

**POLICY 5.001**

**4-A** I recommend the Board approve the proposed revisions to Policy 5.001, to be renamed "Protecting Students from Harassment and Discrimination."

[CONTACT: Dr. MaryAnn DuPont, 434-8963.]

**Adoption**

- At the first reading (development) on June 3, the Board approved this Policy for second reading (adoption) on July 8.

CONSENT ITEM



- 37
- 38 a. Complaint is defined as ~~A complaint means~~ allegations regarding any action,
- 39 policy, procedure, or practice prohibited by this policy.
- 40
- 41 b. Complainant is defined as ~~A complainant is~~ a student of, or applicant for
- 42 admission to, the School District who submits a complaint of harassment or
- 43 discrimination or an individual or group submitting a complaint on behalf of a
- 44 student(s).
- 45
- 46 c. Day is defined as ~~All days are~~ a working days and do not include weekends or
- 47 holidays unless noted as "calendar day."
- 48
- 49 d. Accused/student is defined as ~~The accused is~~ a student alleged to be responsible
- 50 for the violation that is alleged in the complaint.
- 51
- 52 e. Accused/employee is defined as ~~The accused is~~ a School District employee
- 53 alleged to be responsible for the violation alleged in the complaint.
- 54
- 55 f. Parties is defined as ~~Parties means~~ the accused student and/or accused/employee,
- 56 and the ~~C~~complainant.
- 57
- 58 g. Protected Categories include ~~Protected categories are~~ sex, race, color, religion,
- 59 sex, national origin, age, disability, ~~or and~~ marital status, pursuant to Title IX of
- 60 the Education Amendments of 1972; Section 504 of the Rehabilitation Act of
- 61 1973; the Americans with Disabilities Act; §§ 228.2001(2)(a) (the Florida
- 62 Education Equity Act); 760.01(2) (the Florida Civil Rights Act), Fla. Stat.; and Art.
- 63 1, § 2, Fla. Const.
- 64
- 65 h. School Official, for purposes of this Policy, is defined as ~~School Officials include~~
- 66 School Board employees, principals, assistant principals, teachers, and school
- 67 police officers who have the duty of reasonable supervision with respect to
- 68 student activities.
- 69
- 70 7. Title IX Coordinator and ADA/504 Specialist.– Equal educational opportunities are
- 71 guaranteed by Title VI of the Civil Rights Act of 1964, Title IX of the Education
- 72 Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. The District
- 73 has designated the ~~EE~~ Equal Employment Opportunity ("EEO") Coordinator as the

74 person responsible for ensuring that students and their custodial parent(s)/guardian  
75 receive information related to discrimination and harassment.

- 76
- 77 8. The EEO/Title IX Coordinator is located at: 3370 Forest Hill Boulevard, Suite ~~A-128,~~  
78 A-115, West Palm Beach, Florida 33406; Telephone: (561) 434-8637.
- 79
- 80 9. For those complaints concerning the Americans with Disabilities Act ("ADA") or  
81 Section 504 of the Rehabilitation Act, the District has designated an ADA/504  
82 Specialist.
- 83
- 84 10. The ADA/504 Specialist is located at ~~3336~~ 3308 Forest Hill Boulevard, Suite ~~B-102~~ C-  
85 143, West Palm Beach, Florida, 33406; Telephone: (561) 434-8817.
- 86
- 87 11. This contact information is to be posted in highly visible locations at each school  
88 including the main office, the guidance waiting area, and student services.
- 89
- 90 12. **Prohibited Harassment.**— For purposes of this Policy, Harassment occurs when  
91 conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect  
92 of unreasonably interfering with a student's performance or ability to benefit from  
93 his/her education, or creates an intimidating, hostile, offensive, or abusive school  
94 environment. Types of conduct which are prohibited in the District and which may  
95 constitute harassment include, but are not limited to:
- 96
- 97 a. Demeaning or derogatory comments, name-calling, racial slurs, or jokes, threats,  
98 abusive words, gestures, or harm to an individual.
- 99
- 100 b. Displaying visual or written material, including notes, stories, drawings, or  
101 pictures, or defacing school property or materials to demean a person.
- 102
- 103 c. Damaging, defacing or destroying private property of any person.
- 104
- 105 d. Bullying.
- 106
- 107 e. Requests for sexual favors and other conduct of a sexual nature as set forth in  
108 Policy 5.81.
- 109

- 110 f. Any act of retaliation against an individual who reports a violation of the  
 111 ~~District's~~ Board's harassment and discrimination policy or ~~who~~ participates in the  
 112 investigation of a discrimination or harassment complaint.

113  
 114 13. GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY  
 115 STUDENTS -- Investigation and Resolution of Complaints Against an  
 116 (Accused/Student)

- 117  
 118 a. ~~Site Level Procedure~~ **Reporting Discrimination or Harassment.**-- Any student or  
 119 applicant for admission who believes he/~~or~~she is a victim of discrimination or  
 120 harassment (or any individual, including any student, teacher, or other employee  
 121 of the School D district, who has knowledge of any incident(s) involving  
 122 discrimination or harassment of students) is strongly encouraged to report the  
 123 incident(s) to the principal or other a-school official or the EEO/ Title IX  
 124 Coordinator or ADA/504 Specialist.
- 125  
 126 b. School officials must report any allegations of discrimination or harassment to the  
 127 ~~P~~principal and to the EEO/Title IX Coordinator or ADA/504 Specialist.
- 128  
 129 c. School officials must instruct students and their custodial parent(s)/guardian that  
 130 ~~they~~ the student, or custodial parent(s)/guardian on behalf of the student, may file  
 131 a complaint with the ~~P~~principal/~~or~~designee, EEO/Title IX Coordinator or  
 132 ADA/504 Specialist.
- 133  
 134 d. It is the responsibility of the principal to forward all complaints to the area  
 135 superintendent and EEO/Title IX Coordinator.
- 136  
 137 e. **Principal Involvement.**-- If the ~~P~~principal is directly and personally involved with  
 138 a complaint or is closely related to ~~with the a parties~~ party to the complaint, then  
 139 an ~~impartial~~ designee the area superintendent shall be asked to conduct the  
 140 investigation.
- 141  
 142 f. **Informal Resolution.**-- Where appropriate, the complainant and the  
 143 accused/student may agree to informally resolve the complaint.
- 144  
 145 i. The ~~P~~principal/~~or~~designee may arrange for the parties to resolve the  
 146 complaint informally.

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

177

178

179

180

181

182

ii. The student, or the custodial parent(s)/guardian on behalf of the student, who complained shall never be asked to work out the problem directly with the accused/student unless the assistance of a counselor, teacher, administrator, or mediator is provided and the complainant is willing.

iii. If the complaint is resolved informally, the ~~P~~principal/~~o~~rdesignee shall notify the EEO/Title IX Coordinator or ADA/504 Specialist of the resolution of the complaint.

g. **Filing the Complaint Report.**– If the matter cannot be resolved informally, the ~~P~~principal/~~o~~rdesignee shall assist the student, or custodial parent(s)/guardian on behalf of the student, in filing a complaint. ~~Individuals~~ The student or custodial parent(s)/guardian on behalf of the student may file a complaint, either orally or in writing with the ~~P~~principal/~~o~~rdesignee by using ~~the Harassment and Discrimination Complaint Student Complaint Report Form (PBSD 1615).~~ Said form is hereby incorporated by reference and made a part of this Policy and shall be filed with the Clerk of the School Board herewith and is available on the District's web site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.

h. Complaints should be made as soon as possible but no later than sixty (60) calendar days of the alleged incident. Failure on the part of the complainant to initiate and/or follow up on a complaint in a timely manner may result in the complaint being deemed abandoned.

i. The complainant will be requested to provide signed, specific information regarding the alleged discrimination or harassment, the alleged offender(2), witnesses, and other relevant information.

j. If the student, or custodial parent(s)/guardian on behalf of the student, does not at first file a written complaint, the student, or custodial parent(s)/guardian on behalf of the student, will be requested to complete the complaint form. The principal/~~o~~rdesignee may assist the student, or custodial parent(s)/guardian on behalf of the student, in completing the form, or may complete the form for the student or for the custodial parent(s)/guardian who is acting on behalf of the student. In all instances, the student, or custodial parent(s)/guardian on behalf of

183 the student, shall review the form to ensure its accuracy and sign and date the  
184 complaint.

185

186 k. All complaints filed with the ~~P~~principal/~~or~~ designee must be reported to the  
187 ~~A~~area superintendent ~~Executive Director~~ and the EEO/Title IX Coordinator or  
188 ADA/504 Specialist.

189

190 l. **Notice to Accused/Student.**— Within two (2) days of receipt of a complaint, the  
191 ~~P~~principal/~~or~~ designee will notify the accused/student of the allegations.

192

193 m. **Notice to Parent(s)/Guardians.**— Upon receiving a complaint, within two (2)  
194 days of the allegations, and in accordance with federal and state privacy laws, the  
195 principal/designee shall notify the custodial parent(s)/guardian of any student  
196 under age eighteen (18) who is involved in alleged harassment or discrimination.  
197 Notification may be made by telephone, letter, or personal conference. The  
198 student(s) involved and his/her custodial parent(s)/guardian will also be notified  
199 of events and decisions described in this Policy.

200

201 n. **Steps in the Investigation.**— The ~~P~~principal/~~or~~ designee shall promptly and  
202 thoroughly investigate all complaints of harassment or discrimination ~~which shall~~  
203 ~~mandate,~~ including, at minimum, the following steps:;

204

205 i. ~~P~~romptly talk with the complainant:;

206

207 ii. ~~T~~he complainant or custodial parent(s)/guardian thereof shall have an  
208 opportunity to describe the incident, present witnesses and other evidence  
209 of the harassment or discrimination, and put ~~his/her~~ the complaint in writing  
210 if he/she has not already done so:;

211

212 iii. ~~P~~romptly talk with the accused/student, or custodial parent(s)/guardian  
213 thereof on behalf of the accused/student:;

214

215 iv. ~~T~~he accused/student, or custodial parent(s)/guardian on behalf of the  
216 accused/student, shall have an opportunity to describe the incident, present  
217 witnesses and other evidence, and put his/her response in writing:;

218

- 219 v. ~~T~~talk with any person who saw the harassment, has knowledge of the  
220 discrimination, or who may have related information; and  
221
- 222 vi. Conduct a conference, if appropriate, with the complainant and custodial  
223 parent(s)/guardian thereof and the accused/student and custodial  
224 parent(s)/guardian and give notice of the date, time, place, and rules to the  
225 parties.  
226
- 227 o. The principal/designee shall document all complaints to ensure that problems are  
228 appropriately addressed. Failure by the principal to respond to a complaint in a  
229 timely manner will automatically allow the complainant to re-file the complaint  
230 with the area superintendent.  
231
- 232 p. **Pursuing the Investigation.**— During the investigation, the ~~P~~principal/~~o~~rdesignee  
233 may take any action necessary to protect the complainant, or other ~~employees or~~  
234 students or employees, consistent with the requirements of applicable regulations  
235 and statutes. In general, complainants will continue attendance at the same  
236 school and pursue their studies as directed while the investigation is conducted  
237 and the complaint is pending resolution.  
238
- 239 i. ~~The P~~principal/~~o~~r designee shall document all complaints to ensure that  
240 ~~problems are appropriately addressed.~~  
241
- 242 ii. The ~~P~~principal/ ~~o~~r designee is encouraged to ask open-ended questions to  
243 enable students to describe what happened in their own words.  
244
- 245 iii. The ~~P~~principal/~~o~~rdesignee may request that the accused/student or custodial  
246 parent(s)/guardian thereof, on the accused/student's behalf, prepare a written  
247 response to the complaint; or the ~~P~~principal/~~o~~rdesignee may prepare a  
248 written statement of the accused/student's oral response to the complaint  
249 based on their meeting and obtain the signature of the accused/student,  
250 and/or custodial parent(s)/guardian thereof, after his/her review of the  
251 statement.  
252
- 253 iv. The ~~P~~principal/~~o~~rdesignee should ~~review and~~ dictate and then review  
254 his/her notes with the complainant and accused/student after the interviews



- 255 to verify the facts and ensure accuracy, and then obtain signatures, but shall  
256 not tape the interviews.  
257
- 258 v. When necessary to carry out ~~his/her~~ the investigation or for other good  
259 reasons, and consistent with federal and state privacy laws, the Principal/  
260 ~~or~~designee also may discuss the complaint with any of the following  
261 persons:  
262
- 263 A. Superintendent/~~or~~ designee;  
264
- 265 B. Chief Academic Officer;  
266
- 267 C. ~~A~~ area superintendent/designee ~~Executive Directors~~;  
268
- 269 D. ~~A~~ associate Superintendents;  
270
- 271 E. Chief of School Police;  
272
- 273 F. ~~T~~he custodial parent(s)/guardian of the complainant, if the complainant  
274 is under eighteen (18) years of age;  
275
- 276 G. ~~T~~he custodial parent(s)/guardian of the accused/student, if the student  
277 is under eighteen (18) years of age;  
278
- 279 H. ~~A~~ teacher or staff member whose knowledge of the students involved  
280 may help determine who is telling the truth;  
281
- 282 I. ~~C~~hild protective agencies responsible for investigating child abuse;  
283 and/or  
284
- 285 J. ~~L~~egal counsel for the ~~district~~ Board.  
286
- 287 q. Written Decision of the Principal/Designee.-- Upon completion of the  
288 investigation, the Principal/~~or~~designee will make a decision about the validity of  
289 the allegations in the complaint and about any corrective action, if  
290 applicable/~~necessary~~. In reaching a decision about the complaint, the Principal/  
291 ~~or~~ designee should take into account:

- 292
- 293
- 294
- 295
- 296
- 297
- 298
- 299
- 300
- 301
- 302
- 303
- 304
- 305
- 306
- 307
- 308
- 309
- 310
- 311
- 312
- 313
- 314
- 315
- 316
- 317
- 318
- 319
- 320
- 321
- 322
- 323
- 324
- 325
- 326
- 327
- i. ~~S~~statements made by the persons identified in ~~Section 5~~ paragraph (13)(n), 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/student (provided that, if evidence of harassment/ discrimination, accusations, or complaints are to be considered, the principal/designee must review the files regarding those past incidents in their entirety);
  - 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 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~~Policy prohibiting harassment and discrimination.
- r. To determine the severity of the harassment or discrimination, the ~~P~~principal/~~or~~ designee should consider, among other things:
- i. ~~H~~ow the misconduct affected one or more student's education;
  - ii. ~~T~~he type, frequency, and duration of the misconduct;
  - iii. ~~T~~he number of persons involved;
  - iv. ~~T~~he subject(s) of harassment or discrimination;
  - v. ~~T~~he place and situation where the incident occurred; and/or
  - vi. ~~O~~ther similar incidents at the school.

- 328 s. Within thirty (30) calendar days of the filing of the complaint, the Pprincipal/~~or~~  
329 designee shall give the Aarea superintendent/designee ~~Executive Director or~~  
330 ~~designee~~ and the EEO/Title IX Coordinator or ADA/504 Specialist a written report  
331 that describes the complaint and investigation and contains his/~~her~~ findings, a  
332 decision, and reasons for the decision.
- 333
- 334 i. If ~~he/she~~ the principal/designee verifies that harassment or discrimination  
335 occurred, this report shall describe the actions ~~he/she took~~ taken to end the  
336 harassment or discrimination, address the effects of the harassment or  
337 discrimination on the complainant, and prevent retaliation or further  
338 harassment or discrimination.
- 339
- 340 ii. The Pprincipal/~~or~~ designee shall notify the parties and their custodial  
341 parent(s)/guardians in writing of his/~~her~~ the decision and their right to review  
342 by the Aarea superintendent/ ~~Executive Director or~~ designee.
- 343
- 344 t. No retaliation of any kind is permitted because of an individual's ~~hashaving~~  
345 made a discrimination or harassment complaint.
- 346

347 14. **Appeal to Review by Area Superintendent** ~~Executive Director of a Complaint Against~~  
348 **an Accused/Student**– If the complaint is not resolved at the school-site level to the  
349 satisfaction of the parties or their custodial parent(s)/guardian in the site-level process,  
350 either party or their custodial parent(s)/guardian may seek review by the area  
351 superintendent/designee through the following process:

352

- 353 a. The written complaint and request for review shall be sent to the Aarea  
354 superintendent's ~~Executive Director's~~ office within ten (10) days of the  
355 completion of the site-level process by the Pprincipal.
- 356
- 357 i. If the principal's designee conducted the investigation, the first level of  
358 appeal is to the principal. If the complaint has been reviewed or conducted  
359 by the principal, the next level of appeal is to the A area superintendent/  
360 Executive Director or designee, by using the following procedures. (If the  
361 complaint was originally filed with, and investigated by, the EEO/Title IX  
362 Coordinator instead of the principal, the next level of appeal is to the Chief  
363 Academic Officer/designee).
- 364

- 365 ii. If the ~~A~~area superintendent/designee ~~Executive Director~~ is directly involved  
366 with a complaint or closely related to ~~with the a parties party~~ to the  
367 complaint, then an ~~impartial designee~~ the Chief Academic Officer/designee  
368 shall be asked to conduct the review and/or further investigation.  
369
- 370 b. **Notice Requirement.**-- Notice will be given to all parties of a request for review  
371 by the ~~A~~area superintendent/Executive Director or designee within ~~two (2)~~ days of  
372 the request for review.  
373
- 374 c. **Procedure.**-- The ~~A~~area superintendent ~~Executive Director~~ or designee shall  
375 review the complaint, the answer to the complaint, the principal/designee's  
376 report, and any other evidence in the record. The ~~A~~ area superintendent  
377 ~~Executive Director~~ or designee may also conduct any further investigation ~~he/she~~  
378 deems deemed necessary. ~~Time limits may be extended by written mutual~~  
379 ~~agreement of the individuals and the person to whom the complaint is addressed.~~  
380
- 381 i. During the investigation, the ~~A~~area superintendent/ ~~Executive Director~~ or  
382 designee may take any action necessary to protect the complainant, or other  
383 ~~employees~~ or students or employees consistent with the requirements of  
384 applicable regulations and statutes. No retaliation of any kind is permitted  
385 because of an individual's having made a harassment or discrimination  
386 complaint under this Policy.  
387
- 388 ii. The ~~A~~area superintendent ~~Executive Director~~ or designee will review the  
389 ~~P~~principal's decision as to the validity of the allegations and any corrective  
390 action, and will make a decision within thirty (30) calendar days after receipt  
391 of the request for review. Time limits may be extended by written mutual  
392 agreement of the complainant or custodial parent(s)/guardian on behalf  
393 thereof, and the accused/student or custodial parent(s)/guardian on behalf  
394 thereof.  
395
- 396 iii. The ~~A~~area ~~Executive Director~~ or superintendent/designee shall take action  
397 deemed appropriate to resolve the situation, including, but not limited to,  
398 warning, out-of-school suspension, ~~expulsion~~, transfer to alternative school,  
399 recommendation for expulsion, or other disciplinary action by the school,  
400 consistent with the requirements of applicable procedures outlined in each

401 Sschool's *Student-Parent Handbook*, ~~School District~~ Board Policy, and  
 402 Florida law.

403

404 iv. The ~~A~~area ~~Executive Director or~~ superintendent/designee will inform the  
 405 ~~parties~~ and their custodial parent(s)/guardian in writing of ~~his/her~~ the  
 406 decision and the ~~parties'~~ right to appeal.

407

408 v. A copy of the decision will be sent to the ~~EEO~~/Title IX Coordinator (or  
 409 ADA/504 Specialist, if the complaint relates to a disability).

410

#### 411 **15. Appeal Procedure to Chief Academic Officer/Designee**

412

413 a. If the complainant or accused/student or their custodial parent(s)/guardian is  
 414 dissatisfied with the ~~A~~area superintendent's ~~Executive Director's~~ decision, it may  
 415 be appealed in writing to the ~~Superintendent~~Chief Academic Officer/designee  
 416 within ten (10) days after receipt of the decision.

417

418 i. If the area superintendent's designee conducted the review, the next level of  
 419 appeal is to the area superintendent rather than to the Chief Academic  
 420 Officer.

421

422 ii. If the Chief Academic Officer/designee ~~superintendent~~ is directly involved  
 423 with a complaint or closely related to ~~with~~ one of the parties to the  
 424 complaint, then ~~an impartial designee~~ the Chief Operating Officer/designee  
 425 shall be asked to review the matter.

426

427 b. **Notice.**— Notice of the appeal shall be given in writing to all the parties and their  
 428 custodial parent(s)/guardian within two (2) days of ~~notice of~~ receipt of appeal.

429

430 c. **Procedure.**— ~~The Superintendent~~ Chief Academic Officer/~~or~~ designee shall  
 431 review the written complaint, the accused/student's response to the complaint (or  
 432 the response of the parent/guardian on behalf of the accused/student), and all  
 433 documentation pertaining to the alleged harassment or discrimination including  
 434 the ~~A~~area superintendent's ~~Executive Director's~~ decision.

435

436 i. The ~~Superintendent~~ Chief Academic Officer/~~or~~ designee, ~~in his/her~~  
 437 ~~discretion~~, may request additional information.

- 438  
439 ii. ~~The Superintendent~~ Chief Academic Officer or designee shall issue a written  
440 decision to the parties and their custodial parent(s)/guardian within twenty  
441 (20) calendar days of request of the appeal.  
442

443 16. **Appeal to the Superintendent/Designee**  
444

445 a. If the complainant or accused/student (or their custodial parent(s)/guardian, on  
446 their behalf) is dissatisfied with the Chief Academic Officer's decision, it may be  
447 appealed in writing to the Superintendent within ten (10) days after receipt of the  
448 decision.  
449

450 i. If the Chief Academic Officer's designee conducted the review, the next level  
451 of appeal is to the Chief Academic Officer rather than to the Superintendent.  
452

453 ii. If the Superintendent is directly involved with a complaint or closely related  
454 to one of the parties to the complaint, then the Chief Counsel to the Board  
455 shall be asked to review the matter and report the findings to the Board.  
456

457 b. **Notice.**— Notice of the appeal shall be given in writing to all the parties and their  
458 custodial parent(s)/guardian within two (2) days of ~~notice of~~ receipt of appeal.  
459

460 c. **Procedure.**— The Superintendent/designee shall review the written complaint,  
461 the accused/student's response to the complaint (or the response of the  
462 parent/guardian on behalf of the accused/student), and all documentation  
463 pertaining to the alleged harassment or discrimination, including the Chief  
464 Academic Officer's decision.  
465

466 i. The Superintendent may request additional information.  
467

468 ii. The Superintendent/designee shall issue a written decision to the parties and  
469 their custodial parent(s)/guardian within twenty (20) calendar days of request  
470 of the appeal. The decision of the Superintendent/designee is the final  
471 decision of the District.  
472

473 17. **Other Means of Resolution.**— If the complainant is not satisfied with the results of the  
474 procedures contained in this policy, he/~~er~~she may utilize other means for resolution as

475 provided by law, including seeking recourse through the Federal Office for Civil  
476 Rights ("OCR").

477

478 18. GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY AN  
479 EMPLOYEE – Investigation and Resolution of Complaints Against an  
480 (Accused/Employee)

481

482 a. ~~Site Level Procedure.~~ **Reporting Discrimination or Harassment.**– Any student/  
483 applicant for admission (or the custodial parent(s)/guardian on that complainant's  
484 behalf) who believes he/~~or~~ she is a victim of discrimination or harassment (or any  
485 individual, including any student, teacher, or other employee of the School  
486 District who has knowledge of any incident(s) involving discrimination or  
487 harassment of students) is strongly encouraged to report the incident(s) to a  
488 school official or the EEO/Title IX Coordinator or ADA/504 Specialist.

489

490 b. School officials must report any allegations of discrimination or harassment to the  
491 Pprincipal and to the EEO/Title IX Coordinator or ADA/504 Specialist.

492

493 c. School officials must instruct students that they may file a complaint with the  
494 Pprincipal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504 Specialist. If the  
495 principal is directly involved with a complaint or closely related to a party to the  
496 complaint, then the incident may be reported directly to the EEO/Title  
497 Coordinator or ADA/504 Specialist.

498

499 d. It is the responsibility of the principal to forward all complaints to the area  
500 superintendent and Title IX Coordinator or ADA/504 Specialist.

501

502 e. ~~If the Principal is directly involved with a complaint or with the parties to the~~  
503 ~~complaint, then the incident may be reported directly to the EEO Coordinator or~~  
504 ~~504 Specialist.~~

505

506 f. **Filing the Complaint Form.**– The complainant, or custodial parent(s)/guardian on  
507 behalf thereof, may file a complaint, either orally or in writing, with the  
508 Pprincipal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504 Specialist by using  
509 the Harassment and Discrimination Student Complaint Report Form (PBSD  
510 1615), available on the District's web site at [www.palmbeach.k12.fl.us/](http://www.palmbeach.k12.fl.us/Records/Forms.htm)  
511 Records/Forms.htm.

- 512
- 513
- 514
- 515
- 516
- 517
- 518
- 519
- 520
- 521
- 522
- 523
- 524
- 525
- 526
- 527
- 528
- 529
- 530
- 531
- 532
- 533
- 534
- 535
- 536
- 537
- 538
- 539
- 540
- 541
- 542
- 543
- 544
- 545
- 546
- 547
- 548
- i. Complaints should be filed as soon as possible after the alleged incident, but must be filed within sixty (60) calendar days of the alleged incident. Failure on the part of the complainant to initiate and/or follow up on a complaint in a timely manner may result in the complaint being deemed abandoned.
  - ii. The ~~P~~principal/ ~~or~~ designee may assist the individual in completing the ~~F~~form by recording information on the the ~~Harassment and Discrimination Student Complaint Report F~~orm, reviewing it with the complainant, and obtaining the complainant's signature. The complainant will be requested to provide signed, specific information regarding the alleged discrimination or harassment, the alleged offender(s), witnesses, and other relevant information.
  - iii. Complaints filed with the ~~P~~ principal/~~or~~ designee must be reported to the ~~A~~area superintendent ~~Executive Director~~ and the EEO/Title IX Coordinator or ADA/504 Specialist.
- g. Notice to Parent(s)/Guardians.-- Upon receiving a complaint, within two (2) days of the allegations, and in accordance with federal and state privacy laws, the principal/designee shall notify the custodial parent(s)/guardian of any student under age eighteen (18) who is involved in alleged harassment or discrimination. Notification may be made by telephone, letter, or personal conference. The students involved and their custodial parent(s)/guardians will also be notified of events and decisions described in this Policy.
- h. Investigation by EEO/Title IX Coordinator or ADA/504 Specialist.-- The EEO/Title IX Coordinator/~~or~~designee or ADA/504 Specialist shall document and promptly and thoroughly investigate all complaints of harassment or discrimination, including the following steps to ensure that problems are appropriately addressed:
- i. ~~P~~romptly talk with the complainant. The complainant and/or the custodial parent(s)/guardian of the complainant shall have an opportunity to describe the incident, present any evidence, name witnesses, and put his/her complaint in writing, if he/she has not already done so:z



- 549 ii. ~~T~~talk with any witnesses or others who may have relevant information; and  
550
- 551 iii. ~~C~~conduct an investigation ave meeting with the accused/employee, and the  
552 accused/employee's representative, if applicable, to discuss the allegations  
553 and allow the accused/employee to respond to the allegations.  
554
- 555 i. During the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist  
556 may recommend to the Chief Personnel Officer/ordesignee, any action necessary  
557 to protect the complainant, or other employees or students, consistent with the  
558 requirements of applicable ~~regulations or statutes~~, State Board of Education Rules,  
559 School Board Policies, and collective bargaining agreements. In general,  
560 complainants will continue attending the same school and pursuing their studies  
561 as directed while the investigation is conducted and the complaint is pending  
562 resolution.  
563
- 564 ~~i.~~ ~~The EEO Coordinator or 504 Specialist shall document all complaints to~~  
565 ~~ensure that problems are appropriately addressed.~~  
566
- 567 ii. When necessary to carry out ~~his/her~~ the investigation or for other good  
568 reasons, and consistent with federal and state privacy laws, the EEO/Title IX  
569 Coordinator or ADA/504 Specialist also shall discuss the complaint with the  
570 following persons, as appropriate:  
571
- 572 A. Superintendent/ordesignee;  
573
- 574 B. Chief Academic Officer and/or Chief Operating Officer;  
575
- 576 C. ~~A~~ area superintendent/designee ~~Executive Directors;~~  
577
- 578 D. ~~A~~ associate Ssuperintendents;  
579
- 580 E. Chief of School Police;  
581
- 582 F. Chief Personnel Officer;  
583
- 584 G. Director of ~~Employee~~ Labor Relations;  
585

- 586 H. ~~T~~the custodial parent(s)/guardian of the complainant, if the complainant  
 587 is under eighteen (18) years of age;  
 588
- 589 I. ~~A~~a teacher or staff member whose knowledge of the student(s) or  
 590 employee(s) involved may help determine who is telling the truth;  
 591
- 592 J. ~~C~~child protective agencies responsible for investigating child abuse;  
 593
- 594 K. ~~L~~egal counsel for the ~~District Board;~~ and/or  
 595
- 596 L. ~~E~~xclusive bargaining representative or ~~the~~ legal counsel thereof, if  
 597 appropriate; and  
 598
- 599 M. the accused/employee.  
 600

601 19. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator or ADA/504 Specialist.**— Upon  
 602 completion of the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist  
 603 shall make a decision about the validity of the allegations in the complaint.  
 604

- 605 a. The EEO/Title IX Coordinator or ADA/504 Specialist shall discuss the  
 606 determination and any recommended corrective action with the  
 607 ~~P~~principal/~~o~~r designee.  
 608
- 609 b. In reaching a decision about the complaint, the following should be taken into  
 610 account:  
 611
- 612 i. ~~S~~statements made by the persons identified in Paragraphs (18)(h), (i) above;  
 613
- 614 ii. ~~T~~the details and consistency of each person's account;  
 615
- 616 iii. ~~E~~evidence of how the complainant reacted to the incident;  
 617
- 618 iv. ~~E~~evidence of past instances of harassment or discrimination by the  
 619 accused/employee (provided that, if evidence of past  
 620 harassment/discrimination incidents are to be considered, the investigator  
 621 must review in their entirety the files regarding those past incidents);  
 622

- 623 v. ~~E~~vidence of past harassment or discrimination complaints that were found  
624 to be untrue (provided that, if evidence of past harassment/discrimination  
625 accusations or complaints are to be considered, the investigator must review  
626 in their entirety the files regarding those past complaints); and  
627
- 628 vi. ~~C~~ase law, state and federal laws and regulations, and the ~~District's~~ Board's  
629 Policyies prohibiting harassment and discrimination.  
630
- 631 c. To determine the severity of the harassment or discrimination the following may  
632 be considered:  
633
- 634 i. ~~H~~ow the misconduct affected one or more student's education;  
635
- 636 ii. ~~T~~he type, frequency, and duration of the misconduct;  
637
- 638 iii. ~~T~~he number of persons involved;  
639
- 640 iv. ~~T~~he subject(s) of harassment or discrimination;  
641
- 642 v. ~~T~~he place and situation where the incident occurred; and  
643
- 644 vi. ~~O~~ther incidents at the school.  
645
- 646 d. The following action(s) or discipline may be taken, consistent with any applicable  
647 collective bargaining agreement provisions, to resolve a complaint of harassment  
648 or discrimination:  
649
- 650 i. ~~N~~o action if complaint is unsubstantiated;  
651
- 652 ii. ~~T~~he training requirements for the employee;  
653
- 654 iii. ~~O~~ral reprimand of the employee;  
655
- 656 iv. ~~W~~ritten reprimand of the employee;;  
657
- 658 v. ~~S~~suspension of the employee;  
659

- 660 A. For the first verified offense of harassment of, or discrimination against,  
 661 a student, suspension should be recommended for a minimum of thirty  
 662 (30) days without pay up to and including termination.  
 663
- 664 B. Suspension without pay ~~and/or termination~~ requires School Board  
 665 action.  
 666
- 667 vi. Termination of the employee should be recommended, subject to Board  
 668 action, for the second offense of verified harassment of, or discrimination  
 669 against, a student.  
 670

671 **20. Appeal Procedure for an Accused/Employee**  
 672

- 673 a. If the accused/employee wishes to appeal the action taken in resolution of the  
 674 complaint, such appeal shall be filed either in accordance with District Board  
 675 Policyes or pursuant to the relevant collective bargaining agreement.  
 676
- 677 b. For those employees not in a bargaining unit, the appeal shall be filed in  
 678 accordance with Board Policy 3.31.  
 679

680 **21. Appeal Procedure for Student/Complainant When the Accused Is an Employee**  
 681

- 682 a. If the complainant ~~or accused/student~~ (or custodial parent(s)/guardian on behalf  
 683 of the complainant) is dissatisfied with the EEO/Title IX Coordinator's or  
 684 ADA/504 Specialist's decision, it may be appealed in writing to the  
 685 Superintendent Chief Operating Officer/designee within ten (10) days after  
 686 receipt of the decision. However, if the Superintendent Chief Operating Officer  
 687 is directly involved with a complaint or closely related to ~~with~~ one of the parties  
 688 ~~to the complaint~~, then ~~an impartial designee~~ the Chief Academic Officer shall be  
 689 asked to review the matter.  
 690
- 691 b. **Notice.**-- Notice of the appeal shall be given to ~~all~~ the parties and the custodial  
 692 parent(s)/guardian of the complainant within two (2) days of notice of receipt of  
 693 appeal.  
 694
- 695 c. **Procedure.**-- The Superintendent Chief Operating Officer/~~or~~designee shall  
 696 review the written complaint, the ~~accused/student's~~ employee's response to the

697 complaint, and all documentation pertaining to the alleged harassment or  
698 discrimination including the EEO/Title IX Coordinator's or ADA/504 Specialist's  
699 decision.

700  
701 i. The ~~Superintendent~~ Chief Operating Officer/~~or~~designee, ~~in his/her~~  
702 ~~discretion~~, may request additional information.

703  
704 ii. The ~~Superintendent~~ Chief Operating Officer/~~or~~designee shall issue a written  
705 decision to the parties within twenty (20) calendar days of request of the  
706 appeal.

707  
708 d. If the complainant or custodial parent(s)/guardian of the complainant is not  
709 satisfied with the results, appeal may be filed with the Superintendent/designee.  
710 The decision of the Superintendent/~~or~~designee is the final decision of the District.  
711 However, if the Superintendent is directly involved with a complaint or closely  
712 related to one of the parties, then the Chief Counsel to the Board shall be asked  
713 to review the matter, rather than the Superintendent, and report the results of the  
714 review to the Board.

715  
716 e. If the complainant is not satisfied with the results of the procedures contained in  
717 this policy, he or she may utilize other means for resolution as provided by law,  
718 including seeking recourse through the Federal Office for Civil Rights ("OCR").  
719

## 720 22. Confidentiality

721  
722 a. To the greatest extent possible, all complaints will be treated as confidential and  
723 in accordance with Fla. Stat. § 228.093(3)(d); ~~§ 119.07(3)(p)~~ and the Family  
724 Educational Rights and Privacy Act ("FERPA"); and any other applicable law, such  
725 as §§ 119.07(3)(p) and 231.291(3) or 231.262(1), Fla. Stat.

726  
727 b. ~~However,~~ limited disclosure may be necessary to complete a thorough  
728 investigation as described above. The District's obligation to investigate and take  
729 corrective action may supersede an individual's right to privacy.

730  
731 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute  
732 confidentiality cannot be guaranteed.  
733

734 23. ~~Notice~~ **Informing Students and Employees About this Policy.** - - Notice of the  
735 existence of this ~~p~~Policy, prevention plan, and procedures shall be posted in  
736 prominent locations in all District buildings, including information on how to receive  
737 a copy. Notice shall be included annually in student, parent, and staff handbooks.  
738

739 a. ~~Upon receiving a complaint, and in accordance with federal and state privacy~~  
740 ~~laws, the Principal or designee shall notify the parent(s)/guardians of all students~~  
741 ~~under age 18 involved in the alleged harassment or discrimination within two (2)~~  
742 ~~days of the allegations. Notification may be made by telephone, letter, or~~  
743 ~~personal conference. The students involved and their parent(s)/guardians will~~  
744 ~~also be notified of events and decisions described in this policy.~~  
745

746 24. **Retaliation Prohibited**

747  
748 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or  
749 harassment in connection with filing a complaint or assisting with an  
750 investigation under this Policy.  
751

752 b. Retaliatory or intimidating conduct against any individual who has made a  
753 harassment or discrimination complaint or any individual who has testified,  
754 assisted, or participated, in any manner, in an investigation is specifically  
755 prohibited.  
756

757 c. The ~~P~~principal/~~o~~designee, and EEO/Title IX Coordinao| or ADA/504 Specialist,  
758 if applicable, shall inform ~~the~~ complainants that ~~he/she/they~~ is are protected by  
759 law from retaliation.  
760

761 25. **Additional Assistance Available**

762  
763 a. In all cases, the District reserves the right to refer the results of its own  
764 investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida for  
765 possible criminal charges, whether or not the District takes any other action.  
766

767 b. The District will provide counseling services for students who have been  
768 harassed or discriminated against.  
769

- 770 c. Training will be provided to assist teachers and counselors who work with  
771 students to prevent harassment and discrimination. Attendance is mandatory.  
772
- 773 d. The Office for Civil Rights is the federal agency in the Department of Education  
774 that monitors ensures that schools' compliance with Title IX, Title VI, Title II of  
775 the Americans With Disabilities Act, and Section 504, and it can be contacted at  
776 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at OCR\_Atlanta@ed.gov.  
777
- 778 A. ~~For more information, contact: EEO Coordinator, 3370 Forest Hill~~  
779 ~~Boulevard, Suite A-128, West Palm Beach, Florida 33406; Telephone: (561)~~  
780 ~~434-8637 or the 504 Specialist, 3336 Forest Hill Boulevard, Suite B-102,~~  
781 ~~West Palm Beach, Florida 33406; Telephone: (561) 434-8817.~~  
782

783 **STATUTORY AUTHORITY:** §§ 230.22(2); 230.23 (17)(22); 230.23005(6), Fla. Stat.  
784

785 **LAWS IMPLEMENTED:** §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida Education  
786 Equity Act); 228.093(3)(d); 230.22(1), 230.23(6)(d)1, 8;  
787 230.33(8); 231.001; 231.291(3)(a); 231.262(1),  
788 760.01(2), Fla. Stat.; Title II of the Americans With  
789 Disabilities Act (42 U.S.C. 12131, et. seq. (Title II of the  
790 Americans with Disabilities Act); Title IX of the  
791 Education Amendments of 1972 (20 U.S.C. § 1681-  
792 1688 et. seq. (Title IX of the Education Amendments of  
793 1972); Title VI of the Civil Rights Act of 1964 (42 U.S.C.  
794 § 2000d et. seq. (Title VI of the Civil Rights Act of  
795 1964); Section 504 of the Rehabilitation Act of 1973 (29  
796 U.S.C. § 794 (Section 504 of the Rehabilitation Act of  
797 1973); 20 U.S.C. § 1232g (Family Educational Rights  
798 and Privacy Act ("FERPA")); § 228.2001(2)(a) Fla. Stat.,  
799 ("Florida Education Equity Act"); § 228.093(3)(d);  
800 230.23(6)(d)(1) and (8); 230.22(1) and (2);  
801 230.33(8); 119.07(3)(p), Fla. Stat.  
802

803 STATE BOARD RULES

804 SUPPLEMENTED: 6A-19.001, 6A-19.002, 6A-19.008, 6B-1.006(3)(a), (g)

805

806 HISTORY: 3/3/76; 8/17/77; 3/17/99; / /02

Legal Signoff:

---

Statement of Estimated Costs

Proof of Publication of Development Notice

Proof of Publication of Adoption Notice