

**POLICY 5.001**

5-F 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.]

, Development

CONSENT ITEM

1 PROPOSED REVISION OF POLICY 5.001

2  
3 **POLICY AGAINST PROTECTING STUDENTS FROM HARASSMENT AND**  
4 **DISCRIMINATION AGAINST STUDENTS**  
5

- 6  
7 1. **General Provisions.--** The School District Board of Palm Beach County, Florida, as  
8 governing body of the School District ("School District" or "District") does not  
9 condone discrimination against any of its students or applicants for admission for any  
10 reason including, pursuant to Title IX and § 228.2001(2)(a), Fla. Stat., but not limited  
11 to, sex, race, color, religion, sex, national origin, age, disability, or marital status, in its  
12 education programs or applicants for admission to educational programs; and the  
13 Board prohibits discrimination against, or harassment of, any student by any  
14 employee, student, or other person in the school, or outside the school, at school-  
15 sponsored events, on school buses, and at training facilities sponsored by the District.  
16  
17 ~~2. Discrimination and harassment will not be tolerated and will be just cause for~~  
18 ~~disciplinary action.~~  
19  
20 3. In an effort to promote an environment free of discrimination and harassment, the  
21 Board has adopted this ~~Policy Against prohibiting Harassment of, and or~~  
22 ~~Discrimination against, of Students in order~~ to prevent, investigate, and take prompt,  
23 equitable, and appropriate action with regard to alleged discrimination and  
24 harassment. In addition to this policy, the Board has adopted a separate Policy  
25 Against prohibiting Sexual Harassment of, and or Discrimination against, of  
26 Students (Policy 5.81).  
27  
28 4. The School Board believes that all students are entitled to a safe, equitable, and  
29 harassment-free school experience. ~~The School District will not tolerate~~  
30 ~~discrimination or harassment.~~ Discrimination and harassment will not be tolerated and  
31 shall be just cause for disciplinary action.  
32  
33 5. This Policy shall be interpreted and applied consistent with all applicable state and  
34 federal laws and collective-bargaining agreements.  
35  
36 6. **Definitions.--** For purposes of this ~~p~~Policy, the following definitions shall apply:

- 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. **Principal Involvement.**-- If the ~~P~~principal is directly and personally involved with  
135 a complaint or is closely related to ~~with the a parties-party~~ to the complaint, then  
136 an ~~impartial designee~~ the area superintendent shall be asked to conduct the  
137 investigation.  
138
- 139 e. **Informal Resolution.**-- Where appropriate, the complainant and the  
140 accused/student may agree to informally resolve the complaint.  
141
- 142 i. The ~~P~~principal/~~or~~designee may arrange for the parties to resolve the  
143 complaint informally.  
144
- 145 ii. The student, or the custodial parent(s)/guardian on behalf of the student,  
146 who complained shall never be asked to work out the problem directly with

- 147 the accused/student unless the assistance of a counselor, teacher,  
148 administrator, or mediator is provided and the complainant is willing.  
149
- 150 iii. If the complaint is resolved informally, the Pprincipal/ordesignee shall notify  
151 the EEO/Title IX Coordinator or ADA/504 Specialist of the resolution of the  
152 complaint.  
153
- 154 f. **Filing the Complaint Report.**– If the matter cannot be resolved informally, the  
155 Pprincipal/ordesignee shall assist the student, or custodial parent(s)/guardian on  
156 behalf of the student, in filing a complaint. ~~Individuals~~ The student or custodial  
157 parent(s)/guardian on behalf of the student may file a complaint, either orally or  
158 in writing with the Pprincipal/ordesignee by using ~~the Harassment and~~  
159 ~~Discrimination Complaint Student Complaint Report F~~orm (PBSD 1615). Said  
160 form is hereby incorporated by reference and made a part of this Policy and shall  
161 be filed with the Clerk of the School Board herewith and is available on the  
162 District's web site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.  
163
- 164 g. Complaints should be made as soon as possible but no later than sixty (60)  
165 calendar days of the alleged incident. Failure on the part of the complainant to  
166 initiate and/or follow up on a complaint in a timely manner may result in the  
167 complaint being deemed abandoned.  
168
- 169 h. The complainant will be requested to provide signed, specific information  
170 regarding the alleged discrimination or harassment, the alleged offender(2),  
171 witnesses, and other relevant information.  
172
- 173 i. If the student, or custodial parent(s)/guardian on behalf of the student, does not at  
174 first file a written complaint, the student, or custodial parent(s)/guardian on behalf  
175 of the student, will be requested to complete the complaint form. The  
176 principal/ordesignee may assist the student, or custodial parent(s)/guardian on  
177 behalf of the student, in completing the form, or may complete the form for the  
178 student or for the custodial parent(s)/guardian who is acting on behalf of the  
179 student. In all instances, the student, or custodial parent(s)/guardian on behalf of  
180 the student, shall review the form to ensure its accuracy and sign and date the  
181 complaint.  
182

- 183 j. All complaints filed with the ~~P~~principal/~~or~~ designee must be reported to the  
184 ~~A~~area superintendent ~~Executive Director~~ and the EEO/Title IX Coordinator or  
185 ADA/504 Specialist.  
186
- 187 k. **Notice to Accused/Student.**— Within two (2) days of receipt of a complaint, the  
188 ~~P~~principal/~~or~~designee will notify the accused/student, and the custodial  
189 parent(s)/guardian thereof, of the allegations.  
190
- 191 l. **Notice to Parent(s)/Guardians.**— Upon receiving a complaint, within two (2)  
192 days of the allegations, and in accordance with federal and state privacy laws, the  
193 principal/designee shall notify the custodial parent(s)/guardian of any student  
194 under age eighteen (18) who is involved in alleged harassment or discrimination.  
195 Notification may be made by telephone, letter, or personal conference. The  
196 student(s) involved and his/her custodial parent(s)/guardian will also be notified  
197 of events and decisions described in this Policy.  
198
- 199 m. **Steps in the Investigation.**— The ~~P~~principal/~~or~~ designee shall promptly and  
200 thoroughly investigate all complaints of harassment or discrimination ~~which shall~~  
201 ~~mandate,~~ including, at minimum, the following steps:  
202
- 203 i. ~~P~~promptly talk with the complainant;  
204
- 205 ii. ~~T~~he complainant or custodial parent(s)/guardian thereof shall have an  
206 opportunity to describe the incident, present witnesses and other evidence  
207 of the harassment or discrimination, and put ~~his/her~~ the complaint in writing  
208 if he/she has not already done so;  
209
- 210 iii. ~~P~~romptly talk with the accused/student, or custodial parent(s)/guardian  
211 thereof on behalf of the accused/student;  
212
- 213 iv. ~~T~~he accused/student, or custodial parent(s)/guardian on behalf of the  
214 accused/student, shall have an opportunity to describe the incident, present  
215 witnesses and other evidence, and put his/her response in writing;  
216
- 217 v. ~~T~~alk with any person who saw the harassment, has knowledge of the  
218 discrimination, or who may have related information; and  
219

- 220 vi. Conduct a conference, if appropriate, with the complainant and custodial  
221 parent(s)/guardian thereof and the accused/student and custodial  
222 parent(s)/guardian and give notice of the date, time, place, and rules to the  
223 parties.  
224
- 225 n. The principal/designee shall document all complaints to ensure that problems are  
226 appropriately addressed. Failure by the principal to respond to a complaint in a  
227 timely manner will automatically allow the complainant to re-file the complaint  
228 with the area superintendent.  
229
- 230 o. **Pursuing the Investigation.** During the investigation, the ~~P~~principal/~~o~~r designee  
231 may take any action necessary to protect the complainant, or other ~~employees or~~  
232 students or employees, consistent with the requirements of applicable regulations  
233 and statutes. In general, complainants will continue attendance at the same  
234 school and pursue their studies as directed while the investigation is conducted  
235 and the complaint is pending resolution.  
236
- 237 i. ~~The P~~principal/~~o~~r designee shall document all complaints to ensure that  
238 ~~problems are appropriately addressed.~~  
239
- 240 ii. The ~~P~~principal/~~o~~r designee is encouraged to ask open-ended questions to  
241 enable students to describe what happened in their own words.  
242
- 243 iii. The ~~P~~principal/~~o~~r designee may request that the accused/student or custodial  
244 parent(s)/guardian thereof, on the accused/student's behalf, prepare a written  
245 response to the complaint; or the ~~P~~principal/~~o~~r designee may prepare a  
246 written statement of the accused/student's oral response to the complaint  
247 based on their meeting and obtain the signature of the accused/student,  
248 and/or custodial parent(s)/guardian thereof, after his/her review of the  
249 statement.  
250
- 251 iv. The ~~P~~principal/~~o~~r designee should ~~review and~~ dictate and then review  
252 his/her notes with the complainant and accused/student after the interviews  
253 to verify the facts and ensure accuracy, and then obtain signatures, but shall  
254 not tape the interviews.  
255



- 256 v. When necessary to carry out ~~his/her~~ the investigation or for other good  
257 reasons, and consistent with federal and state privacy laws, the ~~P~~principal/  
258 ~~or~~designee also may discuss the complaint with the following persons:  
259
- 260 A. Superintendent/or designee;
  - 261
  - 262 B. Chief Academic Officer;
  - 263
  - 264 C. ~~A~~area superintendent/designee ~~Executive Directors~~;
  - 265
  - 266 D. ~~A~~associate Superintendents;
  - 267
  - 268 E. Chief of School Police~~;~~<sub>z</sub>;
  - 269
  - 270 F. ~~T~~the custodial parent(s)/guardian of the complainant, if the complainant  
271 is under eighteen (18) years of age~~;~~<sub>z</sub>;
  - 272
  - 273 G. ~~T~~the custodial parent(s)/guardian of the accused/student, if the student  
274 is under eighteen (18) years of age~~;~~<sub>z</sub>;
  - 275
  - 276 H. ~~A~~a teacher or staff member whose knowledge of the students involved  
277 may help determine who is telling the truth~~;~~<sub>z</sub>;
  - 278
  - 279 I. ~~C~~hild protective agencies responsible for investigating child abuse~~;~~<sub>z</sub>  
280 and/or
  - 281
  - 282 J. ~~L~~egal counsel for the ~~district~~ Board.
  - 283
- 284 p. **Written Decision of the Principal/Designee**-- Upon completion of the  
285 investigation, the ~~P~~principal/~~or~~designee will make a decision about the validity of  
286 the allegations in the complaint and about any corrective action, if  
287 applicable/~~necessary~~. In reaching a decision about the complaint, the ~~P~~principal/  
288 ~~or~~ designee should take into account:
- 289
  - 290 i. ~~S~~tatements made by the persons identified in ~~Section 5~~ paragraph (13)(m),  
291 above;
  - 292

- 293 ii. ~~T~~he details and consistency of each person's account;  
294  
295 iii. ~~E~~vidence of how the complainant reacted to the incident;  
296  
297 iv. ~~E~~vidence of past instances of harassment or discrimination by the  
298 accused/student (provided that, if evidence of harassment/ discrimination,  
299 accusations, or complaints are to be considered, the principal/designee must  
300 review the files regarding those past incidents in their entirety);  
301  
302 v. ~~E~~vidence of past harassment or discrimination complaints that were found  
303 to be untrue (provided that, if evidence of past accusations or complaints are  
304 to be considered, the principal/designee must review in their entirety the  
305 files regarding those past incidents); and  
306  
307 vi. ~~C~~ase law, state and federal laws and regulations, and the ~~District's~~ Board's  
308 Policy prohibiting harassment and discrimination.  
309  
310 q. To determine the severity of the harassment or discrimination, the ~~P~~principal/~~or~~  
311 designee should consider, among other things:  
312  
313 i. ~~H~~ow the misconduct affected one or more student's education;  
314  
315 ii. ~~T~~he type, frequency, and duration of the misconduct;  
316  
317 iii. ~~T~~he number of persons involved;  
318  
319 iv. ~~T~~he subject(s) of harassment or discrimination;  
320  
321 v. ~~T~~he place and situation where the incident occurred; and/or  
322  
323 vi. ~~O~~ther similar incidents at the school.  
324  
325 r. Within thirty (30) calendar days of the filing of the complaint, the ~~P~~principal/~~or~~  
326 designee shall give the ~~A~~area superintendent/designee ~~Executive Director or~~  
327 ~~designee~~ and the EEO/Title IX Coordinator or ADA/504 Specialist a written report  
328 that describes the complaint and investigation and contains ~~his/her~~ findings, a  
329 decision, and reasons for the decision.

- 330
- 331
- 332
- 333
- 334
- 335
- 336
- 337
- 338
- 339
- 340
- 341
- 342
- 343
- i. ~~If he/she~~ the principal/designee verifies that harassment or discrimination occurred, this report shall describe the actions ~~he/she took~~ taken to end the harassment or discrimination, address the effects of the harassment or discrimination on the complainant, and prevent retaliation or further harassment or discrimination.
  - ii. The ~~P~~principal ~~or~~ designee shall notify the parties and their custodial parent(s)/guardians in writing of ~~his/her~~ the decision and their right to review by the ~~A~~area superintendent/ Executive Director ~~or~~ designee.
  - iii. No retaliation of any kind is permitted because an individual has made a discrimination or harassment complaint.

344 **14. ~~Appeal to Review by Area Superintendent Executive Director~~ of a Complaint Against**

345 **an Accused/Student**– If the complaint is not resolved at the school-site level to the

346 satisfaction of the parties or their custodial parent(s)/guardian in the site-level process,

347 either party or their custodial parent(s)/guardian may seek review by the area

348 superintendent/designee through the following process:

349

- 350
- 351
- 352
- 353
- 354
- 355
- 356
- 357
- 358
- 359
- 360
- 361
- 362
- 363
- 364
- 365
- 366
- a. The written complaint and request for review shall be sent to the ~~A~~area superintendent's Executive Director's office within ten (10) days of the completion of the site-level process by the ~~P~~principal.
    - i. If the principal's designee conducted the ~~investigation~~review, the first level of appeal is to the principal. If the complaint has been reviewed or conducted by the principal, the next level of appeal is to the A area superintendent/ Executive Director or designee, by using the following procedures. (If the complaint was originally filed with, and investigated by, the EEO/Title IX Coordinator instead of the principal, the next level of appeal is to the Chief Academic Officer/designee).
    - ii. If the ~~A~~area superintendent/designee Executive Director is directly involved with a complaint or with the parties to the complaint, then ~~an impartial designee~~ the Chief Academic Officer/designee shall be asked to conduct the review and/or further investigation.

- 367 b. **Notice Requirement.**-- Notice will be given to all parties of a request for review  
368 by the Area superintendent/Executive Director or designee within ~~two (2)~~ days of  
369 the request for review.
- 370
- 371 c. **Procedure.**-- The Area superintendent ~~Executive Director~~ or designee shall  
372 review the complaint, the answer to the complaint, the principal/designee's  
373 report, and any other evidence in the record. The A area superintendent  
374 ~~Executive Director~~ or designee may also conduct any further investigation ~~he/she~~  
375 ~~deems deemed~~ necessary. ~~Time limits may be extended by written mutual~~  
376 ~~agreement of the individuals and the person to whom the complaint is addressed.~~
- 377
- 378 i. During the investigation, the Area superintendent/ ~~Executive Director~~ or  
379 designee may take any action necessary to protect the complainant, or other  
380 employees or students consistent with the requirements of applicable  
381 regulations and statutes.
- 382
- 383 ii. The Area superintendent ~~Executive Director~~ or designee will review the  
384 Pprincipal's decision as to the validity of the allegations and any corrective  
385 action, and will make a decision within thirty (30) calendar days after receipt  
386 of the request for review. Time limits may be extended by written mutual  
387 agreement of the complainant or custodial parent(s)/guardian on behalf  
388 thereof, and the accused/student or custodial parent(s)/guardian on behalf  
389 thereof.
- 390
- 391 iii. The Area ~~Executive Director~~ or superintendent/designee shall take action  
392 deemed appropriate to resolve the situation, including, but not limited to,  
393 warning, out-of-school suspension, ~~expulsion~~, transfer to alternative school,  
394 recommendation for expulsion, or other disciplinary action by the school,  
395 consistent with the requirements of applicable procedures outlined in each  
396 Sschool's *Student-Parent Handbook*, ~~School District~~ Board Policy, and  
397 Florida law.
- 398
- 399 iv. The Area ~~Executive Director~~ or superintendent/designee will inform the  
400 parties and their custodial parent(s)/guardian in writing of ~~his/her~~ the  
401 decision and the ~~parties'~~ right to appeal.
- 402

- 403 v. A copy of the decision will be sent to the ~~EEO/~~Title IX Coordinator (or  
404 ADA/504 Specialist, if the complaint relates to a disability).  
405

406 **15. Appeal Procedure to Chief Academic Officer/Designee**  
407

- 408 a. If the complainant or accused/student or their custodial parent(s)/guardian is  
409 dissatisfied with the Area superintendent's ~~Executive Director's~~ decision, it may  
410 be appealed in writing to the ~~Superintendent~~chief academic officer/designee  
411 within ten (10) days after receipt of the decision.  
412
- 413 i. If the area superintendent's designee conducted the review, the next level of  
414 appeal is to the area superintendent rather than to the Chief Academic  
415 Officer.  
416
- 417 ii. If the Chief Academic Officer/designee ~~superintendent~~ is directly involved  
418 with a complaint or closely related to ~~with~~ one of the parties to the  
419 complaint, then ~~an impartial designee~~ the Chief Operating Officer/designee  
420 shall be asked to review the matter.  
421
- 422 b. **Notice.**-- Notice of the appeal shall be given in writing to all the parties and their  
423 custodial parent(s)/guardian within two (2) days of ~~notice of~~ receipt of appeal.  
424
- 425 c. **Procedure.**-- ~~The Superintendent~~ Chief Academic Officer/~~or~~ designee shall  
426 review the written complaint, the accused/student's response to the complaint (or  
427 the response of the parent/guardian on behalf of the accused/student), and all  
428 documentation pertaining to the alleged harassment or discrimination including  
429 the Area superintendent's ~~Executive Director's~~ decision.  
430
- 431 i. ~~The Superintendent~~ Chief Academic Officer/~~or~~ designee, ~~in his/her~~  
432 ~~discretion,~~ may request additional information.  
433
- 434 ii. ~~The Superintendent~~ Chief Academic Officer/~~or~~ designee shall issue a written  
435 decision to the parties and their custodial parent(s)/guardian within twenty  
436 (20) calendar days of request of the appeal.  
437

438 **16. Appeal to the Superintendent/Designee**  
439

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

444  
445 i. If the Chief Academic Officer's designee conducted the review, the next level  
446 of appeal is to the Chief Academic Officer rather than to the Superintendent.

447  
448 ii. If the Superintendent is directly involved with a complaint or closely related  
449 to one of the parties to the complaint, then the Chief Counsel to the Board  
450 shall be asked to review the matter and report the findings to the Board.

451  
452 b. **Notice.**— Notice of the appeal shall be given in writing to all the parties and their  
453 custodial parent(s)/guardian within two (2) days of notice of receipt of appeal.

454  
455 c. **Procedure.**— The Superintendent/designee shall review the written complaint,  
456 the accused/student's response to the complaint (or the response of the  
457 parent/guardian on behalf of the accused/student), and all documentation  
458 pertaining to the alleged harassment or discrimination, including the Chief  
459 Academic Officer's decision.

460  
461 i. The Superintendent may request additional information.

462  
463 ii. The Superintendent/designee shall issue a written decision to the parties and  
464 their custodial parent(s)/guardian within twenty (20) calendar days of request  
465 of the appeal. The decision of the Superintendent/designee is final.

466  
467 17. **Other Means of Resolution.**— If the complainant is not satisfied with the results of the  
468 procedures contained in this policy, he/~~or~~she may utilize other means for resolution as  
469 provided by law, including seeking recourse through the Federal Office for Civil  
470 Rights ("OCR").

471  
472 18. **GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY AN**  
473 **EMPLOYEE – Investigation and Resolution of Complaints Against an**  
474 **(Accused/Employee)**

475  
476 a. **Site Level Procedure: Reporting Discrimination or Harassment.**— Any student/

- 477 applicant for admission (or the custodial parent(s)/guardian on that complainant's  
478 behalf) who believes he/~~or~~ she is a victim of discrimination or harassment (or any  
479 individual, including any student, teacher, or other employee of the School  
480 District who has knowledge of any incident(s) involving discrimination or  
481 harassment of students) is strongly encouraged to report the incident(s) to a  
482 school official or the EEO/Title IX Coordinator or ADA/504 Specialist.  
483
- 484 b. School officials must report any allegations of discrimination or harassment to the  
485 ~~P~~principal and to the EEO/Title IX Coordinator or ADA/504 Specialist.  
486
- 487 c. School officials must instruct students that they may file a complaint with the  
488 ~~P~~principal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504 Specialist. If the  
489 principal is directly involved with a complaint or with the parties to the  
490 complaint, then the incident may be reported directly to the EEO/Title  
491 Coordinator or ADA/504 Specialist.  
492
- 493 d. It is the responsibility of the principal to forward all complaints to the area  
494 superintendent and Title IX Coordinator or ADA/504 Specialist.  
495
- 496 ~~e. If the Principal is directly involved with a complaint or with the parties to the~~  
497 ~~complaint, then the incident may be reported directly to the EEO Coordinator or~~  
498 ~~504 Specialist.~~  
499
- 500 f. **Filing the Complaint Form.** ~~The complainant, or custodial parent(s)/guardian on~~  
501 ~~behalf thereof,~~ may file a complaint, either orally or in writing, with the  
502 ~~P~~principal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504 Specialist by using  
503 the ~~Harassment and Discrimination~~ Student Complaint Report Form (PBSD  
504 1615), available on the District's web site at [www.palmbeach.k12.fl.us/](http://www.palmbeach.k12.fl.us/Records/Forms.htm)  
505 Records/Forms.htm.  
506
- 507 i. Complaints should be filed as soon as possible after the alleged incident, but  
508 must be filed within sixty (60) calendar days of the alleged incident.  
509
- 510 ii. The ~~P~~principal/ ~~or~~ designee may assist the individual in completing the  
511 ~~F~~form by recording information on the the ~~Harassment and Discrimination~~  
512 Student Complaint Report Form, reviewing it with the complainant, and  
513 obtaining the complainant's signature.

- 514
- 515           iii. Complaints filed with the ~~P~~ principal/~~or~~ designee must be reported to the
- 516           Area superintendent ~~Executive Director~~ and the EEO/Title IX Coordinator or
- 517           ADA/504 Specialist.
- 518
- 519   g. Notice to Parent(s)/Guardians.-- Upon receiving a complaint, within two (2)
- 520   days of the allegations, and in accordance with federal and state privacy laws, the
- 521   principal/designee shall notify the custodial parent(s)/guardian of any student
- 522   under age eighteen (18) who is involved in alleged harassment or discrimination.
- 523   Notification may be made by telephone, letter, or personal conference. The
- 524   students involved and their custodial parent(s)/guardians will also be notified of
- 525   events and decisions described in this Policy.
- 526
- 527   h. Investigation by EEO/Title IX Coordinator or ADA/504 Specialist.-- The
- 528   EEO/Title IX Coordinator/~~or~~designee or ADA/504 Specialist shall document and
- 529   promptly and thoroughly investigate all complaints of harassment or
- 530   discrimination, including the following steps to ensure that problems are
- 531   appropriately addressed:
- 532
- 533           i. ~~P~~ romptly talk with the complainant. The complainant and/or the custodial
- 534           parent(s)/guardian of the complainant shall have an opportunity to describe
- 535           the incident, present any evidence, name witnesses, and put his/her
- 536           complaint in writing, if he/she has not already done so;
- 537
- 538           ii. ~~T~~ alk with any witnesses or others who may have relevant information; and
- 539
- 540           iii. ~~C~~ onduct an investigation~~ave~~ meeting with the accused/employee, and the
- 541           accused/employee's representative, if applicable, to discuss the allegations
- 542           and allow the accused/employee to respond to the allegations.
- 543
- 544   i. During the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist
- 545   may recommend to the Chief Personnel Officer/~~or~~designee, any action necessary
- 546   to protect the complainant, or other employees or students, consistent with the
- 547   requirements of applicable regulations or statutes, State Board of Education Rules,
- 548   School Board Policies, and collective bargaining agreements. In general,
- 549   complainants will continue attending the same school and pursuing their studies



550 as directed while the investigation is conducted and the complaint is pending  
551 resolution.

552

553 ~~i. The EEO Coordinator or 504 Specialist shall document all complaints to~~  
554 ~~ensure that problems are appropriately addressed.~~

555

556 ii. When necessary to carry out ~~his/her~~ the investigation or for other good  
557 reasons, and consistent with federal and state privacy laws, the EEO/Title IX  
558 Coordinator or ADA/504 Specialist also shall discuss the complaint with the  
559 following persons:

560

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

562

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

564

565 C. ~~A~~ area superintendent/designee ~~Executive Directors~~;

566

567 D. ~~A~~ associate S superintendents;

568

569 E. Chief of School Police;

570

571 F. Chief Personnel Officer;

572

573 G. Director of ~~Employee~~ Labor Relations;

574

575 H. ~~T~~ the custodial parent(s)/guardian of the complainant, if the complainant  
576 is under eighteen (18) years of age;

577

578 I. ~~A~~ a teacher or staff member whose knowledge of the student(s) or  
579 employee(s) involved may help determine who is telling the truth;

580

581 J. ~~C~~ hild protective agencies responsible for investigating child abuse;

582

583 K. ~~L~~ egal counsel for the ~~District Board~~; ~~and/or~~

584

585 L. ~~E~~ xclusive bargaining representative or ~~the~~ legal counsel thereof, if  
586 appropriate; and

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  
620  
621  
622  
623

M. the accused/employee.

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

a. The EEO/Title IX Coordinator or ADA/504 Specialist shall discuss the determination and any recommended corrective action with the ~~P~~principal/~~o~~r designee.

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~~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/employee (provided that, if evidence of past harassment/discrimination incidents are to be considered, the investigator must review in their entirety the files regarding those past incidents);

v. ~~E~~vidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past harassment/discrimination accusations or complaints are to be considered, the investigator must review in their entirety the files regarding those past complaints); and

vi. ~~C~~ase law, state and federal laws and regulations, and the ~~D~~istrict's Board's Policies prohibiting harassment and discrimination.

c. To determine the severity of the harassment or discrimination the following may be considered:

i. ~~H~~ow the misconduct affected one or more student's education;

- 624
- 625 ii. ~~T~~he type, frequency, and duration of the misconduct;
- 626
- 627 iii. ~~T~~he number of persons involved;
- 628
- 629 iv. ~~T~~he subject(s) of harassment or discrimination;
- 630
- 631 v. ~~T~~he place and situation where the incident occurred; and
- 632
- 633 vi. ~~O~~ther incidents at the school.
- 634
- 635 d. The following action(s) or discipline may be taken to resolve a complaint of
- 636 harassment or discrimination:
- 637
- 638 i. ~~N~~o action if complaint is unsubstantiated;
- 639
- 640 ii. ~~T~~he training requirements for the employee;
- 641
- 642 iii. ~~O~~ral reprimand of the employee;
- 643
- 644 iv. ~~W~~ritten reprimand of the employee;
- 645
- 646 v. ~~S~~suspension of the employee;
- 647
- 648 A. For the first verified offense of harassment of, or discrimination against,
- 649 a student, suspension should be recommended for a minimum of thirty
- 650 (30) days without pay up to and including termination.
- 651
- 652 B. Suspension without pay ~~and/or termination~~ requires School Board
- 653 action.
- 654
- 655 vi. Termination of the employee should be recommended, subject to Board
- 656 action, for the second offense of verified harassment of, or discrimination
- 657 against, a student.
- 658

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

660

- 661 a. If the accused/employee wishes to appeal the action taken in resolution of the  
662 complaint, such appeal shall be filed either in accordance with ~~District Board~~  
663 Policyes or pursuant to the relevant collective bargaining agreement.  
664
- 665 b. For those employees not in a bargaining unit, the appeal shall be filed in  
666 accordance with Board Policy 3.31.  
667

668 21. **Appeal Procedure for Student/Complainant When the Accused Is an Employee**  
669

- 670 a. If the complainant ~~or accused/student~~ (or custodial parent(s)/guardian on behalf  
671 of the complainant) is dissatisfied with the EEO/Title IX Coordinator's or  
672 ADA/504 Specialist's decision, it may be appealed in writing to the  
673 Superintendent Chief Operating Officer/designee within ten (10) days after  
674 receipt of the decision. However, if the Superintendent Chief Operating Officer  
675 is directly involved with a complaint or closely related to ~~with~~ one of the parties  
676 ~~to the complaint~~, then an ~~impartial designee~~ the Chief Academic Officer shall be  
677 asked to review the matter.  
678
- 679 b. **Notice.**— Notice of the appeal shall be given to ~~all~~ the parties and the custodial  
680 parent(s)/guardian of the complainant within two (2) days of notice of receipt of  
681 appeal.  
682
- 683 c. **Procedure.**— The Superintendent Chief Operating Officer/~~or~~designee shall  
684 review the written complaint, the accused/~~student's~~employee's response to the  
685 complaint, and all documentation pertaining to the alleged harassment or  
686 discrimination including the EEO/Title IX Coordinator's or ADA/504 Specialist's  
687 decision.  
688
- 689 i. The Superintendent Chief Operating Officer/~~or~~designee, ~~in his/her~~  
690 ~~discretion~~, may request additional information.  
691
- 692 ii. The Superintendent Chief Operating Officer/~~or~~designee shall issue a written  
693 decision to the parties within twenty (20) calendar days of request of the  
694 appeal.  
695
- 696 d. If the complainant or custodial parent(s)/guardian of the complainant is not  
697 satisfied with the results, appeal may be filed with the Superintendent/designee.

698 The decision of the Superintendent/~~or~~designee is final. However, if the  
699 Superintendent is directly involved with a complaint or closely related to one of  
700 the parties, then the Chief Counsel to the Board shall be asked to review the  
701 matter, rather than the Superintendent, and report the results of the review to the  
702 Board.

703

704 e. If the complainant is not satisfied with the results of the procedures contained in  
705 this policy, he or she may utilize other means for resolution as provided by law,  
706 including seeking recourse through the Federal Office for Civil Rights ("OCR").  
707

708

## 22. Confidentiality

709

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

714

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

718

719 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute  
720 confidentiality cannot be guaranteed.  
721

722

23. ~~Notice~~ Informing Students and Employees About this Policy. - - Notice of the  
723 existence of this ~~p~~Policy, prevention plan, and procedures shall be posted in  
724 prominent locations in all District buildings, including information on how to receive  
725 a copy. Notice shall be included annually in student, parent, and staff handbooks.  
726

727

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

734

## 24. Retaliation Prohibited

- 735  
736 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or  
737 harassment in connection with filing a complaint or assisting with an  
738 investigation under this Policy.  
739  
740 b. Retaliatory or intimidating conduct against any individual who has made a  
741 harassment or discrimination complaint or any individual who has testified,  
742 assisted, or participated, in any manner, in an investigation is specifically  
743 prohibited.  
744  
745 c. ~~The P~~principal/ordesignee, and EEO/Title IX Coordinatr or ADA/504 Specialist,  
746 if applicable, shall inform ~~the complainants~~ that ~~he/she/they~~ is are protected by  
747 law from retaliation.  
748

749 **25. Additional Assistance Available**  
750

- 751 a. In all cases, the District reserves the right to refer the results of its own  
752 investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida for  
753 possible criminal charges, whether or not the District takes any other action.  
754  
755 b. The District will provide counseling services for students who have been  
756 harassed or discriminated against.  
757  
758 c. Training will be provided to assist teachers and counselors who work with  
759 students to prevent harassment and discrimination. Attendance is mandatory.  
760  
761 d. The Office for Civil Rights is the federal agency in the Department of Education  
762 that monitors ensures that schools' compliance with Title IX, Title VI, Title II of  
763 the Americans With Disabilities Act, and Section 504, and it can be contacted at  
764 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at OCR Atlanta@ed.gov.  
765  
766 ~~A. For more information, contact: EEO Coordinator, 3370 Forest Hill~~  
767 ~~Boulevard, Suite A-128, West Palm Beach, Florida 33406; Telephone: (561)~~  
768 ~~434-8637 or the 504 Specialist, 3336 Forest Hill Boulevard, Suite B-102,~~  
769 ~~West Palm Beach, Florida 33406; Telephone: (561) 434-8817.~~

770  
771 **STATUTORY AUTHORITY:**      §§ 230.22(2); 230.23 (17)(22); 230.23005(6), Fla. Stat.

772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795

**LAWS IMPLEMENTED:**

§§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida Education Equity Act); 228.093(3)(d); 230.22(1), 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a); 231.262(1), 760.01(2), Fla. Stat.; Title II of the Americans With Disabilities Act (42 U.S.C. 12131, et. seq. (Title II of the Americans with Disabilities Act); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681-1688 et. seq. (Title IX of the Education Amendments of 1972); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the Civil Rights Act of 1964); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973); 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida Education Equity Act"); § 228.093(3)(d); 230.23(6)(d)(1) and (8); 230.22(1) and (2); 230.33(8); 119.07(3)(p), Fla. Stat.

STATE BOARD RULESSUPPLEMENTED:

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

## HISTORY:

3/3/76; 8/17/77; 3/17/99; \_\_\_ / \_\_\_ /02