

POLICY 5.81

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

Development.

[Contact: JulieAnn Rico Allison, PX 48500]

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

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

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

CONSENT ITEM

PROPOSED REVISION OF POLICY 5.81

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

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

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

- 51
- 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.
- 54
- 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.
- 63
- 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.
- 67
- 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.
- 71
- 72 9. **Definitions.**-- For purposes of this Policy, the following definitions shall apply:
- 73
- 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.
- 76
- 77 b. ~~Accused/student:~~ The accused defined as a student alleged to be responsible
78 for the violation that is alleged in the complaint.
- 79
- 80 c. ~~Complaint:~~ A complaint means is defined as written allegations regarding any
81 action, policy, procedure, or practice prohibited by Title IX, the Florida
82 Education Equity Act, and/or this pPolicy.
- 83
- 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).
- 88

- 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.”
91
- 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.
104
- 105 g. ~~Parties: Parties means~~ is defined as the accused student/applicant for
106 admission and/or accused/employee, and the complainant.
107
- 108 h. ~~School Official: School Officials include~~ is defined for purposes of this Policy,
109 as School Board employees, principals, assistant principals, teachers, and
110 school police officers who have the duty of reasonable supervision with
111 respect to student activities.
112

113 10. **Prohibited Sexual Harassment**

114

- 115 a. There are two (2) types of sexual harassment: quid pro quo harassment and
116 hostile environment harassment.
117
- 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.
123
- 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.
129
- 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:

- 133
- 134
- 135
- 136
- 137
- 138
- 139
- 140
- 141
- 142
- 143
- 144
- 145
- 146
- 147
- 148
- 149
- 150
- 151
- 152
- 153
- 154
- 155
- 156
- 157
- 158
- 159
- 160
- 161
- 162
- 163
- 164
- 165
- 166
- 167
- 168
- 169
- 170
- 171
- 172
- 173
- 174
- 175
- 176
- i. ~~S~~ubmission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress-;
 - ii. ~~S~~ubmission to or rejection of the conduct by an individual is used as the basis for academic decisions affecting the individual. The conduct has the purpose or effect of having a negative impact on the individual's academic performance, unreasonably interfering with the individual's education, or creating an intimidating, hostile, or offensive educational environment-; or
 - iii. ~~S~~ubmission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the school.
- c. Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to:
- i. ~~G~~raphic verbal comments about an individual's body or appearance-;
 - ii. ~~S~~exual jokes, notes, stories, drawings, pictures or gestures-;
 - iii. ~~S~~exual slurs; sexually-suggestive leering, threats, abusive words, derogatory comments; or sexually-degrading descriptions-;
 - iv. ~~U~~nwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates-;
 - v. ~~S~~spreading sexual rumors-;
 - vi. ~~T~~ouching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling-;
 - vii. ~~C~~ornering or blocking normal movements, or bullying-;
 - viii. ~~D~~isplaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment-; or
 - ix. ~~A~~ny act of retaliation against an individual who reports a violation of the District's Board's sexual harassment Policy or ~~who~~ participates in the investigation of a sexual harassment complaint.

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.
- 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/or designee 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 to the area superintendent and 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 P 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. Even at this

221 stage, where a formal complaint form is not filed, the principal must
222 summarize, in a written record, the complainant's allegations. The principal
223 should request the complainant (or minor complaint's parent/guardian) to sign
224 the summary to indicate that it is accurate. The principal must transmit a copy
225 of this summary to the area superintendent, EEO/Title IX Coordinator, and
226 ADA/504 specialist within two (2) work days, noting that the parties agreed to
227 attempt informal resolution.

228
229 i. If both parties are willing, the principal/designee may arrange for the
230 parties to resolve the complaint informally through a voluntary
231 conversation between the complainant and the accused/student,
232 facilitated by the principal/ designee. Both the complainant and the
233 accused/student may be accompanied by a person of their choice for
234 support and guidance.

235
236 ii. The parties shall never be asked to work out the problem directly with the
237 accused/student unless the assistance of a counselor, teacher,
238 administrator, or mediator is provided and both the complainant and the
239 accused/student are willing.

240
241 iii. If the principal/designee and the complainant and the accused/student
242 (and/or their parents) agree that a satisfactory resolution has been
243 achieved through the informal conversation, then no further action need
244 be taken (besides notifying the area superintendent, EEO/Title IX
245 Coordinator, and ADA/504 Specialist that the matter has been resolved).
246 However, if a complete resolution has not been achieved, a formal written
247 complaint should be filed.

248
249 iv. If the complaint is satisfactorily resolved informally, the Pprincipal/ør
250 designee shall notify the area superintendent, EEO/Title IX Coordinator,
251 and ADA/504 Specialist of the resolution of the complaint.

252
253 h. **Filing a Formal Complaint Report.**-- If the matter cannot be is not
254 satisfactorily resolved informally, the Pprincipal/ ør-designee shall assist the
255 student (or custodial parent(s)/guardian on behalf of a minor as defined in
256 paragraph (9)(f)) in filing a complaint. Individuals may file a written complaint,
257 either orally or in writing with the Pprincipal/ ørdesignee or EEO/Title IX
258 Coordinator by using the *Harassment and Discrimination Complaint Student*
259 *Complaint Report* form (PBSD 1615). Said form is hereby incorporated by
260 reference and made a part of this Policy and shall be filed with the Clerk of the
261 School Board herewith and is available on the District's web site at
262 www.palmbeach.k12.fl.us/Records/Forms.htm.
263

- 264 i. Complaints should be made as soon as possible but no later than ~~sixty (60)~~
265 one hundred eighty (180) calendar days of after the alleged incident (that is,
266 within 180 days after the last act of harassment or discrimination). Failure on
267 the part of the complainant to initiate and/or follow up on the complaint within
268 this period may result in the complaint being deemed abandoned. The P
269 principal/ or designee shall record in writing and document all complaints
270 regarding sexual harassment and discrimination to ensure that problems are
271 appropriately addressed, whether the report is made verbally or in writing.
272
- 273 j. ~~If the student does not file a written complaint, the student will be requested to~~
274 ~~complete the complaint form. The principal/ or designee may assist the~~
275 ~~student in completing the form or may complete the form for a student. The~~
276 ~~complainant will be requested to provide signed, specific information regarding~~
277 ~~the alleged discrimination or harassment, the alleged offender(s), witnesses,~~
278 ~~and other relevant information. In all instances, the student (or custodial~~
279 ~~parent(s)/guardian on behalf of a minor as defined in paragraph (9)(f)) shall~~
280 ~~review the form to ensure its accuracy and sign and date the complaint.~~
281
- 282 k. All complaints filed with the P principal/ or designee must be reported in writing
283 to the A area superintendent Executive Director and the EEO/Title IX
284 Coordinator and ADA/504 Specialist.
285
- 286 l. **Notice to Accused/Student.** -- Within two (2) days of receipt of a complaint,
287 the P principal/ or designee will notify the accused/student of the allegations.
288
- 289 m. **Notice to Parent(s)/Guardians.**-- Within two (2) days of receiving a
290 complaint, and in accordance with federal and state privacy laws, the
291 principal/designee shall notify the custodial parent(s)/ guardian of any minor
292 student, as defined in paragraph (9)(f), who is involved in alleged harassment
293 or discrimination. Notification may be made by telephone, letter, or personal
294 conference. The students involved and their custodial parent(s)/ guardians will
295 also be notified of events and decisions described in this pPolicy.
296
- 297 n. **Steps in the Investigation.**-- The Pprincipal/ordesignee shall promptly and
298 begin an investigation within two (2) work days and thoroughly investigate all
299 complaints of sexual harassment or discrimination, including at a minimum the
300 following steps:
301
- 302 i. Promptly talk with the complainant within two (2) work days;
- 303
- 304 ii. give Tthe complainant (or custodial parent(s)/guardian of a minor as
305 defined in paragraph (9)(f)) shall have an opportunity to describe the
306 incident, present witnesses and other evidence of the harassment or

- 307 discrimination, and ensure that ~~put~~ his/her the complaint is put in writing
308 ~~if he/she has not already done so.~~
309
- 310 iii. ~~P~~romptly talk with the accused/student (or custodial parent(s)/guardian
311 of a minor as defined in paragraph (9)(f)) within two (2) work days.
312
- 313 iv. ~~T~~he accused/student shall have an opportunity to describe the incident,
314 present witnesses and other evidence, and put his/her response in
315 writing.
316
- 317 v. ~~T~~alk with any person who saw the harassment, has knowledge of the
318 discrimination, or who may have related information. and
319
- 320 vi. ~~C~~onduct a conference, if appropriate, with the complainant (and
321 custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)) and
322 the accused/student (and custodial parent(s)/guardian of a minor) and
323 give with prior notice of the date, time, place and rules to the parties.
324
- 325 vii. The principal/designee is encouraged to ask open-ended questions to
326 enable students to describe what happened in their own words.
327
- 328 viii. The principal/designee may request that the accused/student (or the
329 custodial parent(s)/guardian of a minor as defined in paragraph (9)(f)),
330 prepare a written response to the complaint; or the principal/designee
331 may prepare a written statement of the accused/student's oral response
332 to the complaint based on their meeting and obtain the signature of the
333 accused/student (and/or custodial parent(s)/guardian of the minor student
334 as defined in paragraph (9)(f)), after his/her review of the statement.
335
- 336 ix. The principal/designee should dictate and then review his/her notes with
337 the complainant and accused/student after the interviews to verify the
338 facts and ensure accuracy, and then obtain signatures, but shall not tape
339 the interviews.
340
- 341
- 342 o. ~~If the complainant and the accused/student agree, the Principal or designee~~
343 ~~may arrange for the parties to resolve the complaint informally.~~
344
- 345 x. ~~The student who complained shall never be asked to work out the~~
346 ~~problem directly with the accused/student unless the assistance of a~~
347 ~~counselor, teacher, administrator, or mediator is provided.~~
348
- 349 xi. ~~If the matter cannot be resolved informally, the Principal/ or designee~~
350 ~~shall assist the student in filing a complaint. If the complaint is resolved~~

351 informally, the Principal/~~or~~ designee shall notify the EEO Coordinator of
352 the resolution of the complaint.
353

354 o. **Pursuing the Investigation.** During the investigation, the P~~ri~~ncipal/~~or~~
355 designee may take any action necessary to protect the complainant, or other
356 employees or students or employees, consistent with the requirements of
357 applicable regulations and statutes.
358

359 i. In general, complainants shall continue attendance at the school and
360 pursue their studies as directed while the investigation is conducted and
361 the complaint is pending resolution.
362

363 ii. ~~The Principal or designee is encouraged to ask open-ended questions to~~
364 ~~enable students to describe what happened in their own words.~~
365

366 iii. ~~The Principal or designee may request that the accused/student prepare~~
367 ~~a written response to the complaint, or the Principal or designee may~~
368 ~~prepare a written statement of the accused/student's response to the~~
369 ~~complaint based on their meeting and obtain the signature of the~~
370 ~~accused/student after his/her review of the statement.~~
371

372 iv. ~~The Principal or designee should review and dictate his/her notes with the~~
373 ~~complainant and accused/ student after the interviews to verify the facts~~
374 ~~and ensure accuracy, and obtain signatures, but shall not tape the~~
375 ~~interviews.~~
376

377 v. ii. When necessary to carry out his/her investigation or for other good
378 reasons, and consistent with federal and state privacy laws, the P
379 rincipal/~~or~~ designee may discuss the complaint with any of the following
380 persons:
381

382 A. Superintendent/~~or~~ designee;

383 B. Chief Academic Officer;

384 C. Aarea superintendents ~~Executive Directors~~;

385 D. associate-Superintendents;

386 E. Chief of School Police;

387 F. the custodial parent(s)/guardian of the complainant, if the
388 complainant is ~~under eighteen (18) years of age~~ a minor, as defined
389 in paragraph (9)(f) of this Policy;
390
391
392
393
394

395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438

- G. the custodial parent(s)/guardian of the accused/student, if the accused/student is ~~under eighteen (18) years of age~~ a minor, as defined in paragraph (9)(f).;
 - 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;
 - ii. ~~T~~the details and consistency of each person's account;
 - iii. ~~E~~evidence of how the complainant reacted to the incident;
 - iv. ~~E~~evidence of past instances of harassment or discrimination by the accused/ student (provided that, if evidence of harassment/ discrimination, accusations, or complaints is to be considered, the principal/designee must review in their entirety the files regarding those past incidents);
 - v. ~~E~~evidence 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 principal/designee 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's ~~p~~olicies prohibiting sexual harassment and discrimination.
- q. To determine the severity of the harassment or discrimination, the ~~P~~principal/~~or~~designee may consider, among other things:

- 439 i. ~~H~~how the misconduct affected one or more student's education-;
- 440
- 441 ii. ~~T~~the type, frequency, and duration of the misconduct-;
- 442
- 443 iii. ~~T~~the number of persons involved-;
- 444
- 445 iv. ~~T~~the subject(s) of harassment or discrimination-;
- 446
- 447 v. ~~T~~the place and situation where the incident occurred-; and/or
- 448
- 449 vi. ~~O~~other incidents at the school, including incidents of harassment or
- 450 discrimination that were not related to sex.
- 451
- 452 r. Within thirty (30) calendar days of the filing of the complaint, the ~~P~~p principal/ or
- 453 designee shall give the ~~A~~area superintendent/ Executive Director or designee
- 454 and the EEO/Title IX Coordinator and ADA/504 Specialist a written report that
- 455 describes the complaint and investigation and contains his/her findings,
- 456 decision, and reasons for the decision.
- 457
- 458 i. If the principal/designee he/she verifies that sexual harassment or
- 459 discrimination occurred, this report shall describe the actions ~~he/she took~~
- 460 taken to end the harassment or discrimination pursuant to the Matrix of
- 461 Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813
- 462 (secondary)-; address the effects of the harassment or discrimination on
- 463 the complainant-; and prevent retaliation or further harassment or
- 464 discrimination.
- 465
- 466 ii. The ~~P~~p principal/ or designee ~~will~~ shall notify the parties (and their custodial
- 467 parents(s)/guardian if the parties are minors as defined in paragraph
- 468 (9)(f)) in writing of his/her the decision and their right to review by the
- 469 ~~A~~area superintendent/ Executive Director or designee. (If the complaint
- 470 was originally filed with, and investigated by, the EEO/Title IX
- 471 Coordinator instead of the principal, the Title IX Coordinator shall inform
- 472 the parties of the right to appeal to the Chief Academic Officer/designee
- 473 within ten (10) days after receiving the Coordinator's decision.)
- 474
- 475 s. No retaliation of any kind is permitted on the basis of an individual's having
- 476 made a discrimination or harassment complaint.
- 477
- 478 12. **Appeal to Area Superintendent Executive Director of a Complaint Against an**
- 479 **Accused/Student.**-- If the complaint against an accused/student is not resolved at
- 480 the school-site level to the satisfaction of the parties ~~in the site-level process-~~
- 481 either party (or their custodial parents(s)/guardian if the parties are minors as
- 482 defined in paragraph (9)(f)). may seek review by the ~~A~~area superintendent

483 ~~Executive Director or designee~~, by using through the following procedures
484 process:-
485

- 486 a. The written complaint and request for review shall be sent to the area
487 superintendent's office within ten (10) days of the completion of the site-level
488 process by the principal/designee.
489
- 490 i. If the principal's designee conducted the investigation and made the
491 decision, the first level of appeal is to the principal rather than the area
492 superintendent. If the complaint was reviewed or investigated by the
493 principal, the next level of appeal is to the area superintendent/designee.
494 (If the complaint was originally filed with, and investigated by, the
495 EEO/Title IX Coordinator instead of the principal, the next level of appeal
496 is to the Chief Academic Officer/designee.) ~~The written complaint and~~
497 ~~request for review shall be sent to the Area Executive Director's office~~
498 ~~within ten (10) days of the completion of the site-level process by the~~
499 ~~Principal or designee.~~
- 500
- 501 ii. However, if-if the A area superintendent/ Executive Director or designee
502 is directly involved with a complaint or closely related to with the a parties
503 party to the complaint, then an impartial designee the Chief Academic
504 Officer/designee shall be asked to conduct the investigation review and/or
505 further investigation.
- 506
- 507 b. **Notice Requirement.--** Notice will be given to all parties of a request for
508 review by the A area superintendent/ Executive Director or designee within
509 two (2) business days of the request for review.
510
- 511 c. **Procedure.--** The A area superintendent/ Executive Director or designee shall
512 review the complaint, the answer to the complaint, the P principal's report, and
513 any other evidence in the record. The A area superintendent/ Executive
514 Director or designee may conduct any further investigation he/she deems
515 necessary.
516
- 517 i. The area superintendent/designee will review the principal's decision as
518 to the validity of the allegations and any corrective action and will make a
519 decision within thirty (30) calendar days after receipt of the request for
520 review. Time limits may be extended by written mutual agreement of the
521 individual(s) making the complaint and the person to whom the complaint
522 is addressed accused/student (or the custodial parent(s)/guardian of a
523 minor party as defined in paragraph (9)(f)).
- 524
- 525 ii. No retaliation of any kind is permitted because an individual has made a
526 sexual harassment or sexual discrimination complaint. During the

527 investigation, the A area superintendent/ Executive Director or designee
528 may take any action necessary to protect the complainant, ~~or other~~
529 ~~employees or students, or employees,~~ consistent with the requirements of
530 applicable regulations and statutes. ~~The Area Executive Director or~~
531 ~~designee will review the Principal's decision as to the validity of the~~
532 ~~allegations and any corrective action, and will make a decision within~~
533 ~~thirty (30) calendar days after receipt of the request for review.~~

- 534
- 535 iii. The A area superintendent/ Executive Director or designee shall take
536 action deemed appropriate to resolve the situation, including, but not
537 limited to, ~~warning, out of school suspension, expulsion, transfer to~~
538 ~~alternative school, or other disciplinary action by the school, consistent~~
539 ~~with the requirements of applicable procedures outlined in each § school's~~
540 ~~Student-Parent Handbook, School District the Matrix of Incidents and~~
541 ~~Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and~~
542 ~~Florida law, or transfer to alternative school.~~
- 543
- 544 iv. The A area superintendent/ Executive Director or designee will inform the
545 parties in writing of ~~his/her~~ the decision and the parties' right to appeal.
- 546
- 547 v. A copy of the decision will be sent to the EEO/Title IX Coordinator and
548 ADA/504 Specialist.
- 549

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

551

- 552 a. If the complainant or accused/student (or the custodial parent(s)/guardian of a
553 minor party as defined in paragraph (9)(f)) is dissatisfied with the area
554 superintendent's decision, that decision may be appealed in writing to the
555 Chief Academic Officer/designee within ten (10) days after receipt of the
556 decision.
- 557
- 558 i. If the area superintendent's designee conducted the investigation, the
559 next level of appeal is to the area superintendent rather than the Chief
560 Academic Officer.
- 561
- 562 ii. If the Chief Academic Officer/designee is directly involved with a
563 complaint or closely related to a party to the complaint, then the Chief
564 Operating Officer/designee shall be asked to review the matter.
- 565
- 566 b. **Notice.--** Notice of the appeal shall be given in writing to the complainant and
567 accused/student (and the custodial parent(s)/guardian of a minor party as
568 defined in paragraph (9)(f)) within two (2) days of receipt of the appeal.
- 569
- 570 c. **Procedure.--** The Chief Academic Officer/designee shall review the written

571 complaint, the accused/student's response to the complaint (or
572 parent's/guardian's response on behalf of the minor accused/student as
573 defined in paragraph (9)(f)), and all documentation pertaining to the alleged
574 harassment or discrimination including the area superintendent's decision.

- 575
576 i. The Chief Academic Officer/designee, in his/her discretion, may request
577 additional information.
578
579 ii. The Chief Academic Officer/designee shall issue a written decision to the
580 parties within twenty (20) calendar days of request of the appeal.

581
582 **14. Appeal Procedure to the Superintendent**

- 583
584 a. If the complainant or accused/student (or the custodial parent(s)/guardian of a
585 minor party as defined in paragraph (9)(f)), is dissatisfied with the Area
586 Executive Director's Chief Academic Officer's decision, that decision it may be
587 appealed in writing to the Superintendent within ten (10) days after receipt of
588 the decision.
589
590 i. If the Chief Academic Officer's designee conducted the investigation, the
591 next level of appeal is to the Chief Academic Officer, rather than to the
592 Superintendent.
593
594 ii. If the Superintendent is directly involved with a complaint or closely
595 related to a with the parties party to the complaint, then an impartial
596 designee the Chief Counsel to the Board shall be asked to review the
597 matter and report the findings in writing to the Board.
598
599 b. **Notice.--** Notice of the appeal shall be given to ~~all~~ the parties within two (2)
600 days of receipt of appeal.
601
602 c. **Procedure.--** The Superintendent/~~or~~ designee shall review the written
603 complaint, the accused/student's response to the complaint (or the response
604 of the custodial parent(s)/guardian of a minor student as defined in paragraph
605 (9)(f)), and all documentation pertaining to the alleged sexual harassment or
606 discrimination, including the Area Executive Director's Chief Academic
607 Officer's decision.
608
609 i. The Superintendent/~~or~~ designee, ~~in his/her discretion,~~ may request
610 additional information.
611
612 ii. The Superintendent/~~or~~ designee shall issue a written decision to the
613 parties within twenty (20) calendar days of request of the appeal. The

614 decision of the Superintendent/ or designee is the final decision of the
615 District.
616

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

622
623
624 16. **GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION**
625 **BY EMPLOYEES -- Investigation and Resolution of Complaints Against an**
626 **{Accused/Employee}**
627

- 628 a. Site-Level Procedure **Reporting Discrimination or Harassment.**-- Any
629 student/or applicant for admission (or the custodial parent(s)/guardian thereof,
630 if a minor as defined in paragraph (9)(f), who believes he/or she is a victim of
631 discrimination or harassment, of (or any individual, including any student,
632 teacher, or other employee of the School District, who has knowledge of any
633 incident(s) involving sexual discrimination against, or harassment of, students)
634 is strongly encouraged to report the incident(s) in writing to the principal or
635 other a-school official. Due to the sensitive nature of sexual harassment
636 complaints, the written complaint may be filed directly with the EEO/Title IX
637 Coordinator.
638
639 b. School officials must report in writing any allegations of discrimination or
640 harassment to the Pprincipal and to the EEO/Title IX Coordinator and
641 ADA/504 Specialist.
642
643 c. School officials must instruct students that they may file a written complaint
644 with the Pprincipal/ or designee or the EEO/Title IX Coordinator and ADA/504
645 Specialist. If the Pprincipal is directly involved with a complaint or with the
646 parties to the complaint or is closely related to a party to the complaint, then
647 the incident may be reported directly to the EEO/Title IX Coordinator.
648
649 d. The principal shall document all complaints in writing to ensure that problems
650 are appropriately addressed. It is the responsibility of the principal to forward
651 all complaints to the area superintendent and EEO/Title IX Coordinator and
652 ADA/504 Specialist. Failure by the principal to respond to a complaint within
653 two (2) work days will automatically allow the complainant to re-file the
654 complaint with the area superintendent.
655
656 e. **Filing the Compliant Form.**-- Individuals Consistent with OCR guidelines, a
657 formal complaint process is required for any complaint against an employee.

658 Complainants (or the custodial parent(s)/guardian of the minor student as
659 defined in paragraph (9)(f)) may file a complaint, either orally or in writing,
660 with the Pprincipal/or designee or the EEO/Title IX Coordinator and ADA/504
661 Specialist by using the *Harassment and Discrimination Complaint Student*
662 *Complaint Report* form (PBSD 1615), available on the District's web site at
663 <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
664

665 i. Complaints should be filed as soon as possible after the alleged incident,
666 but must be filed within ~~sixty (60)~~ one hundred eighty (180) calendar days
667 of after the alleged incident (that is, within 180 days after the last act of
668 alleged harassment or discrimination). Failure on the part of the
669 complainant to initiate and/or follow up on the complaint within this period
670 may result in the complaint being deemed abandoned.
671

672 ii. The Pprincipal/or designee may assist the individual in completing the
673 Form by recording information on it the *Harassment and Discrimination*
674 *Complaint Form*, reviewing it with the complainant, and obtaining the
675 complainant's signature. The complainant will be requested to provide
676 signed, specific information regarding the alleged discrimination or
677 harassment, the alleged offender(s), witnesses, and other relevant
678 information.
679

680 iii. All complaints filed with the Pprincipal/or designee must be reported to
681 the Area superintendent Executive Director and the EEO/Title IX
682 Coordinator and ADA/504 specialist for investigation.
683

684 f. **Notice to Parent(s)/Guardians.--** Within two (2) days of receiving the
685 complaint, and in accordance with federal and state privacy laws, the
686 principal/designee shall notify the custodial parent(s)/guardian of any minor
687 student as defined in paragraph (9)(f) who is allegedly subject to harassment
688 or discrimination. Notification may be made by telephone, letter, or personal
689 conference. The students involved (and their custodial parent(s)/ guardians, if
690 the students are minors) will also be notified of events and decisions described
691 in this Policy.
692

693 g. **Investigation by EEO/Title IX Coordinator.--** The EEO/Title IX Coordinator/
694 or designee or ADA/504 Specialist shall document and promptly and
695 thoroughly investigate all complaints of harassment or discrimination, including
696 the following steps to ensure that problems are appropriately addressed:
697

698 i. promptly talk with the complainant within two (2) business days after
699 receiving the complaint. The complainant (and/or the custodial
700 parent(s)/guardian of the minor complainant as defined in paragraph
701 (9)(f)) shall have an opportunity to describe the incident, present any

- 702 evidence, name witnesses, and ensure that ~~put his/her~~ the complaint is
703 put in writing, if he/she has not already done so;
- 704
- 705 ii. ~~T~~talk with any witnesses or others who may have relevant information.;
706 and
- 707
- 708 iii. ~~C~~conduct an investigation meeting with the accused/employee, and the
709 accused/employee's representative, if applicable, to discuss the
710 allegations and allow the accused/employee to respond to the allegations.
- 711
- 712 h. During the investigation, the EEO/Title IX Coordinator may recommend to the
713 Chief Personnel Officer/~~or~~ designee, any action necessary to protect the
714 complainant, ~~or other students or employees or students~~, consistent with the
715 requirements of applicable ~~regulations or statutes~~, State Board of Education
716 Rules, Schol Board Policies, and collective bargaining agreements.
- 717
- 718 i. In general, complainants will continue attendance at the school and
719 pursue their studies as directed while the investigation is conducted and
720 the complaint is pending resolution. ~~The EEO Coordinator shall document~~
721 ~~all complaints to ensure that problems are appropriately addressed.~~
- 722
- 723 ii. When necessary to carry out his/her the investigation or for other good
724 reasons, and consistent with federal and state privacy laws, the EEO/Title
725 IX Coordinator or ADA/504 Specialist also shall discuss the complaint
726 with the following persons, as appropriate:
- 727
- 728 A. Superintendent/~~or~~ designee;
- 729
- 730 B. Chief Operating Officer and/or Chief Operating Officer;
- 731
- 732 C. ~~A~~area superintendent/designee Executive Directors;
- 733
- 734 D. ~~A~~associate Ssuperintendents;
- 735
- 736 E. Chief of School Police;
- 737
- 738 F. Chief Personnel Officer;
- 739
- 740 G. Director of ~~Employee~~ Labor Relations;
- 741
- 742 H. ~~T~~the custodial parent(s)/guardian of the complainant, if the
743 complainant is ~~under eighteen (18) years of age~~ a minor as defined
744 in Section (9)(f);
- 745

- 746 I. ~~A~~ teacher or staff member whose knowledge of the student(s) or
- 747 employee(s) involved may help determine who is telling the truth;
- 748
- 749 J. ~~C~~ child protective agencies responsible for investigating child abuse;
- 750
- 751 K. ~~L~~ egal counsel for the District Board; and/or
- 752
- 753 L. ~~E~~ xclusive bargaining representative or their the legal counsel
- 754 thereof, if appropriate; and
- 755
- 756 M. the accused/employee.
- 757

758 17. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator.**-- Upon completion of the

759 investigation, the EEO/Title IX Coordinator shall make a decision about the validity

760 of the allegations in the complaint.

- 761 a. The EEO/Title IX Coordinator shall discuss the determination and any
- 762 corrective action with the ~~P~~ principal/or designee and Chief Personnel Officer.
- 763
- 764 b. In reaching a decision about the complaint, the following should be taken into
- 765 account:
- 766
- 767 i. ~~S~~ statements made by the persons identified above;
- 768
- 769 ii. ~~T~~ he details and consistency of each person's account;
- 770
- 771 iii. ~~E~~ vidence of how the complainant reacted to the incident;
- 772
- 773
- 774 iv. ~~E~~ vidence of past instances of harassment or discrimination by the
- 775 accused/employee (provided that, if evidence of past harassment/
- 776 discrimination are to be considered, the investigator must review in their
- 777 entirety the files regarding those past incidents);
- 778
- 779 v. ~~E~~ vidence of past harassment or discrimination complaints that were
- 780 found to be untrue (provided that, if evidence of past accusations or
- 781 complaints is to be considered, the investigator must review in their
- 782 entirety the files regarding those past incidents); and
- 783
- 784 vi. ~~C~~ ase law, state and federal laws and regulations, and the District's Board
- 785 p olicies prohibiting harassment and discrimination.
- 786
- 787 c. To determine the severity of the harassment or discrimination, the following
- 788 may be considered:
- 789

- 790 i. ~~H~~ow the misconduct affected one or more student's education;
- 791
- 792 ii. ~~T~~he type, frequency, and duration of the misconduct;
- 793
- 794 iii. ~~T~~he number of persons involved;
- 795
- 796 iv. ~~T~~he subject(s) of harassment or discrimination;
- 797
- 798 v. ~~T~~he place and situation where the incident occurred; and
- 799
- 800 vi. ~~O~~ther incidents at the school.

801

802

803 d. The following action(s) ~~or discipline~~ may be taken, consistent with any

804 applicable collective-bargaining agreement provisions, to resolve a complaint

805 of harassment or discrimination:

806

- 807 i. ~~N~~o action, if the complaint is unsubstantiated;
- 808
- 809 ii. ~~T~~he training requirements for the employee;
- 810
- 811 iii. ~~O~~ral reprimand of the employee;
- 812
- 813 iv. ~~W~~ritten reprimand of the employee;
- 814
- 815 v. ~~S~~suspension of the employee up to and including termination; or
- 816
- 817 vi. Termination of the employee.

818

819 A. For the first verified offense of harassment of, or discrimination

820 against, a student, suspension should be recommended for a

821 minimum of thirty (30) days without pay up to and including

822 termination. Termination should be recommended for the second

823 offense of verified harassment of, or discrimination against, a

824 student.

825

826 B. Suspension without pay and/or termination requires ~~School~~ Board

827 action.

828

829 **18. Appeal Procedure for an Accused/Employee**

830

- 831 a. If the accused/employee wishes to appeal the action taken in resolution of the
- 832 complaint, such appeal shall be filed either in accordance with District Board

833 Policy 3.31 or pursuant to the relevant collective bargaining agreement.

- 834
835 b. For those employees not in a bargaining unit, the appeal shall be filed in
836 accordance with District Board Policy #3.31.

837
838 **19. Appeal Procedure for Student/Complainant Against Accused/Employee**

- 839
840 a. **Appeal to the Chief Operating Officer/Designee.**-- If the complainant or
841 accused/student (or the custodial parent(s)/guardian on his/her behalf if the
842 complainant is a minor as defined in paragraph (9)(f)) is dissatisfied with the
843 EEO/Title IX Coordinator's decision, it may be appealed in writing to the
844 ~~Superintendent~~Chief Operating Officer/designee within ten (10) days after
845 receipt of the decision. However, if the ~~Superintendent~~Chief Operating Officer
846 is directly involved with a complaint or closely related to with the a partiesparty
847 to the complaint, then an ~~impartial designee~~ the Chief Academic Officer shall
848 be asked to review the matter.

- 849
850 i. **Notice.**-- Notice of the appeal shall be given to all ~~parties~~ the parties
851 (and the custodial parent(s)/guardian of a complainant who is a minor as
852 defined in paragraph (9)(f)) within two (2) days of receipt of appeal.

- 853
854 ii. **Procedure.**-- The ~~Superintendent/~~ or Chief Operating Officer/designee
855 shall review the written complaint, the ~~accused/ student's employee's~~
856 response to the complaint, and all documentation pertaining to the
857 alleged sexual harassment or discrimination including the EEO/Title IX
858 Coordinator's or ADA/504 Specialist's decision.

859
860 A. The ~~Superintendent/~~ or Chief Operating Officer/designee, in his/her
861 ~~discretion~~, may request additional information.

862
863 B. The ~~Superintendent/~~ or Chief Operating Officer/designee shall issue a
864 written decision to the parties within twenty (20) calendar days of
865 request of the appeal.

- 866
867 b. **Appeal to the Superintendent.**-- If the complainant (or custodial
868 parent(s)/guardian of the minor complainant) is dissatisfied with the Chief
869 Operating Officer's decision, the decision may be appealed in writing to the
870 Superintendent within ten (10) days after receipt of the decision.

- 871
872 i. If the Chief Operating Officer's designee conducted the review, the next
873 level of appeal is to the Chief Operating Officer rather than to the
874 Superintendent.

875

876 ii. If the Superintendent is directly involved with a complaint or closely
877 related to a party to the complaint, then the Chief Counsel to the Board
878 shall be asked to review the matter and report the findings to the Board.
879

880 iii. **Notice.**-- Notice of the appeal shall be given in writing to the parties (and
881 their custodial parent(s)/guardian if appropriate) within two (2) days of
882 receipt of the appeal.
883

884 iv. **Procedure.**-- The Superintendent/designee shall review the written
885 complaint, the accused/employee's response to the complaint, and all
886 documentation pertaining to the alleged harassment or discrimination,
887 including the Chief Operating Officer's decision.
888

889 A. The Superintendent may request additional information.
890

891 B. The Superintendent/designee shall issue a written decision to the
892 parties (and their custodial parent(s)/guardian if appropriate) within
893 twenty (20) calendar days of request of the appeal. The decision of
894 the Superintendent/designee is the final decision of the District.
895

896 c. Other Means of Resolution.-- If the complainant is not satisfied with the
897 results of the procedures contained in this pPolicy, he/ or she may utilize other
898 means for resolution as provided by law, including seeking recourse through
899 the Federal Office for Civil Rights ("OCR").
900

901
902 20. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION
903 BY VOLUNTEERS, VISITORS, OR CONTRACTORS -- Investigation of
904 Complaints Against a School Volunteer, Campus Visitor, Contractor/Consultant, or
905 Other Third Party.
906

907 a. The School Board will not tolerate sexual harassment or discrimination by
908 school volunteers, consultants, independent contractors or subcontractors (or
909 their employees), or any third party in the school (or outside of the school at
910 school-sponsored events), on school buses, or at training facilities sponsored
911 by the School District. Any such alleged harassment or discrimination should
912 be reported immediately to the school principal, using the same formal written
913 complaint process as would be used to report harassment or discrimination by
914 a District employee.
915

916 b. It is the responsibility of the principal to forward all complaints to the area
917 superintendent and EEO/Title IX Coordinator and ADA/504 Specialist. Failure

918 by the principal to respond to a complaint within two (2) work days will
919 automatically allow the complainant to re-file the complaint with the area
920 superintendent.

921
922 c. Within two (2) days of receiving the complaint, and in accordance with federal
923 and state privacy laws, the principal/designee shall notify the custodial
924 parent(s)/guardian of any minor student as defined in paragraph (9)(f) who is
925 allegedly subject to harassment or discrimination. Notification may be made
926 by telephone, letter, or personal conference. The students involved (and their
927 custodial parent(s)/ guardians, if the students are minors) will also be notified
928 of events and decisions described in this Policy.

929
930 d. Within two (2) days of receiving the complaint, the EEO/Title IX Coordinator or
931 ADA/504 Specialist shall begin an investigation, using procedures similar to
932 those used for investigation of allegations against District employees.

933
934 e. If the District's investigation substantiates a complaint of sexual harassment or
935 discrimination by a school volunteer, visitor, consultant/independent
936 contractor, vendor or other third party, the Superintendent shall promptly
937 recommend appropriate action. As stated in OCR's *Revised Sexual*
938 *Harassment Guidance (2001)*:

939 The type of appropriate steps that the school should take will differ
940 depending on the level of control that the school has over the third
941 party harasser. For example, if athletes from a visiting team harass
942 the home school's students, the home school may not be able to
943 discipline the athletes. However, it could encourage the other
944 school to take appropriate action to prevent further incidents; if
945 necessary, the home school may choose not to invite the other
946 school back.

947
948 f. Depending on the situation, an appropriate response may include, but not
949 limited to, revoking the volunteer's status under Policy 2.53; asking the visitor
950 to refrain from returning to the campus; requesting a contractor to remove an
951 employee from a project at a school site and discipline the employee; or
952 debaring a vendor pursuant to Policy 6.14(5). The District's response will be
953 designed to eliminate the harassment or discrimination and prevent its
954 reoccurrence. If the complainant is not satisfied with the District's response,
955 he/she (or the custodial parent(s)/guardian of a minor complainant) may
956 appeal according to the procedures used to appeal a decision regarding
957 alleged harassment or discrimination by an employee under Section 19.

958
959 g. Other Means of Resolution.-- If the complainant is not satisfied with the
960 District's response under this Section, he/she may utilize other means for
961 resolution as provided by law, including seeking recourse through OCR.

962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004

21. Confidentiality

- a. To the greatest extent possible, all complaints will be treated as confidential and in accordance with Fla. Stat. § 228.093(3)(d), ~~§ 119.07(3)(p)~~, and the Family Educational Rights and Privacy Act (“FERPA”), and any other applicable law, such as §§ 119.07(3)(p), 231.291(3), and 231.262(1), Fla. Stat.
- b. However, limited disclosure may be necessary to complete a thorough investigation as described above. The District’s obligation to investigate and take corrective action may supersede an individual’s right to privacy.
- c. The complainant’s identity shall be ~~confidentially~~ protected, but absolute confidentiality cannot be guaranteed.

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

23. Retaliation Prohibited

- a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this Policy.
- b. Retaliatory or intimidating conduct against any individual who has made a harassment or discrimination complaint or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited.
- c. The Pprincipal/~~or~~ designee, and EEO/Title IX Coordinator or ADA/504 Specialist, if applicable, shall inform ~~the complainants~~ that he/she/they is are protected by law from retaliation.

24. Additional Assistance Available

- a. In all cases, the District reserves the right to refer the results of its own investigation to the local State Attorney for possible criminal charges, whether or not the District takes any other action on its own account.
- b. The District will provide counseling services for students who have been harassed or discriminated against.

- 1005 c. Training will be provided to assist teachers and counselors who work with
1006 students to prevent sexual harassment and discrimination between people of
1007 the same sex or the opposite sex.
1008
- 1009 d. The Office for Civil Rights is a federal agency in the Department of Education
1010 ~~that ensures that schools' compliance~~ with charged with implementing Title IX
1011 of the Education Amendments and can be contacted by telephone at 1-800-
1012 421-3481; by fax at (404) 562-6455; or by e-mail at OCR_Atlanta@ed.gov.
1013
- 1014 e. For more information, one may contact: EEO/Title IX Coordinator, 3370
1015 Forest Hill Boulevard, Suite A-128 A-115, West Palm Beach, Florida, 33406;
1016 Telephone: (561) 434-8637; or visit <http://www.ed.gov/ocr/sex.html> on the
1017 Internet.
1018

1019 STATUTORY AUTHORITY: § 230.22(2); 230.23(17)(22); 230.23005(6), Fla. Stat.
1020

1021 LAWS IMPLEMENTED: §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida
1022 Education Equity Act); 228.093(3)(d); 230.22(1),
1023 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a);
1024 231.262(1), 760.01(2), Fla. Stat.; Title II of the
1025 Americans With Disabilities Act (42 U.S.C. 12131, et
1026 seq. (Title II of the Americans with Disabilities Act);
1027 Title IX of the Education Amendments of 1972 (20
1028 U.S.C. § 1681-1688 et. seq. (Title IX of the Education
1029 Amendments of 1972); Title VI of the Civil Rights Act
1030 of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the
1031 Civil Rights Act of 1964); Section 504 of the
1032 Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section
1033 504 of the Rehabilitation Act of 1973); 20 U.S.C. §
1034 1232g (Family Educational Rights and Privacy Act
1035 ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida
1036 Education Equity Act"); § 228.093(3)(d);
1037 230.23(6)(d)(1) and (8); 230.22(1) and (2);
1038 230.33(8); 119.07(3)(p), Fla. Stat.
1039

1040 STATE BOARD OF EDUCATION 6A-19.001; 6A-19.002; 19.008; 6B-1.006(3)(a),
1041 RULES SUPPLEMENTED (g)
1042

1043 HISTORY: 8/16/95; 3/17/99; / /02

Legal Signoff:

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

Attorney

Date