



POLICY 3.19

4-B I recommend that the Board adopt the proposed revised Policy 3.19, entitled "Policy Prohibiting Discrimination and Harassment."

[Contact: Darron Davis, PX 48953 and Sonia Hill-Howard, PX 48873.]

Adoption

CONSENT ITEM

- The Board approved development of this revised Policy at the development reading on April 28, 2010.
- This policy establishes procedures for the reporting, investigation and resolution of complaints of sexual harassment, other forms of harassment, discrimination and retaliation.
- This revision also updates statutory references.

POLICY 3.19

POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

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

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

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

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

37 offensive working environment.

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

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

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

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

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

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

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

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

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

57 ix. Engaging in a course of conduct which, under § 784.048 Fla. Stat.
58 constitutes the stalking of a staff member, student, chaperone, or parent
59 in the workplace.

60 5. **Other Harassment.** ~~OTHER HARASSMENT~~

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

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

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

82 6. **Complaint Procedure.** ~~GRIEVANCE PROCEDURE~~

- 83 a. Supervisors and managers are responsible for assuring that no employee is
84 subjected to conduct that constitutes sexual or any other form of harassment.
85 Any supervisor or manager receiving an oral or written complaint alleging
86 discrimination, sexual harassment, harassment or retaliation shall refer the
87 complaint to the [Equal Employment Opportunity Coordinator](#) opportunity for
88 handling.
- 89 b. Any employee, who believes that he or she has been the subject of sexual or
90 any other form of harassment by anyone at the district or by any person who
91 does business with the district, should, and is encouraged to, bring the matter
92 to the attention of his/her supervisor, except when the immediate supervisor is
93 the offending party, to the ~~superintendent's designee for equal employment~~
94 Equal Employment Opportunity Coordinator. Any employee who is aware of
95 behavior toward another employee which they feel may constitute sexual or
96 any other form of harassment shall also report the matter to their supervisor
97 except when the immediate supervisor is the offending party, or to the
98 ~~superintendent's designee for equal employment~~ Equal Employment
99 Opportunity Coordinator.
- 100 c. A prompt and thorough investigation of the alleged incident will be conducted
101 and appropriate corrective action will be taken, if warranted. To the extent
102 consistent with adequate investigation and appropriate corrective action, any
103 complaints of harassment will be treated as confidential throughout the

104 investigation. Once the investigation is completed, confidentiality shall be
105 determined by the applicable laws. A person alleging that they are a victim of
106 sexual harassment may request that their records remain confidential as
107 specified in Florida Statute § 119.07(3)(u).

108 d. Any individual found to have engaged in sexual or any other form of
109 harassment will be disciplined as appropriate, up to and including termination.
110 Individuals receiving action under this section may appeal such action in
111 accordance with the appropriate grievance procedure or administrative
112 process.

113 e. The district will not in any way retaliate against an employee, potential
114 employee, or former employee who, in good faith, makes a complaint or report
115 of harassment, or participates in the investigation of such a complaint or
116 report. Retaliation against any individual for good faith reporting of a claim of
117 harassment or cooperating in the investigation will not be tolerated and will
118 itself be subject to appropriate discipline. Incidents of retaliation shall be
119 reported in the manner as provided in this section. ~~discussed in Section 4 (b)~~
120 ~~of this policy.~~

121 f. The district will take all appropriate steps to enforce this policy.

122 g. All employees must file the ~~grievance~~ complaint pursuant to the procedure
123 herein ~~in Section 4 of this policy.~~ The exception is the superintendent, internal
124 auditor or chief counsel to the school board, who must file the
125 ~~grievance/complaint~~ with the board chair.

126 7. **Limitations.** Nothing in this policy is intended nor shall be construed to create a
127 private right of action against the Board or any of its employees. The provisions
128 herein do not affect the right of any person to file a charge of discrimination with
129 any agency having jurisdiction over such claims.

130 8. STATUTORY AUTHORITY: Fla. Stat. §§ 1001.4,1001.42,1001.43 ~~230.22(2);~~
131 ~~230.23(17), (22); 230.23005~~

132 9. LAWS IMPLEMENTED: Fla. Stat. §§ 42 U.S.C. § 2000e and 20 U.S.C. § 1681

133 10. HISTORY: 9/21/94; 5/21/97; 02/25/2002; / 2010

Legal Signoff:

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

Attorney

Date