the request for
524 review. Time limits may be extended by written mutual agreement of the
525 individual(s) making the complaint and the person to whom the complaint

- 526 is addressed ~~accused/student (or the custodial parent(s)/guardian of a~~
527 ~~minor party as defined in paragraph (9)(f)).~~
528
529 ii. ~~No retaliation of any kind is permitted because an individual has made a~~
530 ~~sexual harassment or sexual discrimination complaint. During the~~
531 ~~investigation, the ~~A~~ area superintendent/ Executive Director or designee~~
532 ~~may take any action necessary to protect the complainant, or other~~
533 ~~employees or students, or employees, consistent with the requirements of~~
534 ~~applicable regulations and statutes. The ~~Area Executive Director~~ or~~
535 ~~designee will review the Principal's decision as to the validity of the~~
536 ~~allegations and any corrective action, and will make a decision within~~
537 ~~thirty (30) calendar days after receipt of the request for review.~~
538
539 iii. ~~The ~~A~~ area superintendent/ Executive Director or designee shall take~~
540 ~~action deemed appropriate to resolve the situation, including, but not~~
541 ~~limited to, ~~warning, out-of-school suspension, expulsion, transfer to~~~~
542 ~~~~alternative school, or other~~ disciplinary action by the school, consistent~~
543 ~~with the requirements of applicable procedures outlined in each ~~S~~ school's~~
544 ~~*Student-Parent Handbook*, ~~School District~~ the Matrix of Incidents and~~
545 ~~Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and~~
546 ~~Florida law, or transfer to alternative school.~~
547
548 iv. ~~The ~~A~~ area superintendent/ Executive Director or designee will inform the~~
549 ~~parties in writing of his/her the decision and the parties' right to appeal.~~
550
551 v. ~~A copy of the decision will be sent to the EEO/Title IX Coordinator and~~
552 ~~ADA/504 Specialist.~~
553

554 13. **Appeal to the Chief Academic Officer/Designee**
555

- 556 a. If the complainant or accused/student (or the custodial parent(s)/guardian of a
557 minor party as defined in paragraph (9)(f)) is dissatisfied with the area
558 superintendent's decision, that decision may be appealed in writing to the
559 Chief Academic Officer/designee within ten (10) days after receipt of the
560 decision.
561
562 i. If the area superintendent's designee conducted the investigation, the
563 next level of appeal is to the area superintendent rather than the Chief
564 Academic Officer.
565
566 ii. If the Chief Academic Officer/designee is directly involved with a
567 complaint or closely related to a party to the complaint, then the Chief
568 Operating Officer/designee shall be asked to review the matter.
569

- 570 b. Notice.-- Notice of the appeal shall be given in writing to the complainant and
571 accused/student (and the custodial parent(s)/guardian of a minor party as
572 defined in paragraph (9)(f)) within two (2) days of receipt of the appeal.
573
- 574 c. Procedure.-- The Chief Academic Officer/designee shall review the written
575 complaint, the accused/student's response to the complaint (or
576 parent's/guardian's response on behalf of the minor accused/student as
577 defined in paragraph (9)(f)), and all documentation pertaining to the alleged
578 harassment or discrimination including the area superintendent's decision.
579
- 580 i. The Chief Academic Officer/designee, in his/her discretion, may request
581 additional information.
582
- 583 ii. The Chief Academic Officer/designee shall issue a written decision to the
584 parties within twenty (20) calendar days of request of the appeal.
585

586 14. Appeal Procedure to the Superintendent

587

- 588 a. If the complainant or accused/student (or the custodial parent(s)/guardian of a
589 minor party as defined in paragraph (9)(f)), is dissatisfied with the Area
590 Executive Director's Chief Academic Officer's decision, that decision it may be
591 appealed in writing to the Superintendent within ten (10) days after receipt of
592 the decision.
593
- 594 i. If the Chief Academic Officer's designee conducted the investigation, the
595 next level of appeal is to the Chief Academic Officer, rather than to the
596 Superintendent.
597
- 598 ii. If the Superintendent is directly involved with a complaint or closely
599 related to a with the partiesparty to the complaint, then an impartial
600 designee the Chief Counsel to the Board shall be asked to review the
601 matter and report the findings in writing to the Board.
602
- 603 b. Notice.-- Notice of the appeal shall be given to ~~all~~ the parties within two (2)
604 days of receipt of appeal.
605
- 606 c. Procedure.-- The Superintendent/~~or~~ designee shall review the written
607 complaint, the accused/student's response to the complaint (or the response
608 of the custodial parent(s)/guardian of a minor student as defined in paragraph
609 (9)(f)), and all documentation pertaining to the alleged sexual harassment or
610 discrimination, including the Area Executive Director's Chief Academic
611 Officer's decision.
612

- 613 i. The Superintendent/ør designee, ~~in his/her discretion,~~ may request
614 additional information.
615
616 ii. The Superintendent/ ør designee shall issue a written decision to the
617 parties within twenty (20) calendar days of request of the appeal. The
618 decision of the Superintendent/ ør designee is the final decision of the
619 District.
620

621 15. **Other Means of Resolution.** - If the complainant is not satisfied with the results
622 of the procedures contained in this policy, he/ør she may utilize other means for
623 resolution as provided by law, including seeking recourse through the Ffederal
624 Office for Civil Rights (“OCR”).
625
626
627

628 16. **GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION**
629 **BY EMPLOYEES -- Investigation and Resolution of Complaints Against an**
630 **(Accused/Employee)**
631

- 632 a. ~~Site-Level Procedure~~ **Reporting Discrimination or Harassment.**-- Any
633 student/ør applicant for admission (or the custodial parent(s)/guardian thereof,
634 if a minor as defined in paragraph (9)(f)), who believes he/ør she is a victim of
635 discrimination or harassment, øf (or any individual, including any student,
636 teacher, or other employee of the School District, who has knowledge of any
637 incident(s) involving sexual discrimination against, or harassment of students
638 is strongly encouraged to report the incident(s) in writing to the principal or
639 other a-school official. Due to the sensitive nature of sexual harassment
640 complaints, the written complaint may be filed directly with the EEO/Title IX
641 Coordinator and ADA/504 Specialist. Complaints should be filed as soon as
642 possible after the alleged incident, but must be filed within one hundred eighty
643 (180) calendar days after the alleged incident (i.e. within 180 days after the
644 last act of alleged harassment or discrimination).
645
646 b. School officials must report in writing any allegations of discrimination or
647 harassment to the Pprincipal and to the EEO/Title IX Coordinator and
648 ADA/504 Specialist.
649
650 c. School officials must instruct students that they may file a written complaint
651 with the Pprincipal/ ør designee or the EEO/Title IX Coordinator and ADA/504
652 Specialist. If the Pprincipal is directly involved with a complaint or with the
653 parties to the complaint or is closely related to a party to the complaint, then
654 the incident may be reported directly to the EEO/Title IX Coordinator.
655

- 656 d. The principal shall document all complaints in writing to ensure that problems
657 are appropriately addressed. It is the responsibility of the principal to forward
658 all complaints to the area superintendent, EEO/Title IX Coordinator and
659 ADA/504 Specialist. Failure by the principal to respond to a complaint within
660 two (2) work days will automatically allow the complainant to re-file the
661 complaint with the area superintendent.
- 662
- 663 e. **Filing the Compliant Form.** ~~Individuals~~ Consistent with OCR guidelines, a
664 formal complaint process is required for any complaint against an employee.
665 Complainants (or the custodial parent(s)/guardian of the minor student as
666 defined in paragraph (9)(f)) may file a complaint, either orally or in writing, with
667 the Pprincipal/er-designee or the EEO/Title IX Coordinator and ADA/504
668 Specialist by using the *Harassment and Discrimination Complaint Student*
669 *Complaint Report* form (PBSD 1615), available on the District's web site at
670 <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
- 671
- 672 i. Complaints should be filed as soon as possible after the alleged incident,
673 but must be filed within ~~sixty (60)~~ one hundred eighty (180) calendar days
674 of after the alleged incident (that is, within 180 days after the last act of
675 alleged harassment or discrimination). Failure on the part of the
676 complainant to initiate and/or follow up on the complaint within this period
677 may result in the complaint being deemed abandoned.
- 678
- 679 ii. The Pprincipal/erdesignee may assist the individual in completing the
680 Fform by recording information on it the *Harassment and Discrimination*
681 *Complaint Form*, reviewing it with the complainant, and obtaining the
682 complainant's signature. The complainant will be requested to provide
683 signed, specific information regarding the alleged discrimination or
684 harassment, the alleged offender(s), witnesses, and other relevant
685 information.
- 686
- 687 iii. All complaints filed with the Pprincipal/erdesignee must be reported to
688 the Aarea superintendent Executive Director and the EEO/Title IX
689 Coordinator and ADA/504 specialist for investigation.
- 690
- 691 f. **Notice to Parent(s)/Guardians.** ~~Within two (2) days of receiving the~~
692 complaint, and in accordance with federal and state privacy laws, the
693 principal/designee shall notify the custodial parent(s)/guardian of any minor
694 student as defined in paragraph (9)(f) who is allegedly subject to harassment
695 or discrimination. Notification may be made by telephone, letter, or personal
696 conference. The students involved (and their custodial parent(s)/ guardians, if
697 the students are minors) will also be notified of events and decisions described
698 in this Policy.
- 699

- 700 g. Investigation by EEO/Title IX Coordinator/designee or ADA/504
701 Specialist/designee. -- The EEO/Title IX Coordinator/ ~~or~~-designee or
702 ADA/504 Specialist/designee shall document and promptly and begin within
703 (2) work days to thoroughly investigate all complaints of harassment or
704 discrimination, including the following steps to ensure that problems are
705 appropriately addressed:
- 706
- 707 i. promptly talk with the complainant within two (2) business days after
708 receiving the complaint. The complainant (and/or the custodial
709 parent(s)/guardian of the minor complainant as defined in paragraph
710 (9)(f)) shall have an opportunity to describe the incident, present any
711 evidence, name witnesses, and ensure that put his/her the complaint is
712 put in writing, if he/she has not already done so.;
- 713
- 714 ii. ~~T~~talk with any witnesses or others who may have relevant information.;
- 715 and
- 716
- 717 iii. ~~C~~conduct an investigation meeting with the accused/employee, and the
718 accused/employee's representative, if applicable, to discuss the
719 allegations and allow the accused/employee to respond to the allegations.
- 720
- 721 h. During the investigation, the EEO/Title IX Coordinator/designee or ADA/504
722 Specialist/designee may recommend to the Chief Personnel Officer/~~or~~
723 designee, any action necessary to protect the complainant, or other students
724 or employees or students, consistent with the requirements of applicable
725 regulations or statutes, State Board of Education Rules, Schol Board Policies,
726 and collective bargaining agreements.
- 727
- 728 i. In general, complainants will continue attendance at the school and
729 pursue their studies as directed while the investigation is conducted and
730 the complaint is pending resolution. ~~The EEO Coordinator shall document~~
731 ~~all complaints to ensure that problems are appropriately addressed.~~
- 732
- 733 ii. When necessary to carry out his/her the investigation or for other good
734 reasons, and consistent with federal and state privacy laws, the EEO/Title
735 IX Coordinator/designee or ADA/504 Specialist/designee also shall
736 discuss the complaint with the following persons, as appropriate:
- 737
- 738 A. Superintendent/~~or~~-designee;
- 739
- 740 B. Chief Operating Officer and/or Chief Operating Officer;
- 741
- 742 C. Aarea superintendent/designee Executive Directors;
- 743

- 744 D. ~~A~~ Associate Superintendents;
- 745
- 746 E. Chief of School Police;
- 747
- 748 F. Chief Personnel Officer;
- 749
- 750 G. Director of ~~E~~mployee Labor Relations;
- 751
- 752 H. ~~T~~he custodial parent(s)/guardian of the complainant, if the
- 753 complainant is ~~under eighteen (18) years of age~~ a minor as defined
- 754 in Section (9)(f);
- 755
- 756 I. ~~A~~ teacher or staff member whose knowledge of the student(s) or
- 757 employee(s) involved may help determine who is telling the truth;
- 758
- 759 J. ~~C~~hild protective agencies responsible for investigating child abuse;
- 760
- 761 K. ~~L~~egal counsel for the ~~D~~istrict Board; and/or
- 762
- 763 L. ~~E~~xclusive bargaining representative or their the legal counsel
- 764 thereof, if appropriate; and
- 765
- 766 M. the accused/employee.
- 767

768 17. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator or ADA/504 Specialist.--**
769 Upon completion of the investigation, within thirty (30) calendar days of receiving
770 the complaint if possible, the EEO/Title IX Coordinator shall make a decision about
771 the validity of the allegations in the complaint.

- 772
- 773 a. The EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee shall
- 774 discuss the determination and any corrective action with the ~~P~~principal/or
- 775 designee and Chief Personnel Officer.
- 776
- 777 b. In reaching a decision about the complaint, the following should be taken into
- 778 account:
- 779
- 780 i. ~~S~~statements made by the persons identified above;
- 781
- 782 ii. ~~T~~he details and consistency of each person's account;
- 783
- 784 iii. ~~E~~vidence of how the complainant reacted to the incident;
- 785
- 786 iv. ~~E~~vidence of past instances of harassment or discrimination by the
- 787 accused/employee (provided that, if evidence of past harassment/

- 788 discrimination are to be considered, the investigator must review in their
789 entirety the files regarding those past incidents);
790
791 v. ~~E~~evidence of past harassment or discrimination complaints that were
792 found to be untrue (provided that, if evidence of past accusations or
793 complaints is to be considered, the investigator must review in their
794 entirety the files regarding those past incidents); and
795
796 vi. ~~C~~case law, state and federal laws and regulations, and ~~the District's Board~~
797 p~~P~~olicy~~ies~~ prohibiting harassment and discrimination.
798
799 c. To determine the severity of the harassment or discrimination, the following
800 may be considered:
801
802 i. ~~H~~how the misconduct affected one or more student's education;
803
804 ii. ~~T~~the type, frequency, and duration of the misconduct;
805
806 iii. ~~T~~the number of persons involved;
807
808 iv. ~~T~~the subject(s) of harassment or discrimination;
809
810 v. ~~T~~the place and situation where the incident occurred; and
811
812 vi. ~~O~~other incidents at the school.
813
814
815 d. The following action(s) ~~or discipline~~ may be taken, consistent with any
816 applicable collective-bargaining agreement provisions, to resolve a complaint
817 of harassment or discrimination:
818
819 i. ~~N~~no action, if the complaint is unsubstantiated;
820
821 ii. ~~T~~the training requirements for the employee;
822
823 iii. ~~O~~oral reprimand of the employee;
824
825 iv. ~~W~~written reprimand of the employee;
826
827 v. ~~S~~suspension of the employee up to and including termination; or
828
829 vi. Termination of the employee.
830

831 A. For the first verified offense of harassment of, or discrimination
832 against, a student, suspension should be recommended for a
833 minimum of thirty (30) days without pay up to and including
834 termination. Termination should be recommended for the second
835 offense of verified harassment of, or discrimination against, a
836 student.

837
838 B. Suspension without pay and/or termination requires School Board
839 action.

840
841 **18. Appeal Procedure for an Accused/Employee**

- 842
843 a. If the accused/employee wishes to appeal the action taken in resolution of the
844 complaint, such appeal shall be filed either in accordance with District Board
845 Policy 3.31 or pursuant to the relevant collective bargaining agreement.
846
847 b. For those employees not in a bargaining unit, the appeal shall be filed in
848 accordance with District Board Policy #-3.31.
849

850 **19. Appeal Procedure for Student/Complainant Against Accused/Employee**

- 851
852 a. **Appeal to the Chief Operating Officer/Designee.--** If the complainant ~~or~~
853 ~~accused/student~~ (or the custodial parent(s)/guardian on his/her behalf if the
854 ~~complainant is a minor as defined in paragraph (9)(f)~~ is dissatisfied with the
855 EEO/Title IX Coordinator's decision, it may be appealed in writing to the
856 ~~Superintendent~~Chief Operating Officer/designee within ten (10) days after
857 receipt of the decision. However, if the ~~Superintendent~~Chief Operating Officer
858 is directly involved with a complaint or closely related to with the a partiesparty
859 to the complaint, then ~~an impartial designee~~ the Chief Academic Officer shall
860 be asked to review the matter.
861
862 i. **Notice.--** Notice of the appeal shall be given to ~~all parties~~ the parties
863 (and the custodial parent(s)/guardian of a complainant who is a minor as
864 defined in paragraph (9)(f)) within two (2) days of receipt of appeal.
865
866 ii. **Procedure.--** The ~~Superintendent/~~ or Chief Operating Officer/designee
867 shall review the written complaint, the accused/ ~~student's~~ employee's
868 response to the complaint, and all documentation pertaining to the
869 alleged sexual harassment or discrimination including the EEO/Title IX
870 Coordinator's or ADA/504 Specialist's decision.
871
872 A. The ~~Superintendent/~~ or Chief Operating Officer/designee, in his/her
873 discretion, may request additional information.

874
875 B. The Superintendent/~~or Chief Operating Officer~~/designee shall issue a
876 written decision to the parties within twenty (20) calendar days of
877 request of the appeal.
878

879 b. **Appeal to the Superintendent.**-- If the complainant (or custodial
880 parent(s)/guardian of the minor complainant) is dissatisfied with the Chief
881 Operating Officer's decision, the decision may be appealed in writing to the
882 Superintendent within ten (10) days after receipt of the decision.
883

884 i. If the Chief Operating Officer's designee conducted the review, the next
885 level of appeal is to the Chief Operating Officer rather than to the
886 Superintendent.
887

888 ii. If the Superintendent is directly involved with a complaint or closely
889 related to a party to the complaint, then the Chief Counsel to the Board
890 shall be asked to review the matter and report the findings to the Board.
891

892 iii. **Notice.**-- Notice of the appeal shall be given in writing to the parties (and
893 their custodial parent(s)/guardian if appropriate) within two (2) days of
894 receipt of the appeal.
895

896 iv. **Procedure.**-- The Superintendent/designee shall review the written
897 complaint, the accused/employee's response to the complaint, and all
898 documentation pertaining to the alleged harassment or discrimination,
899 including the Chief Operating Officer's decision.
900

901 A. The Superintendent may request additional information.
902

903 B. The Superintendent/designee shall issue a written decision to the
904 parties (and their custodial parent(s)/guardian if appropriate) within
905 twenty (20) calendar days of request of the appeal. The decision of
906 the Superintendent/designee is the final decision of the District.
907

908 c. **Other Means of Resolution.**-- If the complainant is not satisfied with the
909 results of the procedures contained in this pPolicy, he/ or she may utilize other
910 means for resolution as provided by law, including seeking recourse through
911 the Ffederal Office for Civil Rights ("OCR").
912

913 **20. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION**
914 **BY VOLUNTEERS, VISITORS, OR CONTRACTORS** -- Investigation of

915 Complaints Against a School Volunteer, Campus Visitor, Contractor/Consultant, or
916 Other Third Party.

- 917
- 918 a. The School Board will not tolerate sexual harassment or discrimination by
919 school volunteers, consultants, independent contractors or subcontractors (or
920 their employees), or any third party in the school (or outside of the school at
921 school-sponsored events), on school buses, or at training facilities sponsored
922 by the School District. Any such alleged harassment or discrimination should
923 be reported immediately to the school principal, using the same formal written
924 complaint process as would be used to report harassment or discrimination by
925 a District employee. The complaint should be filed as soon as possible, at
926 least within one hundred eighty (180) calendar days of the alleged incident
927 (i.e. within 180 days of the last act of alleged harassment or discrimination).
928
- 929 b. It is the responsibility of the principal to forward all complaints to the area
930 superintendent, EEO/Title IX Coordinator, and ADA/504 Specialist within two
931 (2) work days. Failure by the principal to respond to a complaint within two (2)
932 work days will automatically allow the complainant to re-file the complaint with
933 the area superintendent.
934
- 935 c. Within two (2) days of receiving the complaint, and in accordance with federal
936 and state privacy laws, the principal/designee shall notify the custodial
937 parent(s)/guardian of any minor student as defined in paragraph (9)(f)) who is
938 allegedly subject to harassment or discrimination. Notification may be made
939 by telephone, letter, or personal conference. The students involved (and their
940 custodial parent(s)/ guardians, if the students are minors) will also be notified
941 of events and decisions described in this Policy.
942
- 943 d. Within two (2) days of receiving the complaint, the EEO/Title IX
944 Coordinator/designee or ADA/504 Specialist/designee shall begin an
945 investigation, using procedures similar to those used for investigation of
946 allegations against District employees.
947
- 948 e. If the District's investigation substantiates a complaint of sexual harassment or
949 discrimination by a school volunteer, visitor, consultant/independent
950 contractor, vendor or other third party, the Superintendent shall promptly
951 recommend appropriate action. As stated in OCR's *Revised Sexual*
952 *Harassment Guidance (2001)*:
953 The type of appropriate steps that the school should take will differ
954 depending on the level of control that the school has over the third
955 party harasser. For example, if athletes from a visiting team harass
956 the home school's students, the home school may not be able to
957 discipline the athletes. However, it could encourage the other
958 school to take appropriate action to prevent further incidents; if

959 necessary, the home school may choose not to invite the other
960 school back.

961
962 f. Depending on the situation, an appropriate response may include, but not
963 limited to, revoking the volunteer's status under Policy 2.53; asking the visitor
964 to refrain from returning to the campus; requesting a contractor to remove an
965 employee from a project at a school site and discipline the employee; or
966 debaring a vendor pursuant to Policy 6.14(5). The District's response will be
967 designed to eliminate the harassment or discrimination and prevent its
968 reoccurrence. If the complainant is not satisfied with the District's response,
969 he/she (or the custodial parent(s)/guardian of a minor complainant) may
970 appeal according to the procedures used to appeal a decision regarding
971 alleged harassment or discrimination by an employee under Section 19.

972
973 g. Other Means of Resolution.-- If the complainant is not satisfied with the
974 District's response under this Section, he/she may utilize other means for
975 resolution as provided by law, including seeking recourse through OCR.

976
977 **21. Confidentiality**

978 a. To the greatest extent possible, all complaints will be treated as confidential
979 and in accordance with Fla. Stat. § 228.093(3)(d), ~~§ 119.07(3)(p)~~, and the
980 Family Educational Rights and Privacy Act ("FERPA"), and any other
981 applicable law, such as §§ 119.07(3)(p) & (u), 231.291(3), and 231.262(1),
982 Fla. Stat.

983
984 b. However, limited disclosure may be necessary to complete a thorough
985 investigation as described above. The District's obligation to investigate and
986 take corrective action may supersede an individual's right to privacy.

987
988 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute
989 confidentiality cannot be guaranteed.

990
991 **22. Notice. Informing Students and Employees About this Policy.--** Notice of the
992 existence of this Policy, prevention plan, and procedures shall be posted in
993 prominent locations in all District buildings, including information on how to receive
994 a copy. Notice shall be included annually in student, parent, and staff handbooks.

995
996 **23. Retaliation Prohibited**

997
998 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or
999 harassment in connection with filing a complaint or assisting with an
1000 investigation under this Policy.

- 1002 b. Retaliatory or intimidating conduct against any individual who has made a
1003 harassment or discrimination complaint or any individual who has testified,
1004 assisted, or participated, in any manner, in an investigation is specifically
1005 prohibited.
1006
- 1007 c. The Pprincipal/er designee, and EEO/Title IX Coordinator or ADA/504
1008 Specialist, if applicable, shall inform ~~the complainants~~ that ~~he/shethey~~ is are
1009 protected by law from retaliation.
1010

1011 **24. Additional Assistance Available**

- 1012
- 1013 a. In all cases, the District reserves the right to refer the results of its own
1014 investigation to the local State Attorney for possible criminal charges, whether
1015 or not the District takes any other action on its own account.
1016
- 1017 b. The District will provide counseling services for students who have been
1018 harassed or discriminated against.
1019
- 1020 c. Training will be provided to assist teachers and counselors who work with
1021 students to prevent sexual harassment and discrimination between people of
1022 the same sex or the opposite sex.
1023
- 1024 d. The Office for Civil Rights is a federal agency in the Department of Education
1025 that ensures that schools' compliance with charged with implementing Title IX
1026 of the Education Amendments and can be contacted by telephone at 1-800-
1027 421-3481; by fax at (404) 562-6455; or by e-mail at OCR Atlanta@ed.gov.
1028
- 1029 e. For more information, one may contact: EEO/Title IX Coordinator, 3370
1030 Forest Hill Boulevard, Suite A-128 A-115, West Palm Beach, Florida, 33406;
1031 Telephone: (561) 434-8637; or visit <http://www.ed.gov/ocr/sex.html> on the
1032 Internet.
1033

1034 STATUTORY AUTHORITY: § 230.22(2); 230.23(17)(22); 230.23005(6), Fla. Stat.

1035

1036 LAWS IMPLEMENTED: §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida
1037 Education Equity Act); 228.093(3)(d); 230.22(1),
1038 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a);
1039 231.262(1), 760.01(2), Fla. Stat.; Title II of the
1040 Americans With Disabilities Act (42 U.S.C. 12131, et
1041 seq. (Title II of the Americans with Disabilities Act);
1042 Title IX of the Education Amendments of 1972 (20
1043 U.S.C. § 1681-1688 et. seq. (Title IX of the Education
1044 Amendments of 1972); Title VI of the Civil Rights Act
1045 of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.81 and finds it legally sufficient for development by the Board.

Attorney

Date