

POLICY 5.001

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

Adoption

CONSENT ITEM

- The Board has had several development readings of this Policy. The proposed Policy was originally scheduled for final reading/Adoption on December 2, 2002.
- As requested by the Board on September 9 and preliminarily approved by the Board on Sept. 9 and October 14, this edition enumerates real or perceived *sexual orientation* in the list of bases on which the Board prohibits discrimination and harassment of the District's students.
 - "Sexual orientation" is defined at line 78 as "the direction of one's sexual or romantic interest toward persons of the opposite sex, same sex, or both sexes." Consistent with constitutional Equal Protection principles, this Policy is intended to apply to "straight" and "gay" students equally.
 - In this Policy, the term "harassment" generally refers to hostile-environment harassment, defined as conduct so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an education program or activity, or creates an objectively intimidating, threatening or abusive educational environment. See Lines 107-111. This Policy is not intended to prohibit legitimate constitutionally-protected speech such as bona fide political or religious discussions.
- Consistent with the Rules of the State Board of Education, the following categories are additionally enumerated: real or perceived *ancestry, ethnicity, gender, linguistic preference, political beliefs, and social/family background*. See State Board of Education Rules 6B-1.006(3)(g); 6A-1.0404(5), (7).
- Under Title IX, OCR states that "targeting a gay or lesbian student for physical, sexual advances may constitute sexual harassment. However, nonsexual harassing behavior directed at a student because of the student's sexual orientation *does not constitute sexual harassment* under the federal discrimination laws *enforced by OCR*. For example, heckling comments made to students because of their sexual orientation, such as 'gay students are not welcome here,' does not constitute sexual harassment under Title IX." OCR, *Protecting Students from Harassment and Hate Crime: A Guide for Schools* (1999). Beyond Title IX, the following rules of the State Board of Education express an intent that students not be subjected to discrimination or harassment on the basis of sexual orientation or other bases:
 - The Code of Ethics for the Education Profession in Florida provides that the educator "shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, *sexual orientation*, or social and family background and shall *make reasonable effort to assure that each student is protected from harassment or discrimination*." SBER 6B-1.006(3)(g).

- State Board of Education Rule 6A-1.0404(7) provides: “The school principal shall monitor the administration of discipline of students to ensure that discipline is administered equitably without regard to *real or perceived* gender, race, religion, color, *sexual orientation*, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.”
- State Board of Education Rule 6A-1.0404(5) provides: “School boards may assign more severe consequences than normally authorized for violations of the Code of Student Conduct when the offender appears motivated by hostility toward the victim's real or perceived gender, race, religion, color, *sexual orientation*, ethnicity, ancestry, national origin, political beliefs, marital status, age, social and family background, linguistic preference, or disability.”
- OCR 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, any complaint against an employee must use the written 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, line 150 also reflects 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, 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.
- 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.

- 40
- 41 a. Accused/employee is defined as ~~The accused is~~ a School District employee
- 42 alleged to be responsible for the violation alleged in the complaint.
- 43
- 44 b. Accused/student is defined as ~~The accused is~~ a student alleged to be
- 45 responsible for the violation that is alleged in the complaint.
- 46
- 47 c. Complaint is defined as ~~A complaint means~~ written allegations regarding any
- 48 action, policy, procedure, or practice prohibited by this policy.
- 49
- 50 d. Complainant is defined as ~~A complainant is~~ a student of, or applicant for
- 51 admission to, the School District who submits a written complaint of
- 52 harassment or discrimination or an individual or group submitting a complaint
- 53 on behalf of a student(s).
- 54
- 55 e. Day is defined as ~~All days are~~ a working days and this term does not include
- 56 weekends or holidays unless noted as "calendar day."
- 57
- 58 f. Minor, or minor student, is defined as any student who has not yet attained
- 59 the age of eighteen (18). For purposes of this policy, the term should also be
- 60 construed to include an adult student who has been determined incompetent
- 61 or unable to give informed consent due to disability under state law. Note: any
- 62 procedure in this Policy mentioning a minor student's parent/guardian should
- 63 also be construed to include an adult student's parent, if the adult student has
- 64 given consent. For example, where the Policy requires giving notice to the
- 65 parent of a minor student, this requirement also includes notice to the parent
- 66 of an adult student who has given consent for the parent to receive the notice.
- 67 The notice would also be given to the parent of any adult student who has
- 68 been determined to be incompetent or unable to give informed consent due to
- 69 disability under state law.
- 70
- 71 g. Parties is defined as ~~Parties means~~ the accused student and/or
- 72 accused/employee, and the ~~C~~complainant.
- 73
- 74 ~~g. Protected categories are sex, race, color, religion, national origin, age,~~
- 75 ~~disability, or marital status.~~ [The definition is stricken because the defined term does not
- 76 appear in the body of the text. Rather, the protected categories are listed in Section (1), lines 10-13.]
- 77
- 78 Sexual orientation is defined as the direction of one's sexual or romantic

79 interest toward persons of the opposite sex, same sex, or both sexes.

- 80
81 i. School Official, for purposes of this Policy, is defined as School Officials
82 include School Board employees, principals, assistant principals, teachers,
83 and school police officers who have the duty of reasonable supervision with
84 respect to student activities.

- 85
86 7. **Title IX Coordinator and ADA/504 Specialist.--** Equal educational opportunities
87 are guaranteed by Title VI of the Civil Rights Act of 1964, Title IX of the Education
88 Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. The
89 District has designated the ~~EEO~~ Equal Employment Opportunity ("EEO")
90 Coordinator as the person responsible for ensuring that students and their
91 custodial parent(s)/guardian receive information related to discrimination and
92 harassment.

- 93
94 8. The EEO/Title IX Coordinator is located at: 3370 Forest Hill Boulevard, Suite A-
95 428, A-115, West Palm Beach, Florida 33406; Telephone: (561) 434-8637.

- 96
97 9. For those complaints concerning the Americans with Disabilities Act ("ADA") or
98 Section 504 of the Rehabilitation Act, the District has designated an ADA/504
99 Specialist.

- 100
101 10. The ADA/504 Specialist is located at ~~3336~~ 3308 Forest Hill Boulevard, Suite ~~B-102~~
102 C-143, West Palm Beach, Florida, 33406; Telephone: (561) 434-8817.

- 103
104 11. This contact information is to be posted in highly visible locations at each school
105 including the main office, the guidance waiting area, and student services.

- 106
107 12. **Prohibited Harassment.--** For purposes of this Policy, ~~H~~harassment occurs when
108 conduct is sufficiently severe, persistent, or pervasive that it has the purpose or
109 effect of unreasonably interfering with a student's performance or ability to benefit
110 from his/her education, or creates an objectively intimidating, hostile, offensive, or
111 abusive school environment. Types of conduct which are prohibited in the District
112 and which may constitute harassment include, but are not limited to:

- 113
114 a. Demeaning or derogatory comments, name-calling, racial slurs, or jokes,
115 threats, abusive words, gestures, or harm to an individual.

116

- 117 b. Displaying visual or written material, including notes, stories, drawings, or
118 pictures, or defacing school property or materials to demean a person.
119
120 c. Damaging, defacing or destroying private property of any person.
121
122 d. Bullying.
123
124 e. Requests for sexual favors and other conduct of a sexual nature as set forth in
125 Policy 5.81.
126
127 f. Any act of retaliation against an individual who reports a violation of the
128 District's Board's harassment and discrimination policy or ~~who~~ participates in
129 the investigation of a discrimination or harassment complaint.
130

131 13. GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY
132 STUDENTS -- Investigation and Resolution of Complaints Against an
133 (Accused/Student)
134

- 135 a. ~~Site-Level Procedure~~ Reporting Discrimination or Harassment.-- Any
136 student or applicant for admission who believes he~~s~~ or she is a victim of
137 discrimination or harassment (or any individual, including any student, teacher,
138 or other employee of the ~~School-D~~ district, who has knowledge of any
139 incident(s) involving discrimination or harassment of students) is strongly
140 encouraged to report the incident(s) in writing to the principal or other a school
141 official or the EEO/Title IX Coordinator ~~or~~ and ADA/504 Specialist.
142
143 b. School officials must report in writing any allegations of discrimination or
144 harassment to the Pprincipal and to the EEO/Title IX Coordinator ~~or~~ and
145 ADA/504 Specialist.
146
147 c. School officials must instruct students and their custodial parent(s)/guardian
148 that ~~they~~ the student, or custodial parent(s)/guardian on behalf of the minor
149 student, as defined in paragraph (6)(f), may file a written complaint with the
150 Pprincipal/~~or~~designee, EEO/Title IX Coordinator and/or ADA/504 Specialist.
151
152 a. The principal/designee shall document all complaints in writing to ensure that
153 problems are appropriately addressed. Although this Policy encourages
154 students to use the formal written complaint process, school officials "should
155 investigate all complaints and reports of harassment, *whether or not the*

156 complaint is in writing," as stated by the Office for Civil Rights in *Protecting*
157 *Students from Harassment and Hate Crime: A Guide for Schools, Part II*
158 (1999).

- 159
- 160 d. It is the responsibility of the principal to forward all complaints within two (2)
161 work days to the area superintendent, EEO/Title IX Coordinator, and ADA/504
162 Specialist. Failure by the principal to respond to a complaint within two (2)
163 work days will automatically allow the complainant to re-file the complaint with
164 the area superintendent.
- 165
- 166 e. **Principal Involvement.**-- If the Pprincipal is directly and personally involved
167 with a complaint or is closely related to with the a parties-party to the
168 complaint, then an impartial designee the area superintendent shall be asked
169 to conduct the investigation.
- 170
- 171 f. **Informal Resolution.**-- Where appropriate, the complainant and the
172 accused/student may agree to informally resolve the complaint. Complaints
173 should be made as soon as possible but no later than one hundred eighty
174 (180) calendar days after the alleged incident (that is, within 180 days after the
175 last act of harassment or discrimination). (Note: the principal must document,
176 in writing, any complaint, even if made informally; and the complainant must
177 be requested to sign the writing to verify its accuracy.)
- 178
- 179 i. The Pprincipal/ørdesignee may arrange for the parties to resolve the
180 complaint informally through a voluntary conversation between the
181 complainant and the accused/student, facilitated by the principal/
182 designee within two (2) work days of receiving the complaint. Both the
183 complainant and the accused/student may be accompanied by a person
184 of their choice for support and guidance.
- 185
- 186 ii. The ~~student who complained~~ parties shall never be asked to work out the
187 problem directly with the accused/student unless the assistance of a
188 counselor, teacher, administrator, or mediator is provided and both
189 parties are willing.
- 190
- 191 iii. If the principal/designee and the complainant and the accused/student
192 (and/or their parents) agree that a satisfactory resolution has been
193 achieved through the informal conversation, then no further action need
194 be taken (besides notifying the area superintendent, EEO/Title IX

195 Coordinator, and ADA/504 Specialist that the matter has been resolved).
196 However, if a complete resolution has not been achieved, a formal written
197 complaint should be filed within ten (10) work days after the informal
198 meeting.

199
200 iv. If the complaint is satisfactorily resolved informally, the
201 Pprincipal/ordesignee shall notify the area superintendent, EEO/Title IX
202 Coordinator, ~~or~~ and ADA/504 Specialist of the resolution of the complaint.
203

204 g. **Filing the a Formal Complaint Report.**-- If the matter cannot be is not
205 satisfactorily resolved informally, the Pprincipal/ordesignee shall assist the
206 student (or custodial parent(s)/guardian on behalf of the minor student as
207 defined in paragraph (6)(f)), in filing a complaint (if it is not yet in writing).
208 Individuals The student (or custodial parent(s)/guardian on behalf of the
209 student) may file a written complaint, either orally or in writing with the
210 Pprincipal/ordesignee by using the *Harassment and Discrimination Complaint*
211 Student Complaint Report Form (PBSD 1615). Said form is hereby
212 incorporated by reference and made a part of this Policy and shall be filed with
213 the Clerk of the School Board herewith and is available on the District's web
214 site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>. The Witness
215 Statement form (PBSD 1616) is to be completed by witnesses to the alleged
216 incident.

217
218 h. Complaints should be made as soon as possible but no later than ~~sixty (60)~~
219 one hundred eighty (180) calendar days of after the alleged incident (that is,
220 within 180 days after the last act of harassment or discrimination). Failure on
221 the part of the complainant to initiate and/or follow up on the complaint within
222 this period may result in the complaint being deemed abandoned. The
223 principal/designee shall record in writing and document all complaints
224 regarding sexual harassment and discrimination to ensure that problems are
225 appropriately addressed, whether the report is made verbally or in writing.
226

227 i. ~~If the student, or custodial parent(s)/guardian on behalf of the student, does~~
228 ~~not at first file a written complaint, the student, or custodial parent(s)/guardian~~
229 ~~on behalf of the student, will be requested to complete the complaint form. The~~
230 principal/ordesignee may assist the student (or custodial parent(s)/guardian on
231 behalf of the student if the student is a minor, as defined in paragraph (6)(f)) in
232 completing the form, or may complete the form for the student or for the
233 custodial parent(s)/guardian who is acting on behalf of the student. In all

- 234 instances, the student (or custodial parent(s)/guardian on behalf of a minor)
235 shall review the form to ensure its accuracy and sign and date the complaint.
236
- 237 j. The complainant will be requested to provide signed, specific information
238 regarding the alleged discrimination or harassment, the alleged offender,
239 witnesses, and other relevant information. In all instances, the student (or
240 custodial parent(s)/guardian on behalf of the minor student as defined in
241 paragraph (6)(f). shall review the form to ensure its accuracy and sign and
242 date the complaint.
243
- 244 k. All complaints filed with the Pprincipal/~~or~~ designee must be reported in writing
245 to the Aarea superintendent ~~Executive Director~~ and the EEOT/itle IX
246 Coordinator and ~~or~~ ADA/504 Specialist.
247
- 248 l. **Notice to Accused/Student.**-- Within two (2) days of receipt of a complaint,
249 the Pprincipal/~~or~~designee will notify the accused/student of the allegations.
250
- 251 m. **Notice to Parent(s)/Guardians.**-- Within two (2) days of receiving the
252 complaint, and in accordance with federal and state privacy laws, the
253 principal/designee shall notify the custodial parent(s)/guardian of any minor
254 student as defined in paragraph (6)(f)) who is allegedly subject to harassment
255 or discrimination. Notification may be made by telephone, letter, or personal
256 conference. The students involved (and their custodial parent(s)/ guardians, if
257 the students are minors) will also be notified of events and decisions described
258 in this Policy.
259
- 260 n. **Steps in the Investigation.**-- The Pprincipal/~~or~~designee shall ~~promptly and~~
261 begin an investigation within two (2) work days and thoroughly investigate all
262 complaints of harassment or discrimination ~~which shall mandate,~~ including, at
263 minimum, the following steps:
264
- 265 i. Promptly talk with the complainant within two (2) work days.;
266
- 267 ii. give T~~the~~ complainant (or the custodial parent(s)/guardian thereof if the
268 complainant is a minor as defined in paragraph (6)(f)) shall have an
269 opportunity to describe the incident, present witnesses and other
270 evidence of the harassment or discrimination, and ensure that ~~put his/her~~
271 the complaint is put in writing if ~~he/she has not already done so.;~~
272

- 273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
- iii. Promptly talk with the accused/student (or the custodial parent(s)/ guardian thereof if the accused/student is a minor as defined in paragraph (6)(f)) within two (2) work days;
 - iv. give Tthe accused/student (or the custodial parent(s)/ guardian thereof if the accused/student is a minor as defined in paragraph (6)(f)), shall have an opportunity to describe the incident, present witnesses and other evidence, and put his/her response in writing;
 - v. Ttalk with any person who saw the harassment, has knowledge of the discrimination, or who may have related information; and
 - vi. Cconduct a conference, if appropriate, with the complainant (and custodial parent(s)/guardian thereof, if the complainant is a minor as defined in paragraph (6)(f)) and the accused/student (and custodial parent(s)/guardian thereof, if the accused/student is a minor as defined in paragraph (6)(f)) and give notice of the date, time, place, and rules to the parties.
 - vii. The principal/designee is encouraged to ask open-ended questions to enable students to describe what happened in their own words.
 - viii. The principal/designee may request that the accused/student (or the custodial parent(s)/guardian on behalf thereof if the accused/student is a minor as defined in paragraph (6)(f)) prepare a written response to the complaint; or the principal/designee may prepare a written statement of the accused/student's oral response to the complaint based on their meeting and obtain the signature of the accused/student (and/or the custodial parent(s)/guardian thereof, if the accused/student is a minor) after his/her review of the statement.
 - ix. The principal/designee should dictate and then review his/her notes with the complainant and accused/student after the interviews to verify the facts and ensure accuracy, and then obtain signatures, but shall not tape the interviews.
 - o. **Pursuing the Investigation.**-- During the investigation, the Pprincipal/ordesignee may take any action necessary to protect the

311 complainant, or other ~~employees or students~~ or employees, consistent with the
312 requirements of applicable regulations and statutes.

313
314 i. In general, complainants will continue attendance at the same school and
315 pursue their studies as directed while the investigation is conducted and
316 the complaint is pending resolution.

317
318 ~~ii. The Pprincipal/or designee shall document all complaints to ensure that~~
319 ~~problems are appropriately addressed.~~

320
321 ~~iii. The Pprincipal/ or designee is encouraged to ask open ended questions~~
322 ~~to enable students to describe what happened in their own words.~~

323
324 ~~iv. The Principal or designee may request that the accused/student, prepare~~
325 ~~a written response to the complaint,; or the Principal or designee may~~
326 ~~prepare a written statement of the accused/student's response to the~~
327 ~~complaint based on their meeting and obtain the signature of the~~
328 ~~accused/student, after his/her review of the statement.~~

329
330 ~~v. The Principal or designee should review and dictate his/her notes with the~~
331 ~~complainant and accused/student after the interviews to verify the facts~~
332 ~~and ensure accuracy, and obtain signatures, but shall not tape the~~
333 ~~interviews.~~

334
335 ~~–vi. ii.~~ When necessary to carry out his/her the investigation or for other good
336 reasons, and consistent with federal and state privacy laws, the
337 Pprincipal/ or designee also may discuss the complaint with any of the
338 following persons:

339
340 A. Superintendent/or designee;

341
342 B. Chief Academic Officer;

343
344 C. Area superintendent/designee Executive Directors;

345
346 D. Associate Superintendents;

347
348 E. Chief of School Police;;

349

- 350 F. ~~T~~he custodial parent(s)/guardian of the complainant, if the
351 complainant is under eighteen (18) years of age (or has given
352 consent or is an adult who has been determined to be incompetent
353 or unable to give informed consent due to disability);
- 354
- 355 G. ~~T~~he custodial parent(s)/guardian of the complainant, if the
356 complainant is ~~under eighteen (18) years of age~~ a minor as defined
357 in Section (6)(f);
- 358
- 359 H. ~~A~~ teacher or staff member whose knowledge of the students
360 involved may help determine who is telling the truth;
- 361
- 362 I. ~~C~~hild protective agencies responsible for investigating child abuse;
363 and/or
- 364
- 365 J. ~~L~~egal counsel for the district Board.
- 366
- 367 p. **Written Decision of the Principal/Designee**-- Upon completion of the
368 investigation, the ~~P~~principal/~~o~~r designee will make a decision about the validity
369 of the allegations in the complaint and about any corrective action, if
370 applicable/~~necessary~~, consistent with the Matrix of Incidents and Actions in
371 Policy 5.1812 (elementary) or Policy 5.1813 (secondary). In reaching a
372 decision about the complaint, the ~~P~~principal/ ~~o~~r designee should take into
373 account:
- 374
- 375 i. ~~S~~tatements made by the persons identified in ~~Section 5~~ paragraphs
376 (13)(o), (p), above;
- 377
- 378 ii. ~~T~~he details and consistency of each person's account;
- 379
- 380 iii. ~~E~~vidence of how the complainant reacted to the incident;
- 381
- 382 iv. ~~E~~vidence of past instances of harassment or discrimination by the
383 accused/student (provided that, if evidence of harassment/ discrimination,
384 accusations, or complaints is to be considered, the principal/designee
385 must review in their entirety the files regarding those past incidents);
- 386
- 387 v. ~~E~~vidence of past harassment or discrimination complaints that were
388 found to be untrue (provided that, if evidence of past accusations or

- 389 complaints is to be considered, the principal/designee must review in their
390 entirety the files regarding those past incidents); and
391
- 392 vi. ~~C~~ase law, state and federal laws and regulations, and the District's
393 Board's p~~Policy~~ies prohibiting harassment and discrimination.
- 394
- 395 q. To determine the severity of the harassment or discrimination, the
396 P~~principal~~/or designee should consider, among other things:
397
- 398 i. ~~H~~ow the misconduct affected one or more student's education;
399
- 400 ii. ~~T~~he type, frequency, and duration of the misconduct;
401
- 402 iii. ~~T~~he number of persons involved;
403
- 404 iv. ~~T~~he subject(s) of harassment or discrimination;
405
- 406 v. ~~T~~he place and situation where the incident occurred; and/or
407
- 408 vi. ~~O~~ther similar incidents at the school.
- 409
- 410 r. Within thirty (30) calendar days of the filing of the complaint, the P~~principal~~/or
411 designee shall give the A~~rea~~ superintendent/designee ~~Executive Director or~~
412 ~~designee~~ and the EEO/Title IX Coordinator ~~or and~~ ADA/504 Specialist a
413 written report that describes the complaint and investigation and contains
414 ~~his/her~~ findings, a decision, and reasons for the decision.
415
- 416 i. ~~If he/she~~ the principal/designee verifies that harassment or discrimination
417 occurred, this report shall describe the actions ~~he/she took~~ taken to end
418 the harassment or discrimination pursuant to the Matrix of Incidents and
419 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary);
420 address the effects of the harassment or discrimination on the
421 complainant; and prevent retaliation or further harassment or
422 discrimination.
- 423
- 424 ii. The P~~principal~~/or designee shall notify the parties (and their custodial
425 parent(s)/guardians, if the parties are minors as defined in paragraph
426 (6)(f)) in writing of ~~his/her~~ the decision and their right to review by the
427 A~~rea~~ superintendent/ ~~Executive Director or~~ designee. (If the complaint

428 was originally filed with, and investigated by, the EEO/Title IX
429 Coordinator or ADA/504 Specialist instead of the principal, the Title IX
430 Coordinator or ADA/504 Specialist shall inform the parties of the right to
431 appeal to the Chief Academic Officer/designee within ten (10) days after
432 receiving the Coordinator's/Specialist's decision.)

- 433 s. No retaliation of any kind is permitted ~~because~~ in connection with an
434 individual's ~~hashaving~~ made a discrimination or harassment complaint.

435
436 **14. Appeal to Area Superintendent ~~Executive Director of a Complaint Against an~~**
437 **~~Accused/Student.~~**-- If the complaint against an accused/student is not resolved at
438 the school-site level to the satisfaction of the parties ~~in the site-level process~~, either
439 party (or their custodial parent(s)/guardian (if the party is a minor as defined in
440 paragraph (6)(f)) may seek review by the area superintendent/designee through
441 the following process:

- 442
443 a. The written complaint and request for review shall be sent to the Area
444 superintendent's ~~Executive Director's~~ office within ten (10) days of the
445 completion of the site-level process by the Pprincipal.

- 446
447 i. If the principal's designee conducted the investigation, the first level of
448 appeal is to the principal. If the complaint has been reviewed or
449 investigated by the principal, the next level of appeal is to the Area
450 superintendent/ ~~Executive Director~~ or designee, by using the following
451 procedures. (If the complaint was originally filed with, and investigated by,
452 the EEO/Title IX Coordinator or ADA/504 Specialist, the next level of
453 appeal is to the Chief Academic Officer/designee.)

- 454
455 ii. If the Area superintendent/designee ~~Executive Director~~ is directly
456 involved with a complaint or closely related to with the a parties party to
457 the complaint, then an ~~impartial designee~~ the Chief Academic
458 Officer/designee shall be asked to conduct the review and/or further
459 investigation.

- 460
461 b. **Notice Requirement.**-- Notice will be given to all parties of a request for
462 review by the Area superintendent/Executive Director ~~or designee~~ within two
463 (2) business days of the request for review.

- 464
465 c. **Procedure.**-- The Area superintendent ~~Executive Director~~ or designee shall
466 review the complaint, the answer to the complaint, the principal/designee's

467 report, and any other evidence in the record. The A area superintendent
468 ~~Executive Director~~ or designee may also conduct any further investigation
469 he/she deems deemed necessary. ~~Time limits may be extended by written~~
470 ~~mutual agreement of the individuals and the person to whom the complaint is~~
471 ~~addressed.~~

472
473 i. During the investigation, the A area superintendent/ ~~Executive Director~~ or
474 designee may take any action necessary to protect the complainant, or
475 other ~~employees~~ or students or employees consistent with the
476 requirements of applicable regulations and statutes. No retaliation of any
477 kind is permitted in connection with an individual's having made a
478 harassment or discrimination complaint under this Policy.

479
480 ii. The A area superintendent ~~Executive Director~~ or designee will review the
481 ~~P~~principal's decision as to the validity of the allegations and any
482 corrective action, and will make a decision within thirty (30) calendar days
483 after receipt of the request for review. Time limits may be extended by
484 written mutual agreement of the complainant (or custodial
485 parent(s)/guardian on behalf thereof if the complainant is a minor as
486 defined in paragraph (6)(f)), and the accused/student (or custodial
487 parent(s)/guardian on behalf thereof if the accused/student is a minor).

488
489 iii. The A ~~area Executive Director~~ or superintendent/designee shall take
490 action deemed appropriate to resolve the situation, including, but not
491 limited to, ~~warning, out-of-school suspension, expulsion, transfer to~~
492 ~~alternative school, or other disciplinary action by the school, consistent~~
493 with the requirements of applicable procedures outlined in each ~~S~~school's
494 ~~Student-Parent Handbook, School District~~ the Matrix of Incidents and
495 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and
496 Florida law, or transfer to alternative school.

497
498 iv. The A ~~area Executive Director~~ or superintendent/designee will inform the
499 parties (and their custodial parent(s)/guardian if the parties are minors as
500 defined in paragraph (6)(f)). in writing of his/her the decision and the
501 parties' right to appeal.

502
503 v. A copy of the decision will be sent to the ~~EEO/Title IX~~ Coordinator or and
504 ADA/504 Specialist.

467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505

506 **15. Appeal Procedure to Chief Academic Officer/Designee**

- 507
- 508 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
509 the parties are minors as defined in paragraph (6)(f)) is dissatisfied with the
510 Area superintendent's Executive Director's decision, it may be appealed in
511 writing to the Superintendent/Chief Academic Officer/designee within ten (10)
512 days after receipt of the decision.
- 513
- 514 i. If the area superintendent's designee conducted the review, the next level
515 of appeal is to the area superintendent rather than to the Chief Academic
516 Officer.
- 517
- 518 ii. If the Chief Academic Officer/designee superintendent is directly involved
519 with a complaint or closely related to with a the parties to the complaint,
520 then an impartial designee the Chief Operating Officer/designee shall be
521 asked to review the matter.
- 522
- 523 b. **Notice**-- Notice of the appeal shall be given in writing to all the parties (and
524 their custodial parent(s)/guardian if the parties are minors as defined in
525 paragraph (6)(f)) within two (2) days of ~~notice of~~ receipt of appeal.
- 526
- 527 c. **Procedure**-- The ~~Superintendent~~ Chief Academic Officer/or designee shall
528 review the written complaint, the accused/student's response to the complaint
529 (or the response of the parent/guardian on behalf of the accused/student), and
530 all documentation pertaining to the alleged harassment or discrimination
531 including the Area superintendent's Executive Director's decision.
- 532
- 533 i. The ~~Superintendent~~ Chief Academic Officer/or designee, ~~in his/her~~
534 discretion, may request additional information.
- 535
- 536 ii. The ~~Superintendent~~ Chief Academic Officer/or designee shall issue a
537 written decision to the parties (and their custodial parent(s)/guardian if
538 the parties are minors as defined in paragraph (6)(f)) within twenty (20)
539 calendar days of the request of the appeal.
- 540

541 **16. Appeal to the Superintendent/Designee**

542

- 543 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
544 the parties are minors as defined in paragraph (6)(f)) is dissatisfied with the
545 Chief Academic Officer's decision, it may be appealed in writing to the
546 Superintendent within ten (10) days after receipt of the decision.
547
- 548 i. If the Chief Academic Officer's designee conducted the review, the next
549 level of appeal is to the Chief Academic Officer rather than to the
550 Superintendent.
551
- 552 ii. If the Superintendent is directly involved with a complaint or closely
553 related to a party to the complaint, then the Chief Counsel to the Board
554 shall be asked to review the matter and report the findings to the Board.
555
- 556 b. **Notice**-- Notice of the appeal shall be given in writing to the parties (and their
557 custodial parent(s)/guardian if the parties are minors as defined in paragraph
558 (6)(f)) within two (2) days of receipt of the appeal.
559
- 560 c. **Procedure**-- The Superintendent/designee shall review the written complaint,
561 the accused/student's response to the complaint (or the response of the
562 parent/guardian on behalf of the accused/student), and all documentation
563 pertaining to the alleged harassment or discrimination, including the Chief
564 Academic Officer's decision.
565
- 566 i. The Superintendent may request additional information.
567
- 568 ii. The Superintendent/designee shall issue a written decision to the parties
569 (and their custodial parent(s)/guardian if the parties are minors as
570 defined in paragraph (6)(f)) within twenty (20) calendar days of request of
571 the appeal. The decision of the Superintendent/designee is the final
572 decision of the District.
573
- 574 17. **Other Means of Resolution**-- If the complainant is not satisfied with the results of
575 the procedures contained in this policy, he/ørshe may utilize other means for
576 resolution as provided by law, including seeking recourse through the Føederal
577 Office for Civil Rights ("OCR").
578
- 579 18. **GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY AN**
580 **EMPLOYEE -- Investigation and Resolution of Complaints Against an**
581 **(Accused/Employee)**

582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619

- a. ~~Site Level Procedure: Reporting Discrimination or Harassment.~~ Any student/applicant for admission (and/or the custodial parent(s)/guardian on that complainant's behalf if the complainant is a minor as defined in paragraph (6)(f)) who believes he/er she is a victim of discrimination or harassment (or any individual, including any student, teacher, or other employee of the School District who has knowledge of any incident(s) involving discrimination or harassment of students) is strongly encouraged to report the incident(s) in writing to a school official or the EEO/Title IX Coordinator and/or ADA/504 Specialist. Complaints should be filed as soon as possible after the alleged incident, but must be filed within one hundred eighty (180) calendar days after the alleged incident (i.e. within 180 days of the last act of alleged harassment or discrimination).
- b. School officials must report in writing any allegations of discrimination or harassment to the P-principal and to the EEO/Title IX Coordinator and/or ADA/504 Specialist. If the principal is directly involved with a complaint or closely related to a party to the complaint, then the incident may be reported directly to the EEO/Title Coordinator and ADA/504 Specialist.
- c. The principal/designee shall document all complaints in writing to ensure that problems are appropriately addressed. It is the responsibility of the principal to forward all complaints to the area superintendent, Title IX Coordinator, and ADA/504 Specialist within two (2) work days. 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
- d. ~~If the Principal is directly involved with a complaint or with the parties to the complaint, then the incident may be reported directly to the EEO Coordinator or 504 Specialist.~~
- e. Filing the Complaint Form. Consistent with OCR guidelines, a formal complaint process is required for any complaint against an employee. The complainant (or the custodial parent(s)/guardian if the complainant parties is a minor as defined in paragraph (6)(f)) may file a complaint, either orally or in writing, with the Pprincipal/er designee, EEO/Title IX Coordinator, or ADA/504 Specialist by using the Harassment and Discrimination Student Complaint Report Form (PBSD 1615), available on the District's web site at

620 www.palmbeach.k12.fl.us/ Records/Forms.htm. The Witness Statement form
621 (PBSD 1616) is to be completed by witnesses to the alleged incident.
622

623 i. Complaints should be filed as soon as possible after the alleged incident,
624 but must be filed within ~~sixty (60)~~ one hundred eighty (180) calendar days
625 of after the alleged incident (that is, within 180 days after the last act of
626 alleged harassment or discrimination). Failure on the part of the
627 complainant to initiate and/or follow up on the complaint within this period
628 may result in the complaint being deemed abandoned.
629

630 ii. The ~~P~~Principal/ ~~or~~ designee may assist the individual in completing the
631 ~~F~~form by recording information on the the ~~Harassment and Discrimination~~
632 Student Complaint Report F~~orm~~, reviewing it with the complainant, and
633 obtaining the complainant's signature. The complainant will be requested
634 to provide signed, specific information regarding the alleged
635 discrimination or harassment, the alleged offender(s), witnesses, and
636 other relevant information.
637

638 iii. Complaints filed with the ~~P~~Principal/~~or~~ designee must be reported in
639 writing to the A~~rea~~ superintendent Executive Director and the EEO/Title
640 IX Coordinator and/or ADA/504 Specialist for investigation.
641

642 f. Notice to Parent(s)/Guardians.-- Within two (2) days of receiving the
643 complaint, and in accordance with federal and state privacy laws, the
644 principal/designee shall notify the custodial parent(s)/guardian of any minor
645 student as defined in paragraph (6)(f) who is allegedly subject to harassment
646 or discrimination. Notification may be made by telephone, letter, or personal
647 conference. The students involved (and their custodial parent(s)/ guardians, if
648 the students are minors) will also be notified of events and decisions described
649 in this Policy.
650

651 g. Investigation by EEO/Title IX Coordinator/designee or ADA/504
652 Specialist/designee.-- The EEO/Title IX Coordinator/ordesignee or ADA/504
653 Specialist/designee shall document promptly and begin within (2) work days to
654 thoroughly investigate all complaints of harassment or discrimination, including
655 the following steps to ensure that problems are appropriately addressed:
656

657 i. Promptly talk with the complainant within two (2) work days after receiving
658 the complaint form. The complainant (and/or the custodial

659 parent(s)/guardian of the complainant if the complainant is a minor as
660 defined in paragraph (6)(f)) shall have an opportunity to describe the
661 incident, present any evidence, name witnesses, and ensure that his/her
662 the complaint is put in writing if he/she has not already done so;
663

- 664 ii. ~~T~~talk with any witnesses or others who may have relevant information;
665 and
666 iii. ~~C~~onduct an investigation~~ave~~ meeting with the accused/employee, and the
667 accused/employee's representative, if applicable, to discuss the
668 allegations and allow the accused/employee to respond to the allegations.
669

670 h. During the investigation, the EEO/Title IX Coordinator/designee or ADA/504
671 Specialist/designee may recommend to the Chief Personnel
672 Officer/erdesignee, any action necessary to protect the complainant, or other
673 students or employees or students, consistent with the requirements of
674 applicable regulations or statutes, State Board of Education Rules, School
675 Board Policies, and collective bargaining agreements.
676

677 i. In general, complainants will continue attending the same school and
678 pursuing their studies as directed while the investigation is conducted and
679 the complaint is pending resolution.
680

681 ii. ~~The EEO Coordinator or 504 Specialist shall document all complaints to~~
682 ~~ensure that problems are appropriately addressed.~~
683

684 ~~iii.~~ ii. When necessary to carry out his/her the investigation or for other good
685 reasons, and consistent with federal and state privacy laws, the EEO/Title
686 IX Coordinator/designee or ADA/504 Specialist/designee also shall
687 discuss the complaint with the following persons, as appropriate:
688

689 A. Superintendent/erdesignee;

690 B. Chief Academic Officer and/or Chief Operating Officer;

691 C. Aarea superintendent/designee Executive Directors;

692 D. Associate Superintendents;

693 E. Chief of School Police;

694
695
696
697

698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736

- F. Chief Personnel Officer;
- G. Director of ~~Employee~~ Labor Relations;
- H. ~~The~~ custodial parent(s)/guardian of the complainant, if the complainant is ~~under eighteen (18) years of age~~ a minor as defined in Section (6)(f);
- I. ~~A~~ teacher or staff member whose knowledge of the student(s) or employee(s) involved may help determine who is telling the truth;
- J. ~~Child~~ child protective agencies responsible for investigating child abuse;
- K. ~~Legal~~ legal counsel for the ~~District~~ Board; and/or
- L. ~~Exclusive~~ exclusive bargaining representative or ~~the~~ legal counsel thereof, if appropriate; and
- M. the accused/employee.

19. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator or ADA/504 Specialist.**--
Upon completion of the investigation, within thirty (30) calendar days of receiving the complaint if possible, the EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee shall make a decision about the validity of the allegations in the complaint.
- a. The EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee shall discuss the determination and any recommended corrective action with the ~~P~~principal/~~or~~designee and Chief Personnel Officer.
 - b. In reaching a decision about the complaint, the following should be taken into account:
 - i. ~~S~~statements made by the persons identified in Paragraphs (18)(h), (i) above;
 - ii. ~~T~~the details and consistency of each person's account;

- 737 iii. ~~E~~evidence of how the complainant reacted to the incident;
- 738
- 739 iv. ~~E~~evidence of past instances of harassment or discrimination by the
- 740 accused/employee (provided that, if evidence of past
- 741 harassment/discrimination incidents are to be considered, the investigator
- 742 must review in their entirety the files regarding those past incidents);
- 743
- 744 v. ~~E~~evidence of past harassment or discrimination complaints that were
- 745 found to be untrue (provided that, if evidence of past
- 746 harassment/discrimination accusations or complaints are to be
- 747 considered, the investigator must review in their entirety the files
- 748 regarding those past complaints); and
- 749
- 750 vi. ~~C~~case law, state and federal laws and regulations, and the District's
- 751 Board's Policyies prohibiting harassment and discrimination.
- 752

753 c. To determine the severity of the harassment or discrimination, the following

754 may be considered:

- 755
- 756 i. ~~H~~how the misconduct affected one or more student's education;
- 757
- 758 ii. ~~T~~the type, frequency, and duration of the misconduct;
- 759
- 760 iii. ~~T~~the number of persons involved;
- 761
- 762 iv. ~~T~~the subject(s) of harassment or discrimination;
- 763
- 764 v. ~~T~~the place and situation where the incident occurred; and
- 765
- 766 vi. ~~O~~other incidents at the school.

767

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

769 applicable collective bargaining agreement provisions, to resolve a complaint

770 of harassment or discrimination:

- 771
- 772 i. ~~N~~no action if complaint is unsubstantiated;
- 773
- 774 ii. ~~T~~the training requirements for the employee;
- 775

- 776 iii. ~~O~~ral reprimand of the employee;
- 777
- 778 iv. ~~W~~ritten reprimand of the employee;
- 779
- 780 v. ~~S~~suspension of the employee up to and including termination; or
- 781
- 782 vi. Termination of the employee.
- 783
- 784 A. For the first verified offense of harassment of, or discrimination
- 785 against, a student, suspension should be recommended for a
- 786 minimum of thirty (30) days without pay up to and including
- 787 termination. Termination should be recommended for the second
- 788 offense of verified harassment of, or discrimination against, a student
- 789
- 790 B. Suspension without pay and/or termination requires ~~School~~ Board
- 791 action.
- 792

793 **20. Appeal Procedure for an Accused/Employee**

794

- 795 a. If the accused/employee wishes to appeal the action taken in resolution of the
- 796 complaint, such appeal shall be filed either in accordance with District Board
- 797 Policy 3.31 or pursuant to the relevant collective bargaining agreement.
- 798
- 799 b. For those employees not in a bargaining unit, the appeal shall be filed in
- 800 accordance with Board Policy 3.31.
- 801

802 **21. Appeal Procedure for Student/Complainant When the Accused Is an**

803 **Employee**

804

- 805 a. Appeal to Chief Operating Officer/Designee.-- If the complainant or
- 806 accused/student (or the custodial parent(s)/guardian if the complainant is a
- 807 minor as defined in paragraph (6)(f)) is dissatisfied with the EEO/Title IX
- 808 Coordinator's or ADA/504 Specialist's decision, it may be appealed in writing
- 809 to the ~~Superintendent~~ Chief Operating Officer/designee within ten (10) days
- 810 after receipt of the decision. However, if the ~~Superintendent~~ Chief Operating
- 811 Officer is directly involved with a complaint or closely related to with a the
- 812 parties to the complaint, then an ~~impartial designee~~ the Chief Academic
- 813 Officer shall be asked to review the matter.
- 814

- 815 i. **Notice**-- Notice of the appeal shall be given to all the parties (and the
816 custodial parent(s)/guardian of the complainant, if a minor as defined in
817 paragraph (6)(f)) within two (2) days of notice of receipt of appeal.
- 818
- 819 ii. **Procedure**-- The Superintendent Chief Operating Officer/or designee
820 shall review the written complaint, the accused/student's/employee's
821 response to the complaint, and all documentation pertaining to the
822 alleged harassment or discrimination including the EEO/Title IX
823 Coordinator's or ADA/504 Specialist's decision.
- 824
- 825 A. The Superintendent Chief Operating Officer/or designee, in ~~his/her~~
826 discretion, may request additional information.
- 827
- 828 B. The Superintendent Chief Operating Officer/or designee shall issue a
829 written decision to the parties within twenty (20) calendar days of
830 request of the appeal.
- 831
- 832 **b. Appeal to the Superintendent**-- If the complainant (or custodial
833 parent(s)/guardian of the minor complainant as defined in paragraph (6)(f)) is
834 dissatisfied with the Chief Operating Officer's decision, the decision may be
835 appealed in writing to the Superintendent within ten (10) days after receipt of
836 the decision.
- 837
- 838 i. If the Chief Operating Officer's designee conducted the review, the next
839 level of appeal is to the Chief Operating Officer rather than to the
840 Superintendent.
- 841
- 842 ii. If the Superintendent is directly involved with a complaint or closely
843 related to a party to the complaint, then the Chief Counsel to the Board
844 shall be asked to review the matter and report the findings to the Board.
- 845
- 846 iii. **Notice**-- Notice of the appeal shall be given in writing to the parties (and
847 their custodial parent(s)/guardian if the parties are minors as defined in
848 paragraph (6)(f)) within two (2) days of receipt of the appeal.
- 849
- 850 iv. **Procedure**-- The Superintendent/designee shall review the written
851 complaint, the accused/employee's response to the complaint, and all
852 documentation pertaining to the alleged harassment or discrimination,
853 including the Chief Operating Officer's decision.

854
855 A. The Superintendent may request additional information.
856

857 B. The Superintendent/designee shall issue a written decision to the
858 parties (and the complainant's custodial parent(s)/guardian, if the
859 complainant is a as defined in paragraph (6)(f)) within twenty (20)
860 calendar days of request of the appeal. The decision of the
861 Superintendent/designee is the final decision of the District.
862

863 c. Other Means of Resolution.-- If the complainant is not satisfied with the
864 results of the procedures contained in this policy, he or she may utilize other
865 means for resolution as provided by law, including seeking recourse through
866 the Federal Office for Civil Rights ("OCR").
867

868 22. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION
869 BY VOLUNTEERS, VISITORS, OR CONTRACTORS -- Investigation of
870 Complaints Against a School Volunteer, Campus Visitor, Contractor/Consultant, or
871 Other Third Party.

872 a. The School Board will not tolerate harassment or discrimination by school
873 volunteers, consultants, independent contractors or subcontractors (or their
874 employees), or any third party in the school (or outside of the school at school-
875 sponsored events), on school buses, or at training facilities sponsored by the
876 School District. Any such alleged harassment or discrimination should be
877 reported immediately to the school principal, using the same formal written
878 complaint process as would be used to report harassment or discrimination by
879 a District employee. The complaint should be filed as soon as possible, at
880 least within one hundred eighty (180) calendar days of the alleged incident
881 (i.e. within 180 days of the last act of alleged harassment or discrimination).
882

883 b. It is the responsibility of the principal to forward all complaints to the area
884 superintendent and EEO/Title IX Coordinator and ADA/504 Specialist within
885 two (2) work days. Failure by the principal to respond to a complaint within
886 two (2) work days will automatically allow the complainant to re-file the
887 complaint with the area superintendent.
888

889 c. Within two (2) days of receiving the complaint, and in accordance with federal
890 and state privacy laws, the principal/designee shall notify the custodial
891 parent(s)/guardian of any minor student as defined in paragraph (6)(f)) who is
892 allegedly subject to harassment or discrimination. Notification may be made
893 by telephone, letter, or personal conference. The students involved (and their

894 custodial parent(s)/ guardians, if the students are minors) will also be notified
895 of events and decisions described in this Policy.

896
897 d. Within two (2) days of receiving the complaint, the EEO/Title IX
898 Coordinator/designee or ADA/504 Specialist/designee shall begin an
899 investigation, using procedures similar to those used for investigation of
900 allegations against District employees.

901
902 e. If the District's investigation substantiates a complaint of sexual harassment or
903 discrimination by a school volunteer, visitor, consultant/independent
904 contractor, vendor or other third party, the Superintendent shall promptly
905 recommend appropriate action. As stated in OCR's *Revised Sexual*
906 *Harassment Guidance (2001):*

907 The type of appropriate steps that the school should take will differ
908 depending on the level of control that the school has over the third
909 party harasser. For example, if athletes from a visiting team harass
910 the home school's students, the home school may not be able to
911 discipline the athletes. However, it could encourage the other
912 school to take appropriate action to prevent further incidents; if
913 necessary, the home school may choose not to invite the other
914 school back.

915
916 f. Depending on the situation, an appropriate response may include, but not
917 limited to, revoking the volunteer's status under Policy 2.53; asking the visitor
918 to refrain from returning to the campus; requesting a contractor to remove an
919 employee from a project at a school site and discipline the employee; or
920 debaring a vendor pursuant to Policy 6.14(5). The District's response will be
921 designed to eliminate the harassment or discrimination and prevent its
922 reoccurrence. If the complainant is not satisfied with the District's response,
923 he/she (or the custodial parent(s)/guardian of a minor complainant as defined
924 in paragraph (6)(f)) may appeal according to the procedures used to appeal a
925 decision regarding alleged harassment or discrimination by an employee
926 under Section 21.

927
928 g. Other Means of Resolution.-- If the complainant is not satisfied with the
929 District's response under this Section, he/she may utilize other means for
930 resolution as provided by law, including seeking recourse through OCR.
931

932 **23. Confidentiality**

933
934 a. To the greatest extent possible, all complaints will be treated as confidential
935 and in accordance with Fla. Stat. § ~~228.093(3)(d)~~, 1002.22(3)(d);

936 ~~§ 119.07(3)(p) and the Family Educational Rights and Privacy Act ("FERPA");~~
937 ~~and any other applicable law, such as Fla. Stat. §§ 119.07(3)(p) & (u);~~
938 ~~1012.31(3)(a); or 1012.796(1)(c).~~

- 939
- 940 b. ~~However,~~ limited disclosure may be necessary to complete a thorough
941 investigation as described above. The District's obligation to investigate and
942 take corrective action may supersede an individual's right to privacy.
- 943
- 944 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute
945 confidentiality cannot be guaranteed.

946

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

- 951
- 952 ~~a. Upon receiving a complaint, and in accordance with federal and state privacy~~
953 ~~laws, the Principal or designee shall notify the parent(s)/guardians of all~~
954 ~~students under age 18 involved in the alleged harassment or discrimination~~
955 ~~within two (2) days of the allegations. Notification may be made by telephone,~~
956 ~~letter, or personal conference. The students involved and their~~
957 ~~parent(s)/guardians will also be notified of events and decisions described in~~
958 ~~this policy.~~

959

960 25. **Retaliation Prohibited**

- 961
- 962 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or
963 harassment in connection with filing a complaint or assisting with an
964 investigation under this Policy.
- 965
- 966 b. Retaliatory or intimidating conduct against any individual who has made a
967 harassment or discrimination complaint or any individual who has testified,
968 assisted, or participated, in any manner, in an investigation is specifically
969 prohibited.
- 970
- 971 c. The ~~P~~Principal/~~e~~r designee, and EEO/Title IX Coordinator or ADA/504
972 Specialist, if applicable, shall inform the complainants that ~~he/she/they~~ is are
973 protected by law from retaliation.
- 974

975 26. **Additional Assistance Available**

- 976
- 977 a. In all cases, the District reserves the right to refer the results of its own
- 978 investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida
- 979 for possible criminal charges, whether or not the District takes any other
- 980 action.
- 981
- 982 b. The District will provide counseling services for students who have been
- 983 harassed or discriminated against.
- 984 c. Training will be provided to assist teachers and counselors who work with
- 985 students to prevent harassment and discrimination. Attendance is mandatory.
- 986
- 987 d. The Office for Civil Rights is the federal agency in the Department of
- 988 Education that monitors ~~ensures that schools'~~ compliance with Title IX, Title
- 989 VI, Title II of the Americans With Disabilities Act, and Section 504, and it can
- 990 be contacted at 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at
- 991 OCR_Atlanta@ed.gov.
- 992

993 A. ~~For more information, contact: EEO Coordinator, 3370 Forest Hill~~

994 ~~Boulevard, Suite A-128, West Palm Beach, Florida 33406; Telephone:~~

995 ~~(561) 434-8637 or the 504 Specialist, 3336 Forest Hill Boulevard, Suite B-~~

996 ~~102, West Palm Beach, Florida 33406; Telephone: (561) 434-8817.~~

997

998 STATUTORY AUTHORITY: §§ 230.23 (17); 230.23005 §§ 1001.41(2); 1001.43(1),

999 (6); 1006.07; 1012.23(1), Fla. Stat.

1000

1001 LAWS IMPLEMENTED: §§ 119.07(3)(p), (u); 1000.05(2)(a), (b) (Florida Education

1002 Equity Act); 1002.22(3)(a), (d); 1001.41(1), (2);

1003 1006.07(2)(h); 1006.08; 1012.31(3)(a); 1012.796(1)(c);

1004 760.01(2), Fla. Stat.; Title II of the Americans With

1005 Disabilities Act (42 U.S.C. 12131, et. seq. (Title II of the

1006 Americans with Disabilities Act); Title IX of the Education

1007 Amendments of 1972 (20 U.S.C. § 1681-1688 et. seq. (Title

1008 IX of the Education Amendments of 1972); Title VI of the

1009 Civil Rights Act of 1964 (42 U.S.C. § 2000d et. seq. (Title VI

1010 of the Civil Rights Act of 1964); Section 504 of the

1011 Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section 504 of

1012 the Rehabilitation Act of 1973); 20 U.S.C. § 1232g (Family

1013 Educational Rights and Privacy Act ("FERPA")); §

1014 228.2001(2)(a) Fla. Stat., ("Florida Education Equity Act");

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.001 and finds it legally sufficient for development by the Board.

Attorney

Date