

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."

[Contact: Dr. Mary Ann DuPont, 434-8963]

Adoption

- At the first reading (development) on June 3, the Board approved this Policy for second reading/Adoption on July 8. The Board requested some amendments on July 8. Revisions based on those requests are incorporated herein.
- The formal complaint form referenced in the Policy is included after p. 26.
- A trilingual (English, Creole, and Spanish) brief summary of the levels of complaint and appeal for students will be distributed with the Policy. These summaries are included after the complaint form.

CONSENT ITEM

PROPOSED REVISION OF POLICY 5.81

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

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7 1. **General Provisions.**-- The School Board of Palm Beach County, as governing
8 body for the District of Palm Beach County, Florida ("School District" or "District"),
9 does not discriminate on the basis of sex in education programs and prohibits
10 sexual harassment of, or gender-based discrimination against, any student or
11 applicant for admission by any employee, student, or other person in the school, or
12 outside the school, at school-sponsored events, on school buses, and at training
13 facilities sponsored by the School District.
- 14
15 2. Sexual harassment and discrimination will not be tolerated and will shall be just
16 cause for disciplinary action. Pursuant to § 230.23(6)(d)8, the Board hereby gives
17 notice that "violation of the district school board's sexual harassment policy by a
18 student is grounds for in-school suspension, out-of-school suspension, expulsion,
19 or imposition of other disciplinary action by the school and may also result in
20 criminal penalties being imposed."
- 21
22 3. In an effort to promote an environment free of sexual harassment and
23 discrimination, the School District has adopted this Policy prohibiting Against
24 Sexual Hharassment of, and or Ddiscrimination against, of Sstudents, in order to
25 prevent, investigate, and take prompt, equitable, and appropriate action with regard
26 to alleged sexual harassment and discrimination.
- 27
28 4. Although Title IX does not prohibit discrimination on the basis of sexual orientation,
29 sexual harassment directed at gay and lesbian students may constitute sexual
30 harassment covered by Title IX. The School District believes that all students are
31 entitled to a safe, equitable, and harassment-free school experience. The School
32 District Board will not tolerate sexual harassment between members of the same or
33 opposite sex.
- 34
35 5. This Policy shall be interpreted and applied consistent with all applicable state and
36 federal laws and collective-bargaining agreements.
- 37
38 6. **Title IX Coordinator.** -- Title IX of the Education Amendments ("Title IX") and
39 regulations of the Department of Education's Office for Civil Rights ("OCR") require

40 that the School District not discriminate on the basis of sex and that the School
41 District designate a Title IX Coordinator who is responsible for compliance with
42 Title IX and this Policy. The School District has designated the ~~EEO~~ Equal
43 Employment Opportunity ("EEO") Coordinator as the person responsible for
44 ensuring that students and their custodial parent(s)/guardian receive information
45 related to sexual harassment.

- 46
- 47 7. The EEO Coordinator is the District's Title IX Coordinator and Sexual Harassment
48 Officer and is located at: 3370 Forest Hill Boulevard, Suite A-~~128~~ 115, West Palm
49 Beach, Florida, 33406; Telephone: (561) 434-8637.
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- 51 8. Along with similar information required by Policy 5.001, this contact information is
52 to be posted in highly visible locations at each school including the main office, the
53 guidance waiting area, and student services.
- 54
- 55 9. **Definitions.** For purposes of this Policy, the following definitions shall apply:
56
- 57 a. *Accused/employee:* ~~The accused~~ is defined as a School District employee
58 alleged to be responsible for the violation alleged in the complaint.
- 59
- 60 b. *Accused/student:* ~~The accused~~ defined as a student alleged to be responsible
61 for the violation that is alleged in the complaint.
- 62
- 63 c. *Complaint:* ~~A complaint means~~ is defined as allegations regarding any action,
64 policy, procedure, or practice prohibited by Title IX, the Florida Education
65 Equity Act, and/or this pPolicy.
- 66
- 67 d. *Complainant:* ~~A complainant~~ is defined as is a student of, or applicant for
68 admission to, the School District who submits a complaint of sexual
69 harassment or discrimination or an individual or group submitting a complaint
70 on behalf of a student(s).
- 71
- 72 e. *Day:* ~~All days are~~ is defined as a working days and does not include
73 weekends or holidays unless noted as "calendar day."
- 74
- 75 f. *Parties:* ~~Parties means~~ is defined as the accused student/applicant for
76 admission and/or accused/employee, and the complainant.
- 77
- 78 g. *School Official:* ~~School Officials include~~ is defined for puposes of this Policy,
79 as School Board employees, principals, assistant principals, teachers, and

80 school police officers who have the duty of reasonable supervision with
81 respect to student activities.

82
83 **10. Prohibited Sexual Harassment**

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- 85 a. There are two (2) types of sexual harassment: quid pro quo harassment and
86 hostile environment harassment.
- 87
- 88 i. Quid pro quo harassment occurs when some advancement or
89 opportunity, such as grades, credits, graduation, or other benefits are
90 conditioned upon sexual favors or that an advancement or opportunity is
91 withheld or punishment will result from a refusal to comply with a demand
92 for sexual favors.
- 93
- 94 ii. Hostile environment harassment occurs when sexual conduct is
95 sufficiently severe, persistent, or pervasive that it has the purpose or
96 effect of unreasonably interfering with a student's performance or ability
97 to benefit from his/her education, or creates an intimidating, hostile,
98 offensive, or abusive school environment.
- 99
- 100 b. Prohibited sexual harassment includes, but is not limited to, requests for
101 sexual favors, and other verbal, visual or physical conduct of a sexual nature
102 when:
- 103
- 104 i. Submission to the conduct is explicitly or implicitly made a term or
105 condition of an individual's academic status or progress;
- 106
- 107 ii. Submission to or rejection of the conduct by an individual is used as the
108 basis for academic decisions affecting the individual. The conduct has
109 the purpose or effect of having a negative impact on the individual's
110 academic performance, unreasonably interfering with the individual's
111 education, or creating an intimidating, hostile, or offensive educational
112 environment; or
- 113
- 114 iii. Submission to or rejection of the conduct by the individual is used as the
115 basis for any decision affecting the individual regarding benefits and
116 services, honors, programs, or activities available at or through the
117 school.
- 118
- 119 c. Types of conduct which are prohibited in the District and which may constitute

sexual harassment include, but are not limited to:

- i. Graphic verbal comments about an individual's body or appearance;
- ii. Sexual jokes, notes, stories, drawings, pictures or gestures;
- iii. Sexual slurs; sexually-suggestive leering, threats, abusive words, derogatory comments; or sexually-degrading descriptions;
- iv. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates;
- v. Spreading sexual rumors;
- vi. Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling;
- vii. Cornering or blocking normal movements, or bullying;
- viii. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment; or
- ix. Any 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

- 159 harassment complaints, the complaint may be filed directly with or the
160 EEO/Title IX Coordinator.
161
162 b. School officials must report in writing any allegations of harassment or
163 discrimination to the Pprincipal and to the EEO/Title IX Coordinator.
164
165 c. School officials must instruct students and their custodial parent(s)/guardian
166 that they the student (or custodial parent(s)/guardian on behalf of the student)
167 may file a written complaint with the Pprincipal/ordesignee or EEO/Title IX
168 Coordinator.
169
170 d. The principal/designee shall document all complaints in writing to ensure that
171 problems are appropriately addressed. Failure by the principal to respond to a
172 complaint in a timely manner will automatically allow the complainant to re-file
173 the complaint with the area superintendent.
174
175 e. It is the responsibility of the principal to forward all complaints to the area
176 superintendent and EEO/Title IX Coordinator and ADA/504 Specialist.
177
178 f. **Principal Involvement.**-- If the P principal is directly and personally involved
179 with a complaint or is closely related to the a parties party to the complaint,
180 then an impartial designee the area superintendent shall be asked to conduct
181 the investigation.
182
183 g. **Informal Resolution.**-- Where appropriate, the complainant and the
184 accused/student may agree to informally resolve the complaint.
185
186 i. The principal/designee may arrange for the parties to resolve the
187 complaint informally.
188
189 ii. The student or the custodial parent(s)/guardian on behalf of the student
190 who complained shall never be asked to work out the problem directly
191 with the accused/student unless the assistance of a counselor, teacher,
192 administrator, or mediator is provided and the complainant is willing.
193
194 iii. If the complaint is resolved informally, the Pprincipal/or designee shall
195 notify the EEO/Title IX Coordinator and ADA/504 Specialist of the
196 resolution of the complaint.
197

- 198 h. **Filing a Formal Complaint Report.** -- If the matter ~~cannot be~~ is not resolved
199 informally, the Pprincipal/ ~~or~~ designee shall assist the student (or custodial
200 parent(s)/guardian on behalf of the student) in filing a complaint. Individuals
201 may file a written complaint, ~~either orally or in writing~~ with the Pprincipal/
202 ~~or~~ designee or EEO/Title IX Coordinator by using the *Harassment and*
203 *Discrimination Complaint Student Complaint Report* form (PBSD 1615). Said
204 form is hereby incorporated by reference and made a part of this Policy and
205 shall be filed with the Clerk of the School Board herewith and is available on
206 the District's web site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
207
- 208 i. Complaints should be made as soon as possible but no later than sixty (60)
209 calendar days ~~of~~ after the alleged incident. Failure on the part of the
210 complainant to initiate and/or follow up on a complaint in a timely manner may
211 result in the complaint being deemed abandoned. The P principal/ ~~or~~ designee
212 shall record and document all complaints regarding sexual harassment and
213 discrimination to ensure that problems are appropriately addressed.
214
- 215 j. ~~If the student does not file a written complaint, the student will be requested to~~
216 ~~complete the complaint form.~~ The principal/ or designee may assist the
217 student in completing the form or may complete the form for a student. The
218 complainant will be requested to provide signed, specific information regarding
219 the alleged discrimination or harassment, the alleged offender(s), witnesses,
220 and other relevant information. In all instances, the student (or custodial
221 parent(s)/guardian on behalf of the student) shall review the form to ensure its
222 accuracy and sign and date the complaint.
223
- 224 k. All complaints filed with the P principal/ ~~or~~ designee must be reported in writing
225 to the A rea superintendent Executive Director and the EEO/Title IX
226 Coordinator and ADA/504 Specialist.
227
- 228 l. **Notice to Accused/Student.** -- Within two (2) days of receipt of a complaint,
229 the P principal/ ~~or~~ designee will notify the accused/student of the allegations.
230
- 231 m. **Notice to Parent(s)/Guardians.** -- Within two (2) days of receiving a
232 complaint, and in accordance with federal and state privacy laws, the
233 principal/designee shall notify the custodial parent(s)/ guardian of any student
234 under age eighteen (18) who is involved in alleged harassment or
235 discrimination. Notification may be made by telephone, letter, or personal
236 conference. The students involved and their custodial parent(s)/ guardians will
237 also be notified of events and decisions described in this pPolicy.

- 238
239 n. **Steps in the Investigation.**-- The Pprincipal/ordesignee shall promptly and
240 thoroughly investigate all complaints of sexual harassment or discrimination,
241 including at a minimum the following steps:
242
- 243 i. Promptly talk with the complainant-;
 - 244
 - 245 ii. ~~T~~he complainant (or custodial parent(s)/guardian on behalf of a student
246 complainant) shall have an opportunity to describe the incident, present
247 witnesses and other evidence of the harassment or discrimination, and
248 ensure that ~~put his/her~~ the complaint is put in writing if he/she has not
249 ~~already done so.~~;
 - 250
 - 251 iii. Promptly talk with the accused/student or custodial parent(s)/guardian
252 on behalf of the accused/student.;
 - 253
 - 254 iv. ~~T~~he accused/student shall have an opportunity to describe the incident,
255 present witnesses and other evidence, and put his/her response in
256 writing-;
 - 257
 - 258 v. ~~T~~alk with any person who saw the harassment, has knowledge of the
259 discrimination, or who may have related information-; and
 - 260
 - 261 vi. ~~C~~onduct a conference, if appropriate, with the complainant and custodial
262 parent(s)/guardian and the accused/student and custodial
263 parent(s)/guardian and give with prior notice of the date, time, place and
264 rules to the parties.
 - 265
 - 266 vii. The principal/designee is encouraged to ask open-ended questions to
267 enable students to describe what happened in their own words.
 - 268
 - 269 viii. The principal/designee may request that the accused/student or custodial
270 parent(s)/guardian thereof, on the accused/student's behalf, prepare a
271 written response to the complaint; or the principal/designee may prepare
272 a written statement of the accused/student's oral response to the
273 complaint based on their meeting and obtain the signature of the
274 accused/student, and/or custodial parent(s)/guardian thereof, after his/her
275 review of the statement.
 - 276

- 277 ix. The principal/designee should dictate and then review his/her notes with
278 the complainant and accused/student after the interviews to verify the
279 facts and ensure accuracy, and then obtain signatures, but shall not tape
280 the interviews.
281
282
283 o. ~~If the complainant and the accused/student agree, the Principal or designee~~
284 ~~may arrange for the parties to resolve the complaint informally.~~
285
286 x. ~~The student who complained shall never be asked to work out the~~
287 ~~problem directly with the accused/student unless the assistance of a~~
288 ~~counselor, teacher, administrator, or mediator is provided.~~
289
290 xi. ~~If the matter cannot be resolved informally, the Principal/ or designee~~
291 ~~shall assist the student in filing a complaint. If the complaint is resolved~~
292 ~~informally, the Principal/ or designee shall notify the EEO Coordinator of~~
293 ~~the resolution of the complaint.~~
294
295 o. **Pursuing the Investigation.--** During the investigation, the Pprincipal/er
296 designee may take any action necessary to protect the complainant, or other
297 employees or students or employees, consistent with the requirements of
298 applicable regulations and statutes.
299
300 i. In general, complainants shall continue attendance at the school and
301 pursue their studies as directed while the investigation is conducted and
302 the complaint is pending resolution.
303
304 ii. ~~The Principal or designee is encouraged to ask open ended questions to~~
305 ~~enable students to describe what happened in their own words.~~
306
307 iii. ~~The Principal or designee may request that the accused/student prepare~~
308 ~~a written response to the complaint, or the Principal or designee may~~
309 ~~prepare a written statement of the accused/student's response to the~~
310 ~~complaint based on their meeting and obtain the signature of the~~
311 ~~accused/student after his/her review of the statement.~~
312
313 iv. ~~The Principal or designee should review and dictate his/her notes with the~~
314 ~~complainant and accused/ student after the interviews to verify the facts~~
315 ~~and ensure accuracy, and obtain signatures, but shall not tape the~~
316 ~~interviews.~~

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- 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. ~~A~~ area superintendents ~~Executive Directors~~;
 - D. ~~associate~~ superintendents;
 - E. Chief of School Police;
 - F. the custodial parent(s)/guardian of the complainant, if the complainant is under eighteen (18) years of age;
 - G. the custodial parent(s)/guardian of the accused/student, if the accused/student is under eighteen (18) years of age_;
 - H. a teacher or staff member whose knowledge of the students involved may help determine who is telling the truth_;
 - I. child protective agencies responsible for investigating child abuse_; and/or
 - J. legal counsel for the ~~district~~ Board.
 - p. **Written Decision of the Principal/Designee.** -- Upon completion of the investigation, the ~~P~~ principal/ ~~or~~ designee will make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Matrix of Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary). In reaching a decision about the complaint, the ~~P~~ principal/ ~~or~~ designee should take into account:
 - i. ~~S~~ statements made by the persons identified in ~~Section 5~~ paragraphs (11)(n), (o) above;

- 357 ii. ~~T~~the details and consistency of each person's account;
- 358
- 359 iii. ~~E~~evidence of how the complainant reacted to the incident;
- 360
- 361 iv. ~~E~~evidence of past instances of harassment or discrimination by the
- 362 accused/ student (provided that, if evidence of harassment/
- 363 discrimination, accusations, or complaints is to be considered, the
- 364 principal/designee must review in their entirety the files regarding those
- 365 past incidents);
- 366
- 367 v. ~~E~~evidence of past harassment or discrimination complaints that were
- 368 found to be untrue (provided that, if evidence of past accusations or
- 369 complaints is to be considered, the principal/designee must review in their
- 370 entirety the files regarding those past incidents); and
- 371
- 372 vi. ~~C~~ase law, state and federal laws and regulations, and the ~~D~~istrict's
- 373 Board's p~~P~~olicyies prohibiting sexual harassment and discrimination.
- 374
- 375 q. To determine the severity of the harassment or discrimination, the
- 376 P~~p~~incipal/~~o~~r designee may consider, among other things:
- 377
- 378 i. ~~H~~ow the misconduct affected one or more student's education-;
- 379
- 380 ii. ~~T~~he type, frequency, and duration of the misconduct-;
- 381
- 382 iii. ~~T~~he number of persons involved-;
- 383
- 384 iv. ~~T~~he subject(s) of harassment or discrimination-;
- 385
- 386 v. ~~T~~he place and situation where the incident occurred-; and/or
- 387
- 388 vi. ~~O~~ther incidents at the school, including incidents of harassment or
- 389 discrimination that were not related to sex.
- 390
- 391 r. Within thirty (30) calendar days of the filing of the complaint, the ~~P~~ p principal/~~o~~r
- 392 designee shall give the ~~A~~rea superintendent/ ~~Executive Director~~ or designee
- 393 and the EEO/Title IX Coordinator and ADA/504 Specialist a written report that
- 394 describes the complaint and investigation and contains ~~his/her~~ findings,
- 395 decision, and reasons for the decision.
- 396

- 397 i. If the principal/designee he/she verifies that sexual harassment or
398 discrimination occurred, this report shall describe the actions ~~he/she took~~
399 taken to end the harassment or discrimination pursuant to the Matrix of
400 Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813
401 (secondary); address the effects of the harassment or discrimination on
402 the complainant; and prevent retaliation or further harassment or
403 discrimination.
- 404
- 405 ii. The ~~P~~principal/ or designee ~~will~~ shall notify the parties in writing of his/her
406 the decision and their right to review by the Area superintendent/
407 Executive Director or designee. (If the complaint was originally filed with,
408 and investigated by, the EEO/Title IX Coordinator instead of the principal,
409 the Title IX Coordinator shall inform the parties of the right to appeal to
410 the Chief Academic Officer/designee within ten (10) days after receiving
411 the Coordinator's decision.)
- 412
- 413 s. No retaliation of any kind is permitted on the basis of an individual's having
414 made a discrimination or harassment complaint.
- 415

416 12. **Appeal to Area Superintendent Executive Director of a Complaint Against an**
417 **Accused/Student.**-- If the complaint against an accused/student is not resolved at
418 the school-site level to the satisfaction of the parties in ~~the site-level process or~~
419 their custodial parents(s)/guardian, either party ~~or their custodial~~
420 parents(s)/guardian may seek review by the ~~A~~area superintendent Executive
421 Director or designee, ~~by using through~~ the following ~~procedures~~ process;

422

- 423 a. The written complaint and request for review shall be sent to the area
424 superintendent's office within ten (10) days of the completion of the site-level
425 process by the principal/designee.
- 426
- 427 i. If the principal's designee conducted the investigation and made the
428 decision, the first level of appeal is to the principal rather than the area
429 superintendent. If the complaint was reviewed or investigated by the
430 principal, the next level of appeal is to the area superintendent/designee.
431 (If the complaint was originally filed with, and investigated by, the
432 EEO/Title IX Coordinator instead of the principal, the next level of appeal
433 is to the Chief Academic Officer/designee.) ~~The written complaint and~~
434 ~~request for review shall be sent to the Area Executive Director's office~~
435 ~~within ten (10) days of the completion of the site-level process by the~~
436 ~~Principal or designee.~~

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- ii. ~~However, If if~~ the A area superintendent/ Executive Director or designee is directly involved with a complaint or closely related to with the a parties party to the complaint, then an ~~impartial designee~~ the Chief Academic Officer/designee shall be asked to conduct the investigation review and/or further investigation.

- b. **Notice Requirement.--** Notice will be given to all parties of a request for review by the A area superintendent/ Executive Director or designee within two (2) business days of the request for review.

- c. **Procedure.--** The A area superintendent/ Executive Director or designee shall review the complaint, the answer to the complaint, the ~~P~~ principal's report, and any other evidence in the record. The A area superintendent/ Executive Director or designee may conduct any further investigation he/she deems necessary.
 - i. The area superintendent/designee will review the principal's decision as to the validity of the allegations and any corrective action and will make a decision within thirty (30) calendar days after receipt of the request for review. Time limits may be extended by written mutual agreement of the individual(s) making the complaint and the ~~person to whom the complaint is addressed~~ accused/student or custodial parent(s)/guardian on the accused/student's behalf.

 - ii. No retaliation of any kind is permitted because an individual has made a sexual harassment or sexual discrimination complaint. During the investigation, the A area superintendent/ Executive Director 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. ~~The Area Executive Director or designee will review the Principal's decision as to the validity of the allegations and any corrective action, and will make a decision within thirty (30) calendar days after receipt of the request for review.~~

 - iii. The A area superintendent/ Executive Director or designee shall take action deemed appropriate to resolve the situation, including, but not limited to ~~warning, out-of-school suspension, expulsion, transfer to alternative school, or other~~ disciplinary action by the school, consistent with the requirements of applicable procedures outlined in each Sschool's

477 Student-Parent Handbook, School District the Matrix of Incidents and
478 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and
479 Florida law, or transfer to alternative school.

- 481 iv. The A area superintendent/ Executive Director or designee will inform the
482 parties in writing of his/her the decision and the parties' right to appeal.
483
484 v. A copy of the decision will be sent to the EEO/Title IX Coordinator and
485 ADA/504 Specialist.
486

487 **13. Appeal to the Chief Academic Officer/Designee**

- 488
489 a. If the complainant or accused/student, or their custodial parent(s)/guardian, is
490 dissatisfied with the area superintendent's decision, that decision may be
491 appealed in writing to the Chief Academic Officer/designee within ten (10)
492 days after receipt of the decision.
493
494 i. If the area superintendent's designee conducted the investigation, the
495 next level of appeal is to the area superintendent rather than the Chief
496 Academic Officer.
497
498 ii. If the Chief Academic Officer/designee is directly involved with a
499 complaint or closely related to a party to the complaint, then the Chief
500 Operating Officer/designee shall be asked to review the matter.
501
502 b. **Notice.**-- Notice of the appeal shall be given in writing to the complainant and
503 accused/student and their custodial parent(s)/guardian(s) within two (2) days
504 of receipt of the appeal.
505
506 c. **Procedure.**-- The Chief Academic Officer/designee shall review the written
507 complaint, the accused/student's response to the complaint (or
508 parent's/guardian's response on behalf of the accused/student), and all
509 documentation pertaining to the alleged harassment or discrimination including
510 the area superintendent's decision.
511
512 i. The Chief Academic Officer/designee, in his/her discretion, may request
513 additional information.
514
515 ii. The Chief Academic Officer/designee shall issue a written decision to the
516 parties within twenty (20) calendar days of request of the appeal.

517
518 14. **Appeal Procedure to the Superintendent**
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- 520 a. If the complainant or accused/student, or their custodial parent(s)/guardian, is
521 dissatisfied with the ~~Area Executive Director's~~ Chief Academic Officer's
522 decision, that decision it may be appealed in writing to the Superintendent
523 within ten (10) days after receipt of the decision.
524
- 525 i. If the Chief Academic Officer's designee conducted the investigation, the
526 next level of appeal is to the Chief Academic Officer, rather than to the
527 Superintendent.
528
- 529 ii. If the Superintendent is directly involved with a complaint or closely
530 related to a ~~with the parties~~ party to the complaint, then ~~an impartial~~
531 designee the Chief Counsel to the Board shall be asked to review the
532 matter and report the findings in writing to the Board.
533
- 534 b. **Notice.--** Notice of the appeal shall be given to ~~all~~ the parties within two (2)
535 days of receipt of appeal.
536
- 537 c. **Procedure.--** The Superintendent/~~or~~ designee shall review the written
538 complaint, the accused/student's response to the complaint (or the response
539 of the custodial parent(s)/guardian on behalf of the accused/student), and all
540 documentation pertaining to the alleged sexual harassment or discrimination,
541 including the ~~Area Executive Director's~~ Chief Academic Officer's decision.
542
- 543 i. The Superintendent/~~or~~ designee, ~~in his/her discretion,~~ may request
544 additional information.
545
- 546 ii. The Superintendent/~~or~~ designee shall issue a written decision to the
547 parties within twenty (20) calendar days of request of the appeal. The
548 decision of the Superintendent/~~or~~ designee is the final decision of the
549 District.
550

- 551 15. **Other Means of Resolution.-** - If the complainant is not satisfied with the results
552 of the procedures contained in this policy, he/~~or~~ she may utilize other means for
553 resolution as provided by law, including seeking recourse through the ~~F~~ederal
554 Office for Civil Rights ("OCR").
555

556 16. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION
557 BY EMPLOYEES -- Investigation and Resolution of Complaints Against an
558 (Accused/Employee)
559

- 560 a. ~~Site-Level Procedure~~ **Reporting Discrimination or Harassment.**-- Any
561 student/~~or~~ applicant for admission (or the custodial parent(s)/guardian behalf
562 thereof) who believes he/~~or~~-she is a victim of discrimination or harassment, of
563 (or any individual, including any student, teacher, or other employee of the
564 School District, who has knowledge of any incident(s) involving sexual
565 discrimination against, or harassment of, students) is strongly encouraged to
566 report the incident(s) in writing to the principal or other a-school official. Due to
567 the sensitive nature of sexual harassment complaints, the written complaint
568 may be filed directly with the EEO/Title IX Coordinator.
569
- 570 b. School officials must report in writing any allegations of discrimination or
571 harassment to the P~~ri~~ncipal and to the EEO/Title IX Coordinator and
572 ADA/504 Specialist.
573
- 574 c. School officials must instruct students that they may file a complaint with the P~~r~~
575 incipal/ or designee or the EEO/Title IX Coordinator and ADA/504 Specialist.
576 If the P~~r~~-principal is directly involved with a complaint or with the parties to the
577 complaint or is closely related to a party to the complaint, then the incident
578 may be reported directly to the EEO/Title IX Coordinator.
579
- 580 d. The principal shall document all complaints in writing to ensure that problems
581 are appropriately addressed. It is the responsibility of the principal to forward
582 all complaints to the area superintendent and EEO/Title IX Coordinator and
583 ADA/504 Specialist. Failure by the principal to respond to a complaint in a
584 timely manner will automatically allow the complainant to re-file the complaint
585 with the area superintendent.
586
- 587 e. **Filing the Compliant Form.**-- ~~Individuals-Complainants~~ (or the custodial
588 parent(s)/guardian on behalf thereof) may file a complaint, ~~either orally or~~ in
589 writing, with the P~~r~~incipal/~~or~~-designee or the EEO/Title IX Coordinator and
590 ADA/504 Specialist by using the *Harassment and Discrimination Complaint*
591 *Student Complaint Report* form (PBSD 1615), available on the District's web
592 site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
593
- 594 i. Complaints should be filed as soon as possible after the alleged incident,
595 but must be filed within sixty (60) calendar days of the alleged incident.

- 596 Failure on the part of the complainant to initiate and/or follow up on a
597 complaint in a timely manner may result in the complaint being deemed
598 abandoned.
599
- 600 ii. The P-principal/~~or~~designee may assist the individual in completing the
601 F-form by recording information on it the Harassment and Discrimination
602 Complaint Form (for an individual who makes the report orally), reviewing
603 it with the complainant, and obtaining the complainant's signature. The
604 complainant will be requested to provide signed, specific information
605 regarding the alleged discrimination or harassment, the alleged
606 offender(s), witnesses, and other relevant information.
607
- 608 iii. All complaints filed with the P-principal/~~or~~designee must be reported to
609 the A-area superintendent Executive Director and the EEO/Title IX
610 Coordinator and ADA/504 specialist for investigation.
611
- 612 f. **Notice to Parent(s)/Guardians.--** Within two (2) days of receiving the
613 complaint, and in accordance with federal and state privacy laws, the
614 principal/designee shall notify the custodial parent(s)/guardian of any student
615 under age eighteen (18) who is allegedly subject to harassment or
616 discrimination. Notification may be made by telephone, letter, or personal
617 conference. The students involved and their custodial parent(s)/ guardians will
618 also be notified of events and decisions described in this Policy.
619
- 620 g. **Investigation by EEO/Title IX Coordinator.--** The EEO/Title IX Coordinator/
621 ~~or~~designee or ADA/504 Specialist shall document and promptly and
622 thoroughly investigate all complaints of harassment or discrimination, including
623 the following steps to ensure that problems are appropriately addressed:
624
- 625 i. Promptly talk with the complainant. The complainant (and/or the
626 custodial parent(s)/guardian thereof) shall have an opportunity to describe
627 the incident, present any evidence, name witnesses, and ensure that ~~put~~
628 his/her the complaint is put in writing, ~~if he/she has not already done so;~~
629
- 630 ii. ~~T~~talk with any witnesses or others who may have relevant information.;
631 and
632
- 633 iii. ~~C~~conduct an investigation meeting with the accused/employee, and the
634 accused/employee's representative, if applicable, to discuss the
635 allegations and allow the accused/employee to respond to the allegations.

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- h. During the investigation, the EEO/Title IX Coordinator 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 ~~or ADA/504 Specialist~~ 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~~;
 - D. ~~A~~ associate Superintendents;
 - E. Chief of School Police;
 - F. Chief Personnel Officer;
 - G. Director of ~~Employee~~ Labor Relations;
 - H. ~~T~~ he custodial parent(s)/guardian of the complainant, if the complainant is under eighteen (18) years of age;
 - I. ~~A~~ a teacher or staff member whose knowledge of the student(s) or employee(s) involved may help determine who is telling the truth;
 - J. ~~C~~ hild protective agencies responsible for investigating child abuse;
 - K. ~~L~~ egal counsel for the District Board; and/~~or~~

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- L. ~~E~~exclusive bargaining representative or ~~their~~ the legal counsel thereof, if appropriate; and
- M. the accused/employee.

17. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator**-- Upon completion of the investigation, the EEO/Title IX Coordinator shall make a decision about the validity of the allegations in the complaint.

- a. The EEO/Title IX Coordinator shall discuss the determination and any corrective action with the ~~P~~principal/~~or~~ designee and Chief Personnel Officer.
- b. In reaching a decision about the complaint, the following should be taken into account:
 - i. ~~S~~statements made by the persons identified above;
 - ii. ~~T~~he details and consistency of each person's account;
 - iii. ~~E~~vidence of how the complainant reacted to the incident;
 - iv. ~~E~~vidence of past instances of harassment or discrimination by the accused/employee (provided that, if evidence of past harassment/discrimination are to be considered, the investigator must review in their entirety the files regarding those past incidents);
 - v. ~~E~~vidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past accusations or complaints is to be considered, the investigator must review in their entirety the files regarding those past incidents); and
 - vi. ~~C~~ase law, state and federal laws and regulations, and ~~the District's Board~~ Policies prohibiting harassment and discrimination.
- c. To determine the severity of the harassment or discrimination, the following may be considered:
 - i. ~~H~~ow the misconduct affected one or more student's education;

- 716 ii. ~~T~~he type, frequency, and duration of the misconduct;
717
718 iii. ~~T~~he number of persons involved;
719
720 iv. ~~T~~he subject(s) of harassment or discrimination;
721
722 v. ~~T~~he place and situation where the incident occurred; and
723
724 vi. ~~O~~ther incidents at the school.
725
726
727 d. The following action(s) ~~or discipline~~ may be taken, consistent with any
728 applicable collective-bargaining agreement provisions, to resolve a complaint
729 of harassment or discrimination:
730
731 i. ~~N~~o action, if the complaint is unsubstantiated;
732
733 ii. ~~T~~he training requirements for the employee;
734
735 iii. ~~O~~ral reprimand of the employee;
736
737 iv. ~~W~~ritten reprimand of the employee;
738
739 v. ~~S~~suspension of the employee up to and including termination; or
740
741 vi. Termination of the employee.
742
743 A. For the first verified offense of harassment of, or discrimination
744 against, a student, suspension should be recommended for a
745 minimum of thirty (30) days without pay up to and including
746 termination. Termination should be recommended for the second
747 offense of verified harassment of, or discrimination against, a
748 student.
749
750 B. Suspension without pay and/or termination requires School Board
751 action.
752
753
754

755 **18. Appeal Procedure for an Accused/Employee**
756

- 757 a. If the accused/employee wishes to appeal the action taken in resolution of the
758 complaint, such appeal shall be filed either in accordance with District Board
759 Policyes or pursuant to the relevant collective bargaining agreement.
760
- 761 b. For those employees not in a bargaining unit, the appeal shall be filed in
762 accordance with District Board Policy #3.31.
763

764 **19. Appeal Procedure for Student/Complainant Against Accused/Employee**
765

- 766 a. If the complainant or ~~accused/student~~ (or custodial parent(s)/guardian on
767 his/her behalf) is dissatisfied with the EEO/Title IX Coordinator's decision, it
768 may be appealed in writing to the Superintendent/Chief Operating Officer within
769 ten (10) days after receipt of the decision. However, if the Superintendent
770 Chief Operating Officer is directly involved with a complaint or closely related
771 to with the a partiesparty to the complaint, then ~~an impartial designee~~ the Chief
772 Academic Officer shall be asked to review the matter.
773
- 774 i. **Notice.--** Notice of the appeal shall be given to ~~all parties~~ the parties
775 (and the custodial parent(s)/guardian of the complainant, if a minor) within
776 two (2) days of receipt of appeal.
777
- 778 ii. **Procedure.--** The Superintendent/ or Chief Operating Officer/designee
779 shall review the written complaint, the accused/ ~~student's~~ employee's
780 response to the complaint, and all documentation pertaining to the
781 alleged sexual harassment or discrimination including the EEO/Title IX
782 Coordinator's or ADA/504 Specialist's decision.
783
- 784 A. The Superintendent/ or Chief Operating Officer/designee, in his/her
785 discretion, may request additional information.
786
- 787 B. The Superintendent/ or Chief Operating Officer/designee shall issue a
788 written decision to the parties within twenty (20) calendar days of
789 request of the appeal.
790
- 791 b. **Appeal to the Superintendent.--** If the complainant or custodial
792 parent(s)/guardian of the complainant is not satisfied If the complainant or
793 accused/student (or their custodial parent(s)/guardian, on their behalf) is

794 dissatisfied with the Chief Operating Officer's decision, it may be appealed in
795 writing to the Superintendent within ten (10) days after receipt of the decision.
796

797 i. If the Chief Operating Officer's designee conducted the review, the next
798 level of appeal is to the Chief Operating Officer rather than to the
799 Superintendent.
800

801 ii. If the Superintendent is directly involved with a complaint or closely
802 related to a party to the complaint, then the Chief Counsel to the Board
803 shall be asked to review the matter and report the findings to the Board.
804

805 iii. **Notice.**-- Notice of the appeal shall be given in writing to the parties and
806 their custodial parent(s)/guardian within two (2) days of receipt of the
807 appeal.
808

809 iv. **Procedure.**-- The Superintendent/designee shall review the written
810 complaint, the accused/student's response to the complaint (or the
811 response of the parent/guardian on behalf of the accused/student), and
812 all documentation pertaining to the alleged harassment or discrimination,
813 including the Chief Operating Officer's decision.
814

815 A. The Superintendent may request additional information.
816

817 B. The Superintendent/designee shall issue a written decision to the
818 parties and their custodial parent(s)/guardian within twenty (20)
819 calendar days of request of the appeal. The decision of the
820 Superintendent/designee is the final decision of the District.
821

822 c. **Other Means of Resolution.**-- If the complainant is not satisfied with the
823 results of the procedures contained in this ~~p~~Policy, he/ or she may utilize other
824 means for resolution as provided by law, including seeking recourse through
825 the ~~F~~federal Office for Civil Rights ("OCR").
826

827 20. Confidentiality

828

829 a. To the greatest extent possible, all complaints will be treated as confidential
830 and in accordance with Fla. Stat. § 228.093(3)(d), ~~§ 119.07(3)(p)~~ and the
831 Family Educational Rights and Privacy Act ("FERPA"), and any other

832 applicable law, such as §§ 119.07(3)(p), 231.291(3), and 231.262(1), Fla. Stat.
833

834 b. However, limited disclosure may be necessary to complete a thorough
835 investigation as described above. The District's obligation to investigate and
836 take corrective action may supersede an individual's right to privacy.
837

838 c. The complainant's identity shall be ~~confidentially~~-protected, but absolute
839 confidentiality cannot be guaranteed.
840

841 21. **Notice. Informing Students and Employees About this Policy.**--- Notice of the
842 existence of this Policy, prevention plan, and procedures shall be posted in
843 prominent locations in all District buildings, including information on how to receive
844 a copy. Notice shall be included annually in student, parent, and staff handbooks.
845

846 ~~a. b. Upon receiving a complaint, and in accordance with federal and state~~
847 ~~privacy laws, the Principal or designee shall notify the custodial parents/~~
848 ~~guardians of all students under age (18) who is involved in the alleged~~
849 ~~harassment or discrimination within two (2) days of the allegations.~~
850 ~~Notification may be made by telephone, letter, or personal conference. The~~
851 ~~students involved and their parents/ guardians will also be notified of events~~
852 ~~and decisions described in this policy.~~
853

854 22. **Retaliation Prohibited**

855

856 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or
857 harassment in connection with filing a complaint or assisting with an
858 investigation under this Policy.
859

860 b. Retaliatory or intimidating conduct against any individual who has made a
861 harassment or discrimination complaint or any individual who has testified,
862 assisted, or participated, in any manner, in an investigation is specifically
863 prohibited.
864

865 c. The Pprincipal/er designee, and EEO/Title IX Coordinator or ADA/504
866 Specialist, if applicable, shall inform the complainants that he/shethey is are
867 protected by law from retaliation.
868

869 23. **Additional Assistance Available**

870

871 a. In all cases, the District reserves the right to refer the results of its own

- 872 investigation to the State Attorney for the Fifteenth Judicial Circuit for possible
873 criminal charges, whether or not the District takes any other action on its own
874 account.
- 875
- 876 b. The District will provide counseling services for students who have been
877 harassed or discriminated against.
- 878
- 879 c. Training will be provided to assist teachers and counselors who work with
880 students to prevent sexual harassment and discrimination between people of
881 the same sex or the opposite sex.
- 882
- 883 d. The Office for Civil Rights is a federal agency in the Department of Education
884 that ensures that schools' compliance with charged with implementing Title IX
885 of the Education Amendments and can be contacted by telephone at 1-800-
886 421-3481; by fax at (404) 562-6455; or by e-mail at OCR Atlanta@ed.gov.
- 887
- 888 e. For more information, one may contact: EEO/Title IX Coordinator, 3370
889 Forest Hill Boulevard, Suite A-128 A-115, West Palm Beach, Florida, 33406;
890 Telephone: (561) 434-8637; or visit <http://www.ed.gov/ocr/sex.html> on the
891 Internet.

892

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

894

895 LAWS IMPLEMENTED: §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida
896 Education Equity Act); 228.093(3)(d); 230.22(1),
897 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a);
898 231.262(1), 760.01(2), Fla. Stat.; Title II of the
899 Americans With Disabilities Act (42 U.S.C. 12131, et
900 seq. (Title II of the Americans with Disabilities Act);
901 Title IX of the Education Amendments of 1972 (20
902 U.S.C. § 1681-1688 et. seq. (Title IX of the Education
903 Amendments of 1972); Title VI of the Civil Rights Act
904 of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the
905 Civil Rights Act of 1964); Section 504 of the
906 Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section
907 504 of the Rehabilitation Act of 1973); 20 U.S.C. §
908 1232g (Family Educational Rights and Privacy Act
909 ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida
910 Education Equity Act"); § 228.093(3)(d);

911		230.23(6)(d)(1) and (8); 230.22(1) and (2);
912		230.33(8); 119.07(3)(p), Fla. Stat.
913		
914	<u>STATE BOARD OF EDUCATION</u>	<u>6A-19.001; 6A-19.002; 19.008; 6B-1.006(3)(a).</u>
915	<u>RULES SUPPLEMENTED</u>	<u>(g)</u>
916		
917	HISTORY:	8/16/95; 3/17/99; <u> / /02</u>

Legal Signoff:

Attorney

Date

Statement of Estimated Costs (*if prepared*)

Proof of Publication of Development Notice

Proof of Publication of Adoption Notice



THE SCHOOL DISTRICT OF PALM BEACH COUNTY

Student Complaint Report

DIRECTIONS: This report must be completed when a student files a complaint relating to harassment and/or discrimination. The original completed report must be sent to your Area Executive Office. One copy of the form should be kept on file at the school. If there are any witnesses to the incident, a Witness Statement (PBSD 1616) must be completed for each witness. The completed Witness Statement(s) must be attached to this report before it is sent to your Area Executive Office.

Form with sections: NAME OF COMPLAINANT, NAME OF ACCUSED, DATE AND PLACE OF INCIDENTS, DESCRIPTION OF ALLEGED MISCONDUCT, NAME(S) OF WITNESSES, EVIDENCE OF HARASSMENT, ANY OTHER INFORMATION. Includes columns for SEX, GRADE, AGE.

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of Complainant: _____ Date: _____

Form Completed By (Print Name): _____

Principal/Designee (Print Name): _____

School: _____ Phone Number: () - _____

Summary for Students and Parents: Reporting Harassment or Discrimination

Policy 5.81 prohibits sexual harassment of students and gender-based discrimination against students.

Policy 5.001 prohibits harassment of, or discrimination against, students on bases including, but not limited to: race, color, religion, sex, national origin, age, disability, or marital status.

Disclaimer: The following is only a general summary. Space limitations required leaving out many important details. See Policies 5.001 and 5.81 for full details. The Palm Beach County School Board Policies are on the Internet at www.SchoolBoardPolicies.com.

A. Student Harasser/Discriminator. If the alleged harasser/discriminator is a **student**:

1. **Principal.** Report the incident to the school principal. Even if you request to make the complaint informally, the principal will document the complaint in writing.

a. If appropriate, and if you agree, the principal may offer to arrange for informal resolution through a meeting with the alleged harasser/discriminator. If informal resolution is not appropriate or possible, the principal will help you file and sign a formal complaint with the *Student Complaint Report* form (if you have not yet written the complaint on this form). To pursue a complaint, it must be filed in writing within 60 calendar days of the incident.

b. The principal will investigate and issue a written decision about the validity of the complaint and any corrective action needed.

2. **Area Superintendent.** If you are not satisfied with the principal's decision, you can appeal in writing to the area superintendent within 10 business days. The area superintendent will issue a written decision, usually within 30 calendar days of receiving the appeal.

3. **Chief Academic Officer.** If you are not satisfied with the area superintendent's decision, you can appeal in writing to the Chief Academic Officer within business 10 days. The Chief Academic Officer will issue a written decision, usually within 20 calendar days of receiving the request for review.

4. **Superintendent.** If you are not satisfied with the Chief Academic Officer's decision, you can appeal in writing to the Superintendent within 10 business days. The Superintendent will issue a written decision within 20 calendar days of receiving the request for review. The Superintendent's decision is the final decision of the School District.

B. Employee Harasser/Discriminator. If the alleged harasser/discriminator is a School District **employee**:

1. **Principal.** Report the incident to the school principal. The principal can help you file a formal complaint with the *Student Complaint Report* form. (But if you believe the principal is personally involved in the alleged harassment or discrimination, you can file the complaint with the area superintendent. Or you can report the incident to the Title IX Coordinator or ADA/504 Specialist). To pursue the complaint, it must be filed within 60 calendar days of the incident. The principal will send the report to the **Title IX Coordinator** and **ADA/504 Specialist** (and one of those will investigate the complaint and issue a written decision about the validity of the complaint and about any recommended corrective action).

2. **Chief Operating Officer/Designee.** If you are not satisfied with the decision of the Title IX Coordinator or ADA/504 Specialist, you can appeal in writing to the Chief Operating Officer/designee within 10 business days. A written decision should be issued within 20 calendar days of receipt of the request for review.

3. **Superintendent.** If you are not satisfied with the Chief Operating Officer's decision, you can appeal in writing to the Superintendent within business 10 days. The Superintendent will issue a written decision within 20 calendar days of receiving the request for review. The Superintendent's decision is the final decision of the School District.

Rezime pou Elèv ak Paran yo: Rapòte ka Nuizans ak Diskriminasyon

Regleman 5.81 entèdi nuizans sou elèv ki baze sou sèks ak diskriminasyon ki baze sou si yon elèv fanm oswa gason

Regleman 5.001 entèdi nuizans oswa diskriminasyon kont elèv sou baz ki genyen, men pa sèlman: ras, koulè, relijyon, sèks, nasyonalite, laj, andikap, oswa eta sivil.

Denye: sa ki ekri anba a se sèlman yon rezime jeneral. Akoz pa gen ase espas, gen plizyè detay enpòtan ki pa mansyone. Al gade nan Regleman 5.001 ak 5.81 pou tout rès detay yo. W ap jwenn regleman Komite Edikasyon Distri Lekòl Rejyon Palm Beach la sou Entènèt nan sit www.SchoolBoardPolicies.com.

A. Elèv Anmèdan/Prejije. Si moun ki anmèdan/prejije a se yon elèv:

1. **Direktè**. Rapòte ensidan an bay direktè\tris lekòl la. Menm si w mande pou w rapòte plent la enfòmèlman, direktè ap genyen pou l ekri plent la.

a. Si l apwopriye, epi si w dakò, direktè\tris a kapab ofri pou jwenn yon solisyon enfòmèl nan yon reyinyon ak moun ki anmèdan/prejije a. Si yon solisyon enfòmèl pa apwopriye oswa posib, direktè\tris ap ede w ranpli epi siyen yon fòm plent fòmèl nan fòm *Rapò Plent Elèv* (si w poko ekri plent ou an nan fòm sa a). Pou w pousuiv yon plent, li dwe fèt alekrit nan entèval 60 jou apati dat ensidan an te pase a.

b. Direktè\tris a pral mennen investigasyon epi pral bay desizyon li alekrit sou validite plent la ak nenpòt aksyon nesese ki sipoze pran pou rezoud pwoblèm nan.

2. **Sipèentandan Zòn nan**. Si w pa satisfè ak desizyon direktè\tris la, ou kapab ekri sipèentandan zòn nan pou mande fè yon revizyon sou desizyon direktè a nan yon peryòd 10 jou travay. Sipèentandan zòn nan ap bay desizyon l alekriti, ki byen souvan pran 30 jou apre li resevwa apèl la.

3. **Direktè\tris Anchèf Akademik**. Si w pa satisfè ak desizyon sipèentandan zòn nan, ou kapab ekri Direktè\tris Anchèf Akademik pou mande fè yon revizyon sou desizyon sipèentandan zòn nan te pran an nan yon peryòd 10 jou travay. Direktè\tris Anchèf Akademik la ap bay yon desizyon alekrit, ki byen souvan pran 20 jou apre li resevwa apèl la.

4. **Sipèentandan**. Si w pa satisfè ak desizyon Direktè\tris Anchèf Akademik la, ou kapab ekri Sipèentandan an pou mande fè yon revizyon sou desizyon Direktè\tris Anchèf Akademik la nan yon peryòd 10 jou travay. Sipèentandan an ap bay desizyon li alekrit, ki dabitid pran 20 jou aprè l resevwa apèl la. Desizyon Sipèentandan an se desizyon final Distri Lekòl la.

B. Anplwaye Anmèdan/Prejije. Si moun ki anmèdan/prejije a se yon anplwaye:

1. **Direktè\tris la**. Rapòte ensidan an bay direktè\tris lekòl la. Direktè\tris la kapab ede w fè yon plent ofisyèl ak fòm *Rapò Plent Elèv*. (Men si w kwè direktè\tris a te enplike direktèman nan dosye anmèdanman oswa prejije a, ou kapab ekri yon plent bay sipèentandan zòn nan. Oswa ou kapab rapòte ensidan an bay kowòdinatè Tit IX la oswa espesyalis ADA/504 la). Pou pousuiv plent la, li dwe fèt nan yon entèval 60 jou apati dat ensidan an te rive a. Direktè\tris a pral voye rapò a bay **kowòdinatè Tit IX la** oswa **espesyalis ADA/504 la** (epi youn nan yo ap mennen investigasyon sou plent la epi ap pran yon desizyon alekrit sou validite plent la ak aksyon ki rekòmande pou korije pwoblèm nan).

2. **Direktè\tris Anchèf Jesyon\ Ranplasan**. Si w pa satisfè ak desizyon kowòdinatè Tit IX la oswa espesyalis ADA/504 la, ou kapab ekri Direktè\tris Anchèf Jesyon\ranplasan an pou mande fè yon revizyon sou desizyon an nan yon peryòd 10 jou travay. Yon desizyon alekrit dwe fèt nan yon entèval 20 jou aprè apèl la.

3. **Sipèentandan**. Si w pa satisfè ak desizyon Direktè\tris Anchèf Jesyon ou kapab ekri Sipèentandan an pou mande fè yon revizyon sou desizyon Direktè\tris Anchèf Akademik la nan yon peryòd 10 jou travay. Sipèentandan an ap bay desizyon li alekrit, ki dabitid pran 20 jou aprè l resevwa apèl la. Desizyon Sipèentandan an se desizyon final Distri Lekòl la.

Uma Breve Explicação Para os Pais e Alunos: Relatando Assédio ou Discriminação

Regulamento 5.81 proíbe o assédio sexual a alunos e a discriminação por sexo contra os alunos.

Regulamento 5.001 proíbe assédio a, ou discriminação contra alunos baseando-se em, mas não se limitando a: raça, cor, religião, sexo, nacionalidade, idade, deficiência ou estado civil.

Declinação de Responsabilidade: O que se segue é somente um resumo geral. Muitos detalhes importantes não foram aqui mencionados por motivo de espaço. Veja os Regulamentos 5.001 e 5.81 para maiores detalhes. Os Regulamentos do Conselho Escolar do Condado de Palm Beach se encontram na Internet em: www.SchoolBoardPolicies.com.

A. Aluno Assediador e/ou Discriminador. Se o acusado de assediar e/ou discriminar for um **aluno**:

1. Diretor(a). Relate o incidente para o diretor(a) da escola. Mesmo que você solicite fazer a queixa informalmente, o diretor(a) documentará a queixa por escrito.

a. Se for oportuno e se você concordar, o diretor(a) poderá se oferecer para providenciar uma resolução informal através de uma reunião com o assediador ou discriminador acusado. Se a resolução informal não for oportuna ou possível, o diretor(a) o(a) ajudará a registrar e assinar uma queixa formal usando o formulário de *Relatório de Queixas do Aluno* (se você ainda não tiver escrito a queixa neste formulário). Para dar prosseguimento à queixa, esta deverá ser registrada dentro de 60 dias corridos do incidente.

b. O diretor(a) investigará e expedirá uma declaração por escrito sobre os fundamentos da queixa e qualquer ação corretiva necessária.

2. Superintendente da Área. Se você não ficar satisfeito com a decisão do diretor, você poderá apelar escrevendo para o superintendente da área dentro de 10 dias úteis. O superintendente da área expedirá uma decisão por escrito, normalmente dentro de 20 dias corridos do recebimento da solicitação para revisão.

3. Coordenador Acadêmico Geral. Se você não ficar satisfeito com a decisão do superintendente da área, você poderá apelar escrevendo para o Coordenador Acadêmico Geral dentro de 10 dias úteis. O Coordenador Acadêmico Geral expedirá uma declaração por escrito, geralmente dentro de 10 dias corridos do recebimento do pedido de revisão.

4. Superintendente. Se você não ficar satisfeito(a) com a decisão do Coordenador Acadêmico Geral, você poderá apelar escrevendo para o Superintendente dentro de 10 dias úteis. O Superintendente expedirá uma declaração por escrito dentro de 20 dias do recebimento do pedido de revisão. A decisão do Superintendente é a decisão final do Distrito Escolar.

B. Empregado Assediador e/ou Discriminador. Se o acusado de assediar e/ou discriminar for um **empregado** do Distrito Escolar:

1. Diretor(a) Relate o incidente para o diretor(a) da escola. O diretor pode ajudá-lo a registrar uma queixa formal no formulário de *Relatório de Queixa do Aluno*. (Mas, se você acredita que o diretor(a) está pessoalmente envolvido no assédio ou discriminação alegadas você pode registrar a queixa junto ao superintendente da área. Ou você poderá relatar o incidente para o coordenador do Título IX ou ao Especialista ADA/504 [ADA: Lei que protege os americanos com deficiências 504]). Para dar prosseguimento à queixa é necessário que esta seja registrada dentro de 60 dias corridos do incidente. O diretor(a) mandará o relatório para o **Coordenador do Título IX** ou ao **Especialista ADA/504** (e um deles investigará a queixa e expedirá uma declaração sobre a fundamentação da queixa e sobre qualquer ação corretiva recomendada).

2. Diretor Executivo de Operações ou seu Representante. Se você não ficar satisfeito com a decisão do Coordenador do Título IX ou do Especialista ADA/504, você poderá apelar escrevendo para o Diretor Executivo de Operações (ou seu representante) dentro de 10 dias úteis. Uma declaração por escrito deverá ser expedida dentro de 20 dias corridos do recebimento do pedido de revisão.

3. Superintendente. Se você não ficar satisfeito com a decisão do Diretor Executivo de Operações, você pode apelar escrevendo para o Superintendente dentro de 10 dias úteis. O Superintendente expedirá uma declaração dentro de 20 dias corridos do recebimento do pedido de revisão. A decisão do Superintendente é a decisão final do Distrito Escolar.

Descripción Breve para Estudiantes y Padres: Cómo informar acerca del acoso o la discriminación

La Norma 5.81 prohíbe el acoso sexual de los estudiantes y la discriminación contra estudiantes basándose en el género.

La Norma 5001 prohíbe el acoso o discriminación contra estudiantes basándose, pero no limitándose a: raza, color, religión, género, nacionalidad, edad, discapacidad o estado civil.

Aviso: La siguiente es solamente una descripción general. Debido a las limitaciones de espacio se han dejado afuera muchos detalles importantes. Ver Normas 5.001 y 5.81 para información más completa. Las Normas de la Junta Escolar del Condado de Palm Beach se encuentran en el siguiente sitio de la Internet: www.SchoolBoardPolicies.com.

A. Estudiante acosador o discriminador. Si el supuesto acosador o discriminador es un **estudiante:**

1. Director(a). Informe del incidente al director de la escuela. Aunque decida presentar una queja informal, el director documentará la queja por escrito.

- a. Si es apropiado y usted está de acuerdo, el director puede decidir buscar una solución informal, por medio de una reunión con el supuesto acosador o discriminador. Si una solución informal no es apropiada o posible, el director le puede ayudar a presentar y firmar una queja formal, utilizando el formulario Informe de Queja para Estudiantes-*Student Complaint form*- (si es que ya no lo ha hecho en este formulario). Para proseguir con una queja, ésta debe ser registrada por escrito, dentro de los 60 días del calendario natural en que ocurrió el incidente.
- b. El director hará una investigación y formulará una decisión por escrito, acerca de la validez de la queja y cualquier medida correctiva que sea necesaria.

2. Superintendente del Área. Si usted no está satisfecho con la decisión del director, puede apelar por escrito al superintendente del área dentro de 10 días laborables. El superintendente del área emitirá su decisión por escrito, normalmente, dentro de 30 días del calendario natural, después de haber recibido la apelación.

3. Funcionario Académico Superior. Si usted no está satisfecho con la decisión del superintendente de área puede presentar una apelación por escrito al Funcionario Académico Superior dentro de 10 días laborables. Éste emitirá una decisión por escrito, normalmente dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración.

4. Superintendente. Si usted no está satisfecho con la decisión del Funcionario Académico Superior, puede apelar por escrito al Superintendente dentro de 10 días laborables. El Superintendente emitirá una decisión por escrito dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración. La decisión del Superintendente es la decisión final del Distrito Escolar.

B. Empleado Acosador o Discriminador. Si el supuesto acosador o discriminador es un **empleado** del Distrito Escolar.

1. Director(a). Informe del incidente al director de la escuela. Éste le puede ayudar a presentar una queja formal, por medio del formulario Informe de Queja para Estudiantes - *Student Complaint Report*. (Si usted cree que el director está personalmente involucrado en el supuesto acoso o discriminación, puede presentar una queja al superintendente del área o puede informar del incidente al Coordinador de Título IX o Especialista de ADA/504). Para proseguir con la queja, ésta debe ser presentada dentro de 60 días del calendario natural en que ocurrió el incidente. El director enviará el informe al **Coordinador del Título IX** y al **Especialista de ADA/504**. (y uno de ellos hará una investigación de la queja y emitirá una decisión por escrito acerca la validez de la queja y de las medidas correctivas recomendadas).

2. Funcionario Ejecutivo de Operaciones (o persona designada). Si usted no está satisfecho con la decisión del Coordinador de Título IX o del Especialista de ADA/504, puede apelar por escrito al Funcionario Ejecutivo de Operaciones (o persona designada) dentro de 10 días laborables. Una decisión por escrito será emitida dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración.

3. Superintendente. Si usted no está satisfecho con la decisión del Oficial Superior de Personal (o la decisión del Funcionario Superior de Operaciones), puede presentar su apelación por escrito, al Superintendente, dentro de 10 días laborables. El Superintendente emitirá una decisión por escrito dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración. La decisión del Superintendente es la decisión final del Distrito Escolar.