

**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**

- The Board has had several development readings of this Policy. The Policy revision was originally scheduled for final Adoption on December 2, 2002.
- 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 sex/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 or training programs 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 § 1006.07(2)(h), the Board hereby gives notice that violation of this "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 ~~p~~Policy.

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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.  
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- 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~~preading 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.

11. Site Level GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION BY STUDENTS -- Investigation and Resolution of Complaints Against an (Accused/Student)

- a. Site Level Procedure Reporting Discrimination or Harassment.-- Any student or applicant for admission who believes he/ or she is a victim of sexual harassment or discrimination (or any individual, including any student, teacher, or other employee of the School District, who has knowledge of any incident(s) involving sexual harassment or discrimination of students or applicants for admission) is strongly encouraged to report the incident(s) in writing to the principal or other a school official. Due to the sensitive nature of sexual harassment complaints, the written complaint may be filed directly with or the EEO/Title IX Coordinator and ADA/504 Specialist.
- b. School officials must report in writing any allegations of harassment or discrimination to the Principal and to the EEO/Title IX Coordinator.
- c. School officials must instruct students and their custodial parent(s)/guardian that they the student (or custodial parent(s)/guardian on behalf of the student) may file a written complaint with the Principal/ordesignee or EEO/Title IX Coordinator.
- d. The principal/designee shall document all complaints in writing to ensure that problems are appropriately addressed. Failure by the principal to respond to a complaint within two (2) work days will automatically allow the complainant to re-file the complaint with the area superintendent.
- e. It is the responsibility of the principal to forward all complaints within two (2) work days to the area superintendent, EEO/Title IX Coordinator, and ADA/504 Specialist. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II (1999).
- f. Principal Involvement.-- If the Principal is directly and personally involved with a complaint or is closely related to the a parties party to the complaint, then an impartial designee the area superintendent shall be asked to conduct the investigation.
- g. Informal Resolution.-- Where appropriate, the complainant and the 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](http://www.palmbeach.k12.fl.us/Records/Forms.htm). The Witness Statement form  
266 (PBSD 1616) is to be completed by witnesses to the alleged incident.

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268 i. Complaints should be made as soon as possible but no later than ~~sixty (60)~~  
269 one hundred eighty (180) calendar days ~~of~~ after the alleged incident (that is,  
270 within 180 days after the last act of harassment or discrimination). Failure on  
271 the part of the complainant to initiate and/or follow up on the complaint within  
272 this period may result in the complaint being deemed abandoned. The P  
273 principal/ or designee shall record in writing and document all complaints  
274 regarding sexual harassment and discrimination to ensure that problems are  
275 appropriately addressed, whether the report is made verbally or in writing.

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277 j. ~~If the student does not file a written complaint, the student will be requested to~~  
278 ~~complete the complaint form.~~ The principal/ or designee may assist the  
279 student in completing the form or may complete the form for a student. The  
280 complainant will be requested to provide signed, specific information regarding  
281 the alleged discrimination or harassment, the alleged offender(s), witnesses,  
282 and other relevant information. In all instances, the student (or custodial  
283 parent(s)/guardian on behalf of a minor as defined in paragraph (9)(f)) shall  
284 review the form to ensure its accuracy and sign and date the complaint.

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286 k. All complaints filed with the P principal/ or designee must be reported in writing  
287 to the A area superintendent Executive Director and the EEO/Title IX  
288 Coordinator and ADA/504 Specialist.

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290 l. **Notice to Accused/Student.** -- Within two (2) days of receipt of a complaint,  
291 the P principal/ or designee will notify the accused/student of the allegations.  
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293 m. **Notice to Parent(s)/Guardians.** -- Within two (2) days of receiving a  
294 complaint, and in accordance with federal and state privacy laws, the  
295 principal/designee shall notify the custodial parent(s)/ guardian of any minor  
296 student, as defined in paragraph (9)(f), who is involved in alleged harassment  
297 or discrimination. Notification may be made by telephone, letter, or personal  
298 conference. The students involved and their custodial parent(s)/ guardians will  
299 also be notified of events and decisions described in this pPolicy.

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301 n. **Steps in the Investigation.** -- The Pprincipal/or designee shall promptly and  
302 begin an investigation within two (2) work days and thoroughly investigate all  
303 complaints of sexual harassment or discrimination, including at a minimum the  
304 following steps:

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306 i. Promptly talk with the complainant within two (2) work days:  
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- ii. ~~give~~ the complainant (or custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)) shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment or discrimination, and ensure that put his/her the complaint is put in writing if he/she has not already done so;
  - iii. ~~P~~romptly talk with the accused/student (or custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)) within two (2) work days;
  - iv. ~~T~~he accused/student shall have an opportunity to describe the incident, present witnesses and other evidence, and put his/her response in writing;
  - v. ~~T~~alk with any person who saw the harassment, has knowledge of the discrimination, or who may have related information; and
  - vi. ~~C~~onduct a conference, if appropriate, with the complainant (and custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)) and the accused/student (and custodial parent(s)/guardian of a minor) and give with prior notice of the date, time, place and rules to the parties.
  - vii. The principal/designee is encouraged to ask open-ended questions to enable students to describe what happened in their own words.
  - viii. The principal/designee may request that the accused/student (or the custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)), prepare a written response to the complaint; or the principal/designee may prepare a written statement of the accused/student's oral response to the complaint based on their meeting and obtain the signature of the accused/student (and/or custodial parent(s)/guardian of the minor student as defined in paragraph (9)(f)), after his/her review of the statement.
  - ix. The principal/designee should dictate and then review his/her notes with the complainant and accused/student after the interviews to verify the facts and ensure accuracy, and then obtain signatures, but shall not tape the interviews.
  - e. ~~If the complainant and the accused/student agree, the Principal or designee may arrange for the parties to resolve the complaint informally.~~
  - x. ~~The student who complained shall never be asked to work out the problem directly with the accused/student unless the assistance of a 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;

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

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- 491 a. The written complaint and request for review shall be sent to the area  
492 superintendent's office within ten (10) days of the completion of the site-level  
493 process by the principal/designee.
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- 495 i. If the principal's designee conducted the investigation and made the  
496 decision, the first level of appeal is to the principal rather than the area  
497 superintendent. If the complaint was reviewed or investigated by the  
498 principal, the next level of appeal is to the area superintendent/designee.  
499 (If the complaint was originally filed with, and investigated by, the  
500 EEO/Title IX Coordinator or ADA/504 Specialist instead of the principal,  
501 the next level of appeal is to the Chief Academic Officer/designee.) ~~The~~  
502 ~~written complaint and request for review shall be sent to the Area~~  
503 ~~Executive Director's office within ten (10) days of the completion of the~~  
504 ~~site-level process by the Principal or designee.~~
- 505
- 506 ii. However, if the A area superintendent/ Executive Director or designee  
507 is directly involved with a complaint or closely related to with the a parties  
508 party to the complaint, then an impartial designee the Chief Academic  
509 Officer/designee shall be asked to conduct the investigation review and/or  
510 further investigation.
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- 512 b. **Notice Requirement.**-- Notice will be given to all parties of a request for  
513 review by the A area superintendent/ Executive Director or designee within  
514 two (2) business days of the request for review.
- 515
- 516 c. **Procedure.**-- The A area superintendent/ Executive Director or designee shall  
517 review the complaint, the answer to the complaint, the P principal's report, and  
518 any other evidence in the record. The Aarea superintendent/ Executive  
519 Director or designee may conduct any further investigation he/she deems  
520 necessary.
- 521
- 522 i. The area superintendent/designee will review the principal's decision as  
523 to the validity of the allegations and any corrective action and will make a  
524 decision within thirty (30) calendar days after receipt of the request for  
525 review. Time limits may be extended by written mutual agreement of the  
526 individual(s) making the complaint and the person to whom the complaint

- 527 is addressed ~~accused/student (or the custodial parent(s)/guardian of a~~  
528 ~~minor party as defined in paragraph (9)(f)).~~  
529  
530 ii. No retaliation of any kind is permitted because an individual has made a  
531 sexual harassment or sexual discrimination complaint. During the  
532 investigation, the ~~A~~ area superintendent/ Executive Director or designee  
533 may take any action necessary to protect the complainant, ~~or other~~  
534 ~~employees or students, or employees,~~ consistent with the requirements of  
535 applicable regulations and statutes. ~~The Area Executive Director or~~  
536 ~~designee will review the Principal's decision as to the validity of the~~  
537 ~~allegations and any corrective action, and will make a decision within~~  
538 ~~thirty (30) calendar days after receipt of the request for review.~~  
539  
540 iii. The ~~A~~ area superintendent/ Executive Director or designee shall take  
541 action deemed appropriate to resolve the situation, including, but not  
542 limited to, ~~warning, out-of-school suspension, expulsion, transfer to~~  
543 ~~alternative school, or other~~ disciplinary action by the school, consistent  
544 with the requirements of applicable procedures outlined in each ~~S~~ school's  
545 Student-Parent Handbook, School District the Matrix of Incidents and  
546 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and  
547 Florida law, or transfer to alternative school.  
548  
549 iv. The ~~A~~ area superintendent/ Executive Director or designee will inform the  
550 parties in writing of ~~his/her~~ the decision and the parties' right to appeal.  
551  
552 v. A copy of the decision will be sent to the EEO/Title IX Coordinator and  
553 ADA/504 Specialist.  
554

555 13. **Appeal to the Chief Academic Officer/Designee**  
556

- 557 a. If the complainant or accused/student (or the custodial parent(s)/guardian of a  
558 minor party as defined in paragraph (9)(f)) is dissatisfied with the area  
559 superintendent's decision, that decision may be appealed in writing to the  
560 Chief Academic Officer/designee within ten (10) days after receipt of the  
561 decision.  
562  
563 i. If the area superintendent's designee conducted the investigation, the  
564 next level of appeal is to the area superintendent rather than the Chief  
565 Academic Officer.  
566  
567 ii. If the Chief Academic Officer/designee is directly involved with a  
568 complaint or closely related to a party to the complaint, then the Chief  
569 Operating Officer/designee shall be asked to review the matter.  
570

- 571 b. Notice.-- Notice of the appeal shall be given in writing to the complainant and  
572 accused/student (and the custodial parent(s)/guardian of a minor party as  
573 defined in paragraph (9)(f)) within two (2) days of receipt of the appeal.  
574
- 575 c. Procedure.-- The Chief Academic Officer/designee shall review the written  
576 complaint, the accused/student's response to the complaint (or  
577 parent's/guardian's response on behalf of the minor accused/student as  
578 defined in paragraph (9)(f)), and all documentation pertaining to the alleged  
579 harassment or discrimination including the area superintendent's decision.  
580
- 581 i. The Chief Academic Officer/designee, in his/her discretion, may request  
582 additional information.  
583
- 584 ii. The Chief Academic Officer/designee shall issue a written decision to the  
585 parties within twenty (20) calendar days of request of the appeal.  
586

587 **14. Appeal Procedure to the Superintendent**  
588

- 589 a. If the complainant or accused/student (or the custodial parent(s)/guardian of a  
590 minor party as defined in paragraph (9)(f)), is dissatisfied with the Area  
591 Executive Director's Chief Academic Officer's decision, that decision it may be  
592 appealed in writing to the Superintendent within ten (10) days after receipt of  
593 the decision.  
594
- 595 i. If the Chief Academic Officer's designee conducted the investigation, the  
596 next level of appeal is to the Chief Academic Officer, rather than to the  
597 Superintendent.  
598
- 599 ii. If the Superintendent is directly involved with a complaint or closely  
600 related to a with the partiesparty to the complaint, then an impartial  
601 designee the Chief Counsel to the Board shall be asked to review the  
602 matter and report the findings in writing to the Board.  
603
- 604 b. Notice.-- Notice of the appeal shall be given to ~~all~~ the parties within two (2)  
605 days of receipt of appeal.  
606
- 607 c. Procedure.-- The Superintendent/~~or~~ designee shall review the written  
608 complaint, the accused/student's response to the complaint (or the response  
609 of the custodial parent(s)/guardian of a minor student as defined in paragraph  
610 (9)(f)), and all documentation pertaining to the alleged sexual harassment or  
611 discrimination, including the Area Executive Director's Chief Academic  
612 Officer's decision.  
613

- 614 i. The Superintendent/~~or~~ designee, ~~in his/her discretion,~~ may request  
615 additional information.  
616  
617 ii. The Superintendent/ ~~or~~ designee shall issue a written decision to the  
618 parties within twenty (20) calendar days of request of the appeal. The  
619 decision of the Superintendent/ ~~or~~ designee is the final decision of the  
620 District.  
621

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

627  
628  
629 16. **GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION**  
630 **BY EMPLOYEES -- Investigation and Resolution of Complaints Against an**  
631 **(Accused/Employee)**  
632

- 633 a. ~~Site-Level Procedure~~ **Reporting Discrimination or Harassment.**-- Any  
634 student/~~or~~ applicant for admission (or the custodial parent(s)/guardian thereof,  
635 if a minor as defined in paragraph (9)(f)), who believes he/~~or~~-she is a victim of  
636 discrimination or harassment, or (or any individual, including any student,  
637 teacher, or other employee of the School District, who has knowledge of any  
638 incident(s) involving sexual discrimination against, or harassment of students  
639 is strongly encouraged to report the incident(s) in writing to the principal or  
640 other a-school official. Due to the sensitive nature of sexual harassment  
641 complaints, the written complaint may be filed directly with the EEO/Title IX  
642 Coordinator and ADA/504 Specialist. Complaints should be filed as soon as  
643 possible after the alleged incident, but must be filed within one hundred eighty  
644 (180) calendar days after the alleged incident (i.e. within 180 days after the  
645 last act of alleged harassment or discrimination).  
646  
647 b. School officials must report in writing any allegations of discrimination or  
648 harassment to the Principal and to the EEO/Title IX Coordinator and  
649 ADA/504 Specialist.  
650  
651 c. School officials must instruct students that they may file a written complaint  
652 with the Principal/ or designee or the EEO/Title IX Coordinator and ADA/504  
653 Specialist. If the Principal is directly involved with a complaint or with the  
654 parties to the complaint or is closely related to a party to the complaint, then  
655 the incident may be reported directly to the EEO/Title IX Coordinator.  
656

- 657 d. The principal shall document all complaints in writing to ensure that problems  
658 are appropriately addressed. It is the responsibility of the principal to forward  
659 all complaints to the area superintendent, EEO/Title IX Coordinator and  
660 ADA/504 Specialist. Failure by the principal to respond to a complaint within  
661 two (2) work days will automatically allow the complainant to re-file the  
662 complaint with the area superintendent.
- 663
- 664 e. **Filing the Compliant Form.** ~~Individuals~~ Consistent with OCR guidelines, a  
665 formal complaint process is required for any complaint against an employee.  
666 Complainants (or the custodial parent(s)/guardian of the minor student as  
667 defined in paragraph (9)(f)) may file a complaint, either orally or in writing, with  
668 the Pprincipal/er-designee or the EEO/Title IX Coordinator and ADA/504  
669 Specialist by using the *Harassment and Discrimination Complaint Student*  
670 *Complaint Report* form (PBSD 1615), available on the District's web site at  
671 <http://www.palmbeach.k12.fl.us/Records/Forms.htm>. The Witness Statement  
672 form (PBSD 1616) is to be completed by witnesses to the alleged incident.
- 673
- 674 i. Complaints should be filed as soon as possible after the alleged incident,  
675 but must be filed within ~~sixty (60)~~ one hundred eighty (180) calendar days  
676 of after the alleged incident (that is, within 180 days after the last act of  
677 alleged harassment or discrimination). Failure on the part of the  
678 complainant to initiate and/or follow up on the complaint within this period  
679 may result in the complaint being deemed abandoned.
- 680
- 681 ii. The Pprincipal/erdesignee may assist the individual in completing the  
682 ~~F~~ form by recording information on it the *Harassment and Discrimination*  
683 *Complaint Form*, reviewing it with the complainant, and obtaining the  
684 complainant's signature. The complainant will be requested to provide  
685 signed, specific information regarding the alleged discrimination or  
686 harassment, the alleged offender(s), witnesses, and other relevant  
687 information.
- 688
- 689 iii. All complaints filed with the Pprincipal/erdesignee must be reported to  
690 the Aarea superintendent Executive Director and the EEO/Title IX  
691 Coordinator and ADA/504 specialist for investigation.
- 692
- 693 f. **Notice to Parent(s)/Guardians.** ~~Within two (2) days of receiving the~~  
694 complaint, and in accordance with federal and state privacy laws, the  
695 principal/designee shall notify the custodial parent(s)/guardian of any minor  
696 student as defined in paragraph (9)(f) who is allegedly subject to harassment  
697 or discrimination. Notification may be made by telephone, letter, or personal  
698 conference. The students involved (and their custodial parent(s)/ guardians, if  
699 the students are minors) will also be notified of events and decisions described  
700 in this Policy.

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- g. **Investigation by EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee.**-- The EEO/Title IX Coordinator/ ~~or~~-designee or ADA/504 Specialist/designee shall document and promptly and begin within (2) work days to thoroughly investigate all complaints of harassment or discrimination, including the following steps to ensure that problems are appropriately addressed:
- i. ~~promptly~~ talk with the complainant within two (2) business days after receiving the complaint. The complainant (and/or the custodial parent(s)/guardian of the minor complainant as defined in paragraph (9)(f)) shall have an opportunity to describe the incident, present any evidence, name witnesses, and ensure that put his/her the complaint is put in writing, ~~if he/she has not already done so;~~
  - ii. ~~T~~talk with any witnesses or others who may have relevant information.; and
  - iii. ~~C~~conduct an investigation meeting with the accused/employee, and the accused/employee's representative, if applicable, to discuss the allegations and allow the accused/employee to respond to the allegations.
- h. During the investigation, the EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee may recommend to the Chief Personnel Officer/~~or~~ designee, any action necessary to protect the complainant, ~~or other students or employees or students,~~ consistent with the requirements of applicable regulations or statutes, State Board of Education Rules, Schol Board Policies, and collective bargaining agreements.
- i. In general, complainants will continue attendance at the school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. ~~The EEO Coordinator shall document all complaints to ensure that problems are appropriately addressed.~~
  - ii. When necessary to carry out his/her the investigation or for other good reasons, and consistent with federal and state privacy laws, the EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee also shall discuss the complaint with the following persons, as appropriate:
    - A. Superintendent/~~or~~-designee;
    - B. Chief Operating Officer and/or Chief Operating Officer;
    - C. A area superintendent/designee Executive Directors;

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

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

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

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

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

839  
840 B. Suspension without pay and/or termination requires School Board  
841 action.

842  
843 **18. Appeal Procedure for an Accused/Employee**

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

851  
852 **19. Appeal Procedure for Student/Complainant Against Accused/Employee**

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

- 874 A. ~~The Superintendent/~~ or Chief Operating Officer/designee, in his/her  
875 discretion, may request additional information.
- 876
- 877 B. ~~The Superintendent/~~ or Chief Operating Officer/designee shall issue a  
878 written decision to the parties within twenty (20) calendar days of  
879 request of the appeal.
- 880
- 881 b. Appeal to the Superintendent.-- If the complainant (or custodial  
882 parent(s)/guardian of the minor complainant) is dissatisfied with the Chief  
883 Operating Officer's decision, the decision may be appealed in writing to the  
884 Superintendent within ten (10) days after receipt of the decision.  
885
- 886 i. If the Chief Operating Officer's designee conducted the review, the next  
887 level of appeal is to the Chief Operating Officer rather than to the  
888 Superintendent.
- 889
- 890 ii. If the Superintendent is directly involved with a complaint or closely  
891 related to a party to the complaint, then the Chief Counsel to the Board  
892 shall be asked to review the matter and report the findings to the Board.
- 893
- 894 iii. Notice.-- Notice of the appeal shall be given in writing to the parties (and  
895 their custodial parent(s)/guardian if appropriate) within two (2) days of  
896 receipt of the appeal.
- 897
- 898 iv. Procedure.-- The Superintendent/designee shall review the written  
899 complaint, the accused/employee's response to the complaint, and all  
900 documentation pertaining to the alleged harassment or discrimination,  
901 including the Chief Operating Officer's decision.
- 902
- 903 A. The Superintendent may request additional information.
- 904
- 905 B. The Superintendent/designee shall issue a written decision to the  
906 parties (and their custodial parent(s)/guardian if appropriate) within  
907 twenty (20) calendar days of request of the appeal. The decision of  
908 the Superintendent/designee is the final decision of the District.
- 909
- 910 c. Other Means of Resolution.-- If the complainant is not satisfied with the  
911 results of the procedures contained in this Policy, he/ or she may utilize other  
912 means for resolution as provided by law, including seeking recourse through  
913 the Federal Office for Civil Rights ("OCR").  
914

915 20. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION  
916 BY VOLUNTEERS, VISITORS, OR CONTRACTORS -- Investigation of  
917 Complaints Against a School Volunteer, Campus Visitor, Contractor/Consultant, or  
918 Other Third Party.  
919

920 a. The School Board will not tolerate sexual harassment or discrimination by  
921 school volunteers, consultants, independent contractors or subcontractors (or  
922 their employees), or any third party in the school (or outside of the school at  
923 school-sponsored events), on school buses, or at training facilities sponsored  
924 by the School District. Any such alleged harassment or discrimination should  
925 be reported immediately to the school principal, using the same formal written  
926 complaint process as would be used to report harassment or discrimination by  
927 a District employee. The complaint should be filed as soon as possible, at  
928 least within one hundred eighty (180) calendar days of the alleged incident  
929 (i.e. within 180 days of the last act of alleged harassment or discrimination).  
930

931 b. It is the responsibility of the principal to forward all complaints to the area  
932 superintendent, EEO/Title IX Coordinator, and ADA/504 Specialist within two  
933 (2) work days. Failure by the principal to respond to a complaint within two (2)  
934 work days will automatically allow the complainant to re-file the complaint with  
935 the area superintendent.  
936

937 c. Within two (2) days of receiving the complaint, and in accordance with federal  
938 and state privacy laws, the principal/designee shall notify the custodial  
939 parent(s)/guardian of any minor student as defined in paragraph (9)(f) who is  
940 allegedly subject to harassment or discrimination. Notification may be made  
941 by telephone, letter, or personal conference. The students involved (and their  
942 custodial parent(s)/ guardians, if the students are minors) will also be notified  
943 of events and decisions described in this Policy.  
944

945 d. Within two (2) days of receiving the complaint, the EEO/Title IX  
946 Coordinator/designee or ADA/504 Specialist/designee shall begin an  
947 investigation, using procedures similar to those used for investigation of  
948 allegations against District employees.  
949

950 e. If the District's investigation substantiates a complaint of sexual harassment or  
951 discrimination by a school volunteer, visitor, consultant/independent  
952 contractor, vendor or other third party, the Superintendent shall promptly  
953 recommend appropriate action. As stated in OCR's *Revised Sexual*  
954 *Harassment Guidance (2001)*:

955 The type of appropriate steps that the school should take will differ  
956 depending on the level of control that the school has over the third  
957 party harasser. For example, if athletes from a visiting team harass  
958 the home school's students, the home school may not be able to

959 discipline the athletes. However, it could encourage the other  
960 school to take appropriate action to prevent further incidents; if  
961 necessary, the home school may choose not to invite the other  
962 school back.

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

974  
975 g. Other Means of Resolution.-- If the complainant is not satisfied with the  
976 District's response under this Section, he/she may utilize other means for  
977 resolution as provided by law, including seeking recourse through OCR.  
978

## 979 **21. Confidentiality**

980 a. To the greatest extent possible, all complaints will be treated as confidential  
981 and in accordance with Fla. Stat. § 228.093(3)(d), 1002.22(3)(d);  
982 § 119.07(3)(p) and the Family Educational Rights and Privacy Act ("FERPA");  
983 and any other applicable law, such as Fla. Stat. §§ 119.07(3)(p) & (u);  
984 1012.31(3)(a); or 1012.796(1)(c).

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

989  
990 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute  
991 confidentiality cannot be guaranteed.  
992

993 **22. Notice. Informing Students and Employees About this Policy.--** Notice of the  
994 existence of this Policy, prevention plan, and procedures shall be posted in  
995 prominent locations in all District buildings, including information on how to receive  
996 a copy. Notice shall be included annually in student, parent, and staff handbooks.  
997

## 998 **23. Retaliation Prohibited**

999  
1000 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or  
1001 harassment in connection with filing a complaint or assisting with an  
1002 investigation under this Policy.

- 1003  
1004 b. Retaliatory or intimidating conduct against any individual who has made a  
1005 harassment or discrimination complaint or any individual who has testified,  
1006 assisted, or participated, in any manner, in an investigation is specifically  
1007 prohibited.  
1008
- 1009 c. The Ppincipal/ør designee, and EEO/Title IX Coordinator or ADA/504  
1010 Specialist, if applicable, shall inform the complainants that he/shethey is are  
1011 protected by law from retaliation.  
1012

1013 **24. Additional Assistance Available**  
1014

- 1015 a. In all cases, the District reserves the right to refer the results of its own  
1016 investigation to the local State Attorney for possible criminal charges, whether  
1017 or not the District takes any other action on its own account.  
1018
- 1019 b. The District will provide counseling services for students who have been  
1020 harassed or discriminated against.  
1021
- 1022 c. Training will be provided to assist teachers and counselors who work with  
1023 students to prevent sexual harassment and discrimination between people of  
1024 the same sex or the opposite sex.  
1025
- 1026 d. The Office for Civil Rights is a federal agency in the Department of Education  
1027 that ensures that schools' compliance with charged with implementing Title IX  
1028 of the Education Amendments and can be contacted by telephone at 1-800-  
1029 421-3481; by fax at (404) 562-6455; or by e-mail at OCR Atlanta@ed.gov.  
1030
- 1031 e. For more information, one may contact: EEO/Title IX Coordinator, 3370  
1032 Forest Hill Boulevard, Suite A-128 A-115, West Palm Beach, Florida, 33406;  
1033 Telephone: (561) 434-8637; or visit <http://www.ed.gov/ocr/sex.html> on the  
1034 Internet.  
1035

1036 STATUTORY AUTHORITY: § ~~230.23~~ (17); ~~230.23005~~ §§ 1001.41(2); 1001.43(1),  
1037 (6); 1006.07; 1012.23(1), Fla. Stat.  
1038

1039 LAWS IMPLEMENTED: §§ §§ 119.07(3)(p), (u); 1000.05(2)(a), (b) (Florida  
1040 Education Equity Act); 1002.22(3)(a), (d); 1001.41(1),  
1041 (2); 1006.07(2)(h); 1006.08; 1012.31(3)(a);  
1042 1012.796(1)(c); 760.01(2), Fla. Stat.; Title IX of the  
1043 Education Amendments of 1972 (20 U.S.C. § 1681-  
1044 1688 et. seq. (Title IX of the Education Amendments  
1045 of 1972); 20 U.S.C. § 1232g (Family Educational  
1046 Rights and Privacy Act ("FERPA")); § ~~228.093~~(3)(d);§

1047 230.23(6)(d); ~~§ 230.22(1) and (2); § 230.33(8); §~~  
1048 ~~119.07(3)(p), Fla. Stat.~~  
1049  
1050 STATE BOARD OF EDUCATION 6A-19.001; 6A-19.002; 19.008; 6B-1.006(3)(a),  
1051 RULES SUPPLEMENTED (g)  
1052  
1053 HISTORY: 8/16/95; 3/17/99;    /   /03

Legal Signoff:

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

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Date