

POLICY 3.19

4-E I recommend the Board adopt the proposed revisions to Policy 3.19, entitled "Policy Prohibiting Harassment."

The proposed policy revisions to lines 6 and 10 are brought at the request of the Florida Department of Education Equal Educational Opportunity 2000-2001 Monitoring Work Plan. For additional information on this plan, contact Dr. Maryann DuPont, Assistant Superintendent, 434-8963.

The proposed policy revisions to lines 129-136 were proposed by Board members at the Special Board Meeting on August 6, 2001.

The proposed policy revisions to lines 9, 129-130 and 134 were proposed and approved for development by the Board members at the Special Board Meeting on December 3, 2001.

The proposed policy revisions to lines 131-134 were proposed and approved for development by the Board members at the Special Board Meeting on January 14, 2002.

Adoption

PROPOSED REVISIONS TO POLICY 3.19

POLICY PROHIBITING HARASSMENT

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6 1. All employees and applicants for employment of the School District of Palm Beach
7 County, Florida, have the right to work in an environment free from discrimination and
8 conduct which can be considered harassing or coercive. Therefore, harassment based
9 on race, color, religion, sex, national origin, age, disability or any other characteristic
10 protected by federal and state law, will not be sanctioned or tolerated. All employees
11 and applicants for employment should be aware of the following:
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13 A 2. SEXUAL HARASSMENT

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15 4 a. Sexual harassment is strictly prohibited. Sexual harassment ~~has been~~ is defined
16 as:

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18 “unwelcome” sexual advances, requests for sexual
19 favors, and other verbal, written or physical
20 conduct of a sexual nature when:

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22 a i. Submission to such conduct is made, either explicitly or
23 implicitly, a term or condition of an individual’s employment;

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25 b ii. When submission to or rejection of such conduct is used as the
26 basis of employment decisions affecting such individual; or

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28 e iii. Such conduct has the purpose or effect of unreasonably
29 interfering with the individual’s work performance, or creating
30 an intimidating, hostile, or offensive working environment.

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32 2 b. Examples of sexual harassment may include, but are not limited to, the
33 following:

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35 a i. Gestures, letters, notes, invitations, comments, slurs, jokes or epithets
36 that are suggestive, derogatory or obscene;

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38 b ii. Unwanted physical contact of a sexual nature, sexual molestation or
39 assault, leering with sexual overtones, or impeding or blocking
40 movement;

- 41
42 e iii. Display of sexually suggestive objects, posters or cartoons;
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44 d iv. Continuing to express sexual interest after being informed that the
45 interest is unwelcome;
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47 e v. Offering favors such as employment benefits, or promotions, favorable
48 duties or shifts, recommendations, reclassification, etc., in exchange for
49 sexual favors;
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51 f vi. Coercive sexual behavior used to control, influence, or affect the career,
52 salary, and/or work environment of another employee;
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54 g vii. Coercive sexual behavior used to imply or withhold support for an
55 appointment, promotion, or change of assignment; or
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57 h viii. Coercive sexual behavior used to suggest that a poor performance report
58 will be prepared, or probation will be failed; or
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60 i ix. Engaging in a course of conduct which, under § 784.048 Fla. Stat.
61 constitutes the stalking of a staff member, student, chaperone, or parent
62 in the workplace.
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64 **B 2. OTHER HARASSMENT**

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66 † a. Harassment on the basis of any other protected characteristic is also strictly
67 prohibited. This includes verbal or physical conduct that denigrates or shows
68 hostility or aversion toward an individual because of his/her race, color,
69 religion, sex, sexual orientation, national origin, age, disability, marital status,
70 citizenship or any other characteristic protected by law and that:
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72 a i. Has the purpose or effect of creating an intimidating, hostile, or offensive
73 work environment;
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75 b ii. Has the purpose or effect of interfering with an individual's work
76 performance; or
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78 e iii. Otherwise, adversely affects an individual's employment.
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80 2 b. Examples of such harassment include the following:

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82 a i. Epithets, slurs or negative stereotyping;

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84 b ii. Threatening, intimidating or hostile acts, such as stalking; or

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86 e iii. Written or graphic material that denigrates or shows hostility or aversion
87 toward an individual or group and that is placed on walls or elsewhere
88 on the employer's premises or circulated in the workplace.

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90 4. GRIEVANCE PROCEDURE

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92 1 a. Supervisors and managers are responsible for assuring that no employee is
93 subjected to conduct that constitutes sexual or any other form of harassment.

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95 2 b. Any employee, who believes that he or she has been the subject of sexual or
96 any other form of harassment by anyone at the School D district or by any
97 person who does business with the School D district, should, and is encouraged
98 to, bring the matter to the attention of his/her supervisor, or to the
99 superintendent's designee for equal employment opportunity Equal
100 Employment Opportunity Coordinator, located in Risk Management. Any
101 employee who is aware of behavior toward another employee which they feel
102 may constitute sexual or any other form of harassment shall also report the
103 matter to their supervisor or to the superintendent's designee for equal
104 employment opportunity Equal Employment Opportunity Coordinator.

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106 3 c. A prompt and thorough investigation of the alleged incident will be conducted
107 and appropriate corrective action will be taken, if warranted. To the extent
108 consistent with adequate investigation and appropriate corrective action, any
109 complaints of harassment will be treated as confidential throughout the
110 investigation. Once the investigation is completed, confidentiality shall be
111 determined by the applicable laws. A person alleging that they are a victim of
112 sexual harassment may request that their records remain confidential as
113 specified in Florida Statutes Section § 119.07(3)(u).

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115 4 d. Any individual found to have engaged in sexual or any other form of
116 harassment will be disciplined as appropriate, up to and including termination
117 discharge. Individuals receiving action under this section may appeal such
118 action in accordance with the appropriate grievance procedure or
119 administrative process.

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5 e. The School District will not in any way retaliate against an employee, potential employee, or former employee who, in good faith, makes a complaint or report of harassment, or participates in the investigation of such a complaint or report. Retaliation against any individual for good faith reporting of a claim of harassment or cooperating in the investigation will not be tolerated and will itself be subject to appropriate discipline. Incidents of retaliation shall be reported in the manner discussed in Section 4 (b) of this policy above.

6 f. The School District will take all appropriate steps to enforce this policy.

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

STATUTORY AUTHORITY: Sections 230.23, 230.33, §§ 230.23(17); 230.23005, Fla. Stat. Florida Statutes

LAWS IMPLEMENTED: 42 U.S.C. Code §2000e and 20 U.S.C. Code §1681

HISTORY: 9/21/94; 5/21/97; 1/2002

NOTE: POLICY AND DIRECTIVES ARE ALL INCLUSIVE IN THIS POLICY

legal signoff

aronson memo page 1

aronson memo page 2

proof of policy withdrawal

proof of development

proof of adoption

estimated cost form