

POLICY 5.81

5-B I recommend the Board approve the proposed revisions to Policy 5.81, to be re-named "Protecting Students from Sexual Harassment and Discrimination."

[Contact: Dr. Mary Ann DuPont, 434-8963]

- There was discussion at the August 5th Policy meeting regarding the possibility of changing the language about investigative contact with parents of minor students to require parental contact during the investigation (at least in the case of adult ESE students). The Legal Department advises that this aspect of the Policy is generally appropriate as is. Under the student records privacy laws, adult students are recognized as independent adults with privacy rights. The IDEA also generally recognizes the independent rights of adult ESE students (except when an adult ESE student has been determined to be incompetent or unable to provide informed consent under state law). See 20 USC § 1415(m). Appropriate language regarding incompetency has been added to the proposed text.
- Based on discussion at the August 5 policy meeting, this version now requires the principal to begin an investigation within two (2) work days after receiving a complaint.
- Also based on discussion at the August 5 policy meeting, this version has been rephrased to allow students to file a complaint up to 60 days after the alleged incident or within 60 days after the complainant becomes aware that harassment or discrimination probably occurred (provided that this awareness arises within one year of the incident).
- The formal complaint form referenced in the Policy is included after p. 27.
- A trilingual (Creole, Portuguese, and Spanish) brief summary of the levels of complaint and appeal for students will be distributed with the Policy. These summary sheets are included following the complaint form.
- The summary sheet has been amended to mention that complainants unsatisfied with the District's final decision may use other lawful means of resolving the alleged harassment or discrimination, such as filing an OCR complaint.

CONSENT ITEM

PROPOSED REVISION OF POLICY 5.81

**POLICY AGAINST PROTECTING STUDENTS FROM SEXUAL HARASSMENT AND
DISCRIMINATION OF STUDENTS**

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7 1. **General Provisions.**-- The School Board of Palm Beach County, as governing
8 body for the District of Palm Beach County, Florida ("School District" or "District"),
9 does not discriminate on the basis of sex in education programs and prohibits
10 sexual harassment of or gender-based discrimination against any student or
11 applicant for admission by any employee, student, or other person in the school, or
12 outside the school, at school-sponsored events, on school buses, and at training
13 facilities sponsored by the School District.
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- 15 2. Sexual harassment and discrimination will not be tolerated and will shall be just
16 cause for disciplinary action. Pursuant to § 230.23(6)(d)8, the Board hereby gives
17 notice that "violation of the district school board's sexual harassment policy by a
18 student is grounds for in-school suspension, out-of-school suspension, expulsion,
19 or imposition of other disciplinary action by the school and may also result in
20 criminal penalties being imposed."
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- 22 3. In an effort to promote an environment free of sexual harassment and
23 discrimination, the School District has adopted this Policy prohibiting Against
24 Sexual Hharassment of, and or Ddiscrimination against, of Sstudents, in order to
25 prevent, investigate, and take prompt, equitable, and appropriate action with regard
26 to alleged sexual harassment and discrimination.
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- 28 4. Although Title IX does not prohibit discrimination on the basis of sexual orientation,
29 sexual harassment directed at gay and lesbian students may constitute sexual
30 harassment covered by Title IX. The School District believes that all students are
31 entitled to a safe, equitable, and harassment-free school experience. The School
32 District Board will not tolerate sexual harassment between members of the same or
33 opposite sex.
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- 35 5. This Policy shall be interpreted and applied consistent with all applicable state and
36 federal laws and the Board's collective-bargaining agreements.
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- 38 6. **Title IX Coordinator.** -- Title IX of the Education Amendments ("Title IX") and
39 regulations of the Department of Education's Office for Civil Rights ("OCR") require

40 that the School District not discriminate on the basis of sex and that the School
41 District designate a Title IX Coordinator who is responsible for compliance with
42 Title IX and this Policy. The School District has designated the ~~EEO~~ Equal
43 Employment Opportunity ("EEO") Coordinator as the person responsible for
44 ensuring that students and their custodial parent(s)/guardian receive information
45 related to sexual harassment.

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- 47 7. The EEO Coordinator is the District's Title IX Coordinator and Sexual Harassment
48 Officer and is located at: 3370 Forest Hill Boulevard, Suite A-~~128~~ 115, West Palm
49 Beach, Florida, 33406; Telephone: (561) 434-8637.
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- 51 8. Along with similar information required by Policy 5.001, this contact information is
52 to be posted in highly visible locations at each school including the main office, the
53 guidance waiting area, and student services.
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- 55 9. **Definitions.** For purposes of this Policy, the following definitions shall apply:
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- 57 a. *Accused/employee:* ~~The accused~~ is defined as a School District employee
58 alleged to be responsible for the violation alleged in the complaint.
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- 60 b. *Accused/student:* ~~The accused~~ defined as a student alleged to be responsible
61 for the violation that is alleged in the complaint.
- 62
- 63 c. *Complaint:* ~~A complaint means~~ is defined as allegations regarding any action,
64 policy, procedure, or practice prohibited by Title IX, the Florida Education
65 Equity Act, and/or this pPolicy.
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- 67 d. *Complainant:* ~~A complainant~~ is defined as is a student of, or applicant for
68 admission to, the School District who submits a complaint of sexual
69 harassment or discrimination or an individual or group submitting a complaint
70 on behalf of a student(s).
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- 72 e. *Day:* ~~All days are~~ is defined as a working days and does not include
73 weekends or holidays unless noted as "calendar day."
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- 75 f. *Parties:* ~~Parties means~~ is defined as the accused student/applicant for
76 admission and/or accused/employee, and the complainant.
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- 78 g. *School Official:* ~~School Officials include~~ is defined for puposes of this Policy,
79 as School Board employees, principals, assistant principals, teachers, and

80 school police officers who have the duty of reasonable supervision with
81 respect to student activities.

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83 **10. Prohibited Sexual Harassment**

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- 85 a. There are two (2) types of sexual harassment: quid pro quo harassment and
86 hostile environment harassment.
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- 88 i. Quid pro quo harassment occurs when some advancement or
89 opportunity, such as grades, credits, graduation, or other benefits are
90 conditioned upon sexual favors or that an advancement or opportunity is
91 withheld or punishment will result from a refusal to comply with a demand
92 for sexual favors.
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- 94 ii. Hostile environment harassment occurs when sexual conduct is
95 sufficiently severe, persistent, or pervasive that it has the purpose or
96 effect of unreasonably interfering with a student's performance or ability
97 to benefit from his/her education, or creates an intimidating, hostile,
98 offensive, or abusive school environment.
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- 100 b. Prohibited sexual harassment includes, but is not limited to, requests for
101 sexual favors, and other verbal, visual or physical conduct of a sexual nature
102 when:
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- 104 i. Submission to the conduct is explicitly or implicitly made a term or
105 condition of an individual's academic status or progress;
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- 107 ii. Submission to or rejection of the conduct by an individual is used as the
108 basis for academic decisions affecting the individual. The conduct has
109 the purpose or effect of having a negative impact on the individual's
110 academic performance, unreasonably interfering with the individual's
111 education, or creating an intimidating, hostile, or offensive educational
112 environment; or
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- 114 iii. Submission to or rejection of the conduct by the individual is used as the
115 basis for any decision affecting the individual regarding benefits and
116 services, honors, programs, or activities available at or through the
117 school.
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- 119 c. Types of conduct which are prohibited in the District and which may constitute

sexual harassment include, but are not limited to:

- i. Graphic verbal comments about an individual's body or appearance;
- ii. Sexual jokes, notes, stories, drawings, pictures or gestures;
- iii. Sexual slurs; sexually-suggestive leering, threats, abusive words, derogatory comments; or sexually-degrading descriptions;
- iv. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates;
- v. Spreading sexual rumors;
- vi. Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling;
- vii. Cornering or blocking normal movements, or bullying;
- viii. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment; or
- ix. Any act of retaliation against an individual who reports a violation of the District's Board's sexual harassment Policy or who participates in the investigation of a sexual harassment complaint.

11. **Site Level GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION BY STUDENTS -- Investigation and Resolution of Complaints Against an (Accused/Student)**

- a. **Site Level Procedure Reporting Discrimination or Harassment**-- Any student or applicant for admission who believes he/ or she is a victim of sexual harassment or discrimination (or any individual, including any student, teacher, or other employee of the School District, who has knowledge of any incident(s) involving sexual harassment or discrimination of students or applicants for admission) is strongly encouraged to report the incident(s) in writing to the principal or other a school official. Due to the sensitive nature of sexual

- 159 harassment complaints, the complaint may be filed directly with or the
160 EEO/Title IX Coordinator.
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- 162 b. School officials must report in writing any allegations of harassment or
163 discrimination to the Pprincipal and to the EEO/Title IX Coordinator.
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- 165 c. School officials must instruct students and their custodial parent(s)/guardian
166 that they the student (or custodial parent(s)/guardian on behalf of the student)
167 may file a written complaint with the Pprincipal/ordesignee or EEO/Title IX
168 Coordinator.
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- 170 d. The principal/designee shall document all complaints in writing to ensure that
171 problems are appropriately addressed. Failure by the principal to respond to a
172 complaint within two (2) work days will automatically allow the complainant to
173 re-file the complaint with the area superintendent.
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- 175 e. It is the responsibility of the principal to forward all complaints to the area
176 superintendent and EEO/Title IX Coordinator and ADA/504 Specialist.
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- 178 f. **Principal Involvement.**-- If the P principal is directly and personally involved
179 with a complaint or is closely related to the a parties party to the complaint,
180 then an impartial designee the area superintendent shall be asked to conduct
181 the investigation.
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- 183 g. Informal Resolution.-- Where appropriate, the complainant and the
184 accused/student may agree to informally resolve the complaint.
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- 186 i. The principal/designee may arrange for the parties to resolve the
187 complaint informally.
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- 189 ii. The student (or the custodial parent(s)/guardian on behalf of the student if
190 the student is a minor or is an adult who has given consent or has been
191 determined incompetent or unable to give informed consent due to
192 disability) who complained shall never be asked to work out the problem
193 directly with the accused/student unless the assistance of a counselor,
194 teacher, administrator, or mediator is provided and the complainant is
195 willing.
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- 197 iii. If the complaint is resolved informally, the Pprincipal/or designee shall
198 notify the EEO/Title IX Coordinator and ADA/504 Specialist of the

resolution of the complaint.

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- 201 h. **Filing a Formal Complaint Report.** -- If the matter ~~cannot be~~ is not resolved
- 202 informally, the Pprincipal/ ~~or~~ designee shall assist the student (or custodial
- 203 parent(s)/guardian on behalf of the student if the student is a minor or is an
- 204 adult who has given consent or has been determined incompetent or unable to
- 205 give informed consent due to disability) in filing a complaint. Individuals may
- 206 file a written complaint, ~~either orally or in writing~~ with the Pprincipal/
- 207 ~~or~~ designee or EEO/Title IX Coordinator by using the *Harassment and*
- 208 *Discrimination Complaint Student Complaint Report* form (PBSD 1615). Said
- 209 form is hereby incorporated by reference and made a part of this Policy and
- 210 shall be filed with the Clerk of the School Board herewith and is available on
- 211 the District's web site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
- 212
- 213 i. Complaints should be made as soon as possible but no later than sixty (60)
- 214 calendar days of after the alleged incident or within 60 calendar days after the
- 215 complainant becomes aware that harassment or discrimination probably
- 216 occurred, provided this awareness arises within one year of the alleged
- 217 incident). Failure on the part of the complainant to initiate and/or follow up on
- 218 a complaint within this period may result in the complaint being deemed
- 219 abandoned. The P principal/ ~~or~~ designee shall record and document all
- 220 complaints regarding sexual harassment and discrimination to ensure that
- 221 problems are appropriately addressed.
- 222
- 223 j. ~~If the student does not file a written complaint, the student will be requested to~~
- 224 ~~complete the complaint form.~~ The principal/ or designee may assist the
- 225 student in completing the form or may complete the form for a student. The
- 226 complainant will be requested to provide signed, specific information regarding
- 227 the alleged discrimination or harassment, the alleged offender(s), witnesses,
- 228 and other relevant information. In all instances, the student (or custodial
- 229 parent(s)/guardian on behalf of the student, if the student is a minor or is an
- 230 adult who has given consent or has been determined incompetent or unable to
- 231 give informed consent due to disability) shall review the form to ensure its
- 232 accuracy and sign and date the complaint.
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- 234 k. All complaints filed with the P principal/ ~~or~~ designee must be reported in writing
- 235 to the A area superintendent Executive Director and the EEO/Title IX
- 236 Coordinator and ADA/504 Specialist.
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- i. **Notice to Accused/Student.** -- Within two (2) days of receipt of a complaint, the ~~P~~ principal/ or designee will notify the accused/student of the allegations.

 - m. **Notice to Parent(s)/Guardians.** -- Within two (2) days of receiving a complaint, and in accordance with federal and state privacy laws, the principal/designee shall notify the custodial parent(s)/ guardian of any student under age eighteen (18) who is involved in alleged harassment or discrimination (or the custodial parent(s)/guardian of an adult student who has given consent or who has been determined to be incompetent or unable to give informed consent due to disability). Notification may be made by telephone, letter, or personal conference. The students involved and their custodial parent(s)/ guardians will also be notified of events and decisions described in this pPolicy.

 - n. **Steps in the Investigation.** -- The ~~P~~ principal/ or designee shall promptly and begin an investigation within two (2) work days and thoroughly investigate all complaints of sexual harassment or discrimination, including at a minimum the following steps:
 - i. ~~P~~ Promptly talk with the complainant within two (2) work days;

 - ii. ~~T~~ give the complainant (or custodial parent(s)/guardian thereof if the complainant is a minor or is an adult who has given consent or has been determined incompetent or unable to give informed consent due to disability) shall have an opportunity to describe the incident, present witnesses and other evidence of the harassment or discrimination, and ensure that put his/her the complaint is put in writing if he/she has not already done so;

 - iii. ~~P~~ Promptly talk with the accused/student (or custodial parent(s)/guardian thereof if the accused/student is a minor or is an adult who has given consent or has been determined incompetent or unable to give informed consent due to disability) within two (2) work days;

 - iv. ~~T~~ the accused/student shall have an opportunity to describe the incident, present witnesses and other evidence, and put his/her response in writing;

 - v. ~~T~~ talk with any person who saw the harassment, has knowledge of the discrimination, or who may have related information; and

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- vi. Conduct a conference, if appropriate, with the complainant (and custodial parent(s)/guardian thereof, if the complainant is a minor or is an adult who has given consent or has been determined to be incompetent or unable to give informed consent due to disability) and the accused/student (and custodial parent(s)/guardian thereof if the accused/student is a minor or is an adult who has given consent or has been determined incompetent or unable to give informed consent due to disability) and give with prior 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 thereof if the accused/student is a minor or is an adult who has given consent or has been determined to be incompetent or unable to give informed consent due to disability), 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 custodial parent(s)/guardian thereof if the accused/student is a minor or is an adult who has given consent or has been determined incompetent or unable to give informed consent), 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. ~~If the complainant and the accused/student agree, the Principal or designee may arrange for the parties to resolve the complaint informally.~~
 - x. ~~The student who complained shall never be asked to work out the problem directly with the accused/student unless the assistance of a counselor, teacher, administrator, or mediator is provided.~~

- 317 xi. ~~If the matter cannot be resolved informally, the Principal/ or designee~~
318 ~~shall assist the student in filing a complaint. If the complaint is resolved~~
319 ~~informally, the Principal/ or designee shall notify the EEO Coordinator of~~
320 ~~the resolution of the complaint.~~
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- 322 o. **Pursuing the Investigation.--** During the investigation, the P~~p~~principal/ or
323 designee may take any action necessary to protect the complainant, or other
324 ~~employees or students~~ or employees, consistent with the requirements of
325 applicable regulations and statutes.
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- 327 i. In general, complainants shall continue attendance at the school and
328 pursue their studies as directed while the investigation is conducted and
329 the complaint is pending resolution.
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- 331 ii. ~~The Principal or designee is encouraged to ask open ended questions to~~
332 ~~enable students to describe what happened in their own words.~~
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- 334 iii. ~~The Principal or designee may request that the accused/student prepare~~
335 ~~a written response to the complaint, or the Principal or designee may~~
336 ~~prepare a written statement of the accused/student's response to the~~
337 ~~complaint based on their meeting and obtain the signature of the~~
338 ~~accused/student after his/her review of the statement.~~
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- 340 -iv- ~~The Principal or designee should review and dictate his/her notes with the~~
341 ~~complainant and accused/ student after the interviews to verify the facts~~
342 ~~and ensure accuracy, and obtain signatures, but shall not tape the~~
343 ~~interviews.~~
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- 345 -v- ii. When necessary to carry out his/her investigation or for other good
346 reasons, and consistent with federal and state privacy laws, the P
347 principal/ or designee may discuss the complaint with any of the following
348 persons:
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- 350 A. Superintendent/~~or~~ designee;
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- 352 B. Chief Academic Officer;
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- 354 C. A~~a~~rea superintendents Executive Directors;
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- 356 D. associate ~~S~~superintendents;

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- E. Chief of School Police;
 - F. the custodial parent(s)/guardian of the complainant, if the complainant is under eighteen (18) years of age (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability);
 - G. the custodial parent(s)/guardian of the accused/student, if the accused/student is under eighteen (18) years of age (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability);
 - H. a teacher or staff member whose knowledge of the students involved may help determine who is telling the truth;
 - I. child protective agencies responsible for investigating child abuse; and/or
 - J. legal counsel for the district Board.
- p. **Written Decision of the Principal/Designee**-- Upon completion of the investigation, the Principal/Designee will make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Matrix of Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary). In reaching a decision about the complaint, the Principal/Designee should take into account:
- i. Statements made by the persons identified in Section 5 paragraphs (11)(n), (o) above;
 - ii. The details and consistency of each person's account;
 - iii. Evidence of how the complainant reacted to the incident;
 - iv. Evidence of past instances of harassment or discrimination by the accused/ student (provided that, if evidence of harassment/ discrimination, accusations, or complaints is to be considered, the principal/designee must review in their entirety the files regarding those past incidents);

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- v. ~~E~~evidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past accusations or complaints is to be considered, the principal/designee must review in their entirety the files regarding those past incidents); and
 - vi. ~~C~~case law, state and federal laws and regulations, and the ~~D~~District's ~~B~~Board's ~~p~~Policyies prohibiting sexual harassment and discrimination.
- q. To determine the severity of the harassment or discrimination, the ~~P~~Principal/~~o~~r designee may consider, among other things:
- i. ~~H~~How the misconduct affected one or more student's education~~;~~;
 - ii. ~~T~~The type, frequency, and duration of the misconduct~~;~~;
 - iii. ~~T~~The number of persons involved~~;~~;
 - iv. ~~T~~The subject(s) of harassment or discrimination~~;~~;
 - v. ~~T~~The place and situation where the incident occurred~~;~~; and/or
 - vi. ~~O~~Other incidents at the school, including incidents of harassment or discrimination that were not related to sex.
- r. Within thirty (30) calendar days of the filing of the complaint, the ~~P~~P rincipal/~~o~~r designee shall give the ~~A~~Area superintendent/ Executive Director ~~o~~r designee and the EEO/Title IX Coordinator and ADA/504 Specialist a written report that describes the complaint and investigation and contains ~~his/her~~ findings, decision, and reasons for the decision.
- i. If the principal/designee he/she verifies that sexual harassment or discrimination occurred, this report shall describe the actions ~~he/she~~ took taken to end the harassment or discrimination pursuant to the Matrix of Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary)~~;~~; address the effects of the harassment or discrimination on the complainant~~;~~; and prevent retaliation or further harassment or discrimination.

436 ii. ~~The P~~principal/ ~~or~~ designee will shall notify the parties (and their custodial
437 parents(s)/guardian if the parties are minors or are adults who have given
438 consent or have been determined incompetent or unable to give informed
439 consent due to disability) in writing of his/her the decision and their right
440 to review by the ~~A~~area superintendent/ Executive Director ordesignee. (If
441 the complaint was originally filed with, and investigated by, the EEO/Title
442 IX Coordinator instead of the principal, the Title IX Coordinator shall
443 inform the parties of the right to appeal to the Chief Academic
444 Officer/designee within ten (10) days after receiving the Coordinator's
445 decision.)

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447 s. No retaliation of any kind is permitted on the basis of an individual's having
448 made a discrimination or harassment complaint.
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450 12. **Appeal to Area ~~Superintendent Executive Director of a Complaint Against an~~**
451 **~~Accused/Student.~~**-- If the complaint against an accused/student is not resolved at
452 the school-site level to the satisfaction of the parties in the site-level process,
453 either party (or their custodial parents(s)/guardian if the parties are minors or are
454 adults who have given consent or have been determined incompetent or unable to
455 give informed consent due to disability) may seek review by the ~~A~~area
456 superintendent Executive Director ordesignee, by using through the following
457 procedures-process.
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459 a. The written complaint and request for review shall be sent to the area
460 superintendent's office within ten (10) days of the completion of the site-level
461 process by the principal/designee.
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463 i. If the principal's designee conducted the investigation and made the
464 decision, the first level of appeal is to the principal rather than the area
465 superintendent. If the complaint was reviewed or investigated by the
466 principal, the next level of appeal is to the area superintendent/designee.
467 (If the complaint was originally filed with, and investigated by, the
468 EEO/Title IX Coordinator instead of the principal, the next level of appeal
469 is to the Chief Academic Officer/designee.) ~~The written complaint and~~
470 ~~request for review shall be sent to the Area Executive Director's office~~
471 ~~within ten (10) days of the completion of the site-level process by the~~
472 ~~Principal or designee.~~

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474 ii. However, If-if the ~~A~~area superintendent/ Executive Director or designee
475 is directly involved with a complaint or closely related to with the a parties

476 party to the complaint, then an ~~impartial designee~~ the Chief Academic
477 Officer/designee shall be asked to conduct the ~~investigation~~ review and/or
478 further investigation.

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480 b. **Notice Requirement.**-- Notice will be given to all parties of a request for
481 review by the A area superintendent/ Executive Director or designee within
482 two (2) business days of the request for review.

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484 c. **Procedure.**-- The A area superintendent/ Executive Director or designee shall
485 review the complaint, the answer to the complaint, the P principal's report, and
486 any other evidence in the record. The A area superintendent/ Executive
487 Director or designee may conduct any further investigation he/she deems
488 necessary.

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490 i. The area superintendent/designee will review the principal's decision as
491 to the validity of the allegations and any corrective action and will make a
492 decision within thirty (30) calendar days after receipt of the request for
493 review. Time limits may be extended by written mutual agreement of the
494 individual(s) making the complaint and the person to whom the complaint
495 is addressed accused/student (or their custodial parent(s)/guardian if the
496 parties are minors or are adults who have given consent or have been
497 determined incompetent or unable to give informed consent due to
498 disability).

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500 ii. No retaliation of any kind is permitted because an individual has made a
501 sexual harassment or sexual discrimination complaint. During the
502 investigation, the A area superintendent/ Executive Director or designee
503 may take any action necessary to protect the complainant, or other
504 employees or students, or employees, consistent with the requirements of
505 applicable regulations and statutes. ~~The Area Executive Director or~~
506 ~~designee will review the Principal's decision as to the validity of the~~
507 ~~allegations and any corrective action, and will make a decision within~~
508 ~~thirty (30) calendar days after receipt of the request for review.~~

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510 iii. The A area superintendent/ Executive Director or designee shall take
511 action deemed appropriate to resolve the situation, including, but not
512 limited to, warning, out-of-school suspension, expulsion, transfer to
513 alternative school, or other disciplinary action by the school, consistent
514 with the requirements of applicable procedures outlined in each S school's
515 Student-Parent Handbook, School District the Matrix of Incidents and

516 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and
517 Florida law, or transfer to alternative school.

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519 iv. The A area superintendent/ Executive Director or designee will inform the
520 parties in writing of his/her the decision and the parties' right to appeal.

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522 v. A copy of the decision will be sent to the EEO/Title IX Coordinator and
523 ADA/504 Specialist.

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525 13. **Appeal to the Chief Academic Officer/Designee**

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527 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
528 the parties are minors or are adults who have given consent or have been
529 determined incompetent or unable to give informed consent due to disability)
530 is dissatisfied with the area superintendent's decision, that decision may be
531 appealed in writing to the Chief Academic Officer/designee within ten (10)
532 days after receipt of the decision.

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534 i. If the area superintendent's designee conducted the investigation, the
535 next level of appeal is to the area superintendent rather than the Chief
536 Academic Officer.

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538 ii. If the Chief Academic Officer/designee is directly involved with a
539 complaint or closely related to a party to the complaint, then the Chief
540 Operating Officer/designee shall be asked to review the matter.

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542 b. **Notice.--** Notice of the appeal shall be given in writing to the complainant and
543 accused/student (and their custodial parent(s)/guardian if the parties are
544 minors or are adults who have given consent or have been determined
545 incompetent or unable to give informed consent due to disability) within two (2)
546 days of receipt of the appeal.

547
548 c. **Procedure.--** The Chief Academic Officer/designee shall review the written
549 complaint, the accused/student's response to the complaint (or
550 parent's/guardian's response on behalf of the accused/student, if the student is
551 a minor or is an adult who has given consent or has been determined
552 incompetent or unable to give informed consent), and all documentation
553 pertaining to the alleged harassment or discrimination including the area
554 superintendent's decision.

555

- 556 i. The Chief Academic Officer/designee, in his/her discretion, may request
557 additional information.
558
559 ii. The Chief Academic Officer/designee shall issue a written decision to the
560 parties within twenty (20) calendar days of request of the appeal.
561

562 **14. Appeal Procedure to the Superintendent**
563

- 564 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
565 the parties are minors or are adults who have given consent or have been
566 determined incompetent or unable to give informed consent due to disability),
567 is dissatisfied with the ~~Area Executive Director's~~ Chief Academic Officer's
568 decision, that decision it may be appealed in writing to the Superintendent
569 within ten (10) days after receipt of the decision.
570
571 i. If the Chief Academic Officer's designee conducted the investigation, the
572 next level of appeal is to the Chief Academic Officer, rather than to the
573 Superintendent.
574
575 ii. If the Superintendent is directly involved with a complaint or closely
576 related to a with the parties party to the complaint, then an impartial
577 designee the Chief Counsel to the Board shall be asked to review the
578 matter and report the findings in writing to the Board.
579
580 b. **Notice.--** Notice of the appeal shall be given to all the parties within two (2)
581 days of receipt of appeal.
582
583 c. **Procedure.--** The Superintendent/~~or~~ designee shall review the written
584 complaint, the accused/student's response to the complaint (or the response
585 of the custodial parent(s)/guardian if the accused/student is a minors or is an
586 adult who has given consent or has been determined incompetent or unable to
587 give informed consent due to disability on behalf of the accused/student), and
588 all documentation pertaining to the alleged sexual harassment or
589 discrimination, including the ~~Area Executive Director's~~ Chief Academic
590 Officer's decision.
591
592 i. The Superintendent/~~or~~ designee, ~~in his/her discretion,~~ may request
593 additional information.
594

- 595 ii. The Superintendent/ or designee shall issue a written decision to the
596 parties within twenty (20) calendar days of request of the appeal. The
597 decision of the Superintendent/ or designee is the final decision of the
598 District.

600 15. **Other Means of Resolution** -- If the complainant is not satisfied with the results
601 of the procedures contained in this policy, he/ or she may utilize other means for
602 resolution as provided by law, including seeking recourse through the Ffederal
603 Office for Civil Rights ("OCR").
604

605 16. **GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION**
606 **BY EMPLOYEES -- Investigation and Resolution of Complaints Against an**
607 **{Accused/Employee}**
608

- 609 a. Site-Level Procedure **Reporting Discrimination or Harassment**-- Any
610 student/or applicant for admission (or the custodial parent(s)/guardian thereof
611 if the complainant is a minor or is an adult who has given consent or has been
612 determined to be incompetent or unable to give consent due to disability) who
613 believes he/or she is a victim of discrimination or harassment, or (or any
614 individual, including any student, teacher, or other employee of the School
615 District, who has knowledge of any incident(s) involving sexual discrimination
616 against, or harassment of students) is strongly encouraged to report the
617 incident(s) in writing to the principal or other a-school official. Due to the
618 sensitive nature of sexual harassment complaints, the written complaint may
619 be filed directly with the EEO/Title IX Coordinator.
620
- 621 b. School officials must report in writing any allegations of discrimination or
622 harassment to the Pprincipal and to the EEO/Title IX Coordinator and
623 ADA/504 Specialist.
624
- 625 c. School officials must instruct students that they may file a complaint with the P
626 principal/ or designee or the EEO/Title IX Coordinator and ADA/504 Specialist.
627 If the Pprincipal is directly involved with a complaint or with the parties to the
628 complaint or is closely related to a party to the complaint, then the incident
629 may be reported directly to the EEO/Title IX Coordinator.
630
- 631 d. The principal shall document all complaints in writing to ensure that problems
632 are appropriately addressed. It is the responsibility of the principal to forward
633 all complaints to the area superintendent and EEO/Title IX Coordinator and
634 ADA/504 Specialist. Failure by the principal to respond to a complaint within

635 two (2) work days will automatically allow the complainant to re-file the
636 complaint with the area superintendent.

- 637
- 638 e. **Filing the Compliant Form.** ~~Individuals~~ Complainants (or the custodial
639 parent(s)/guardian thereof the complainants are minors or are adults who have
640 given consent or have been determined incompetent or unable to give
641 informed consent due to disability) may file a complaint, ~~either orally or in~~
642 writing, with the P~~principal~~ or designee or the EEO/Title IX Coordinator and
643 ADA/504 Specialist by using the ~~Harassment and Discrimination Complaint~~
644 Student Complaint Report form (PBSD 1615), available on the District's web
645 site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
646
- 647 i. Complaints should be filed as soon as possible after the alleged incident,
648 but must be filed within sixty (60) calendar days of the alleged incident (or
649 within 60 calendar days after the complainant becomes aware that
650 harassment or discrimination probably occurred, provided that this
651 awareness arises within one year of the alleged incident). Failure on the
652 part of the complainant to initiate and/or follow up on a complaint in a
653 timely manner may result in the complaint being deemed abandoned.
654
- 655 ii. The P ~~principal~~ or designee may assist the individual in completing the
656 ~~F~~form by recording information on it the Harassment and Discrimination
657 Complaint Form, reviewing it with the complainant, and obtaining the
658 complainant's signature. The complainant will be requested to provide
659 signed, specific information regarding the alleged discrimination or
660 harassment, the alleged offender(s), witnesses, and other relevant
661 information.
662
- 663 iii. All complaints filed with the P ~~principal~~ or designee must be reported to
664 the ~~A~~ area superintendent Executive Director and the EEO/Title IX
665 Coordinator and ADA/504 specialist for investigation.
666
- 667 f. **Notice to Parent(s)/Guardians.** ~~Within two (2) days of receiving the~~
668 complaint, and in accordance with federal and state privacy laws, the
669 principal/designee shall notify the custodial parent(s)/guardian of any student
670 under age eighteen (18) (or the custodial parent(s)/guardian an adult student
671 who has given consent or has been determined to be incompetent or unable
672 to give informed consent due to disability) who is allegedly subject to
673 harassment or discrimination. Notification may be made by telephone, letter,

674 or personal conference. The students involved and their custodial parent(s)/
675 guardians will also be notified of events and decisions described in this Policy.
676

- 677 g. **Investigation by EEO/Title IX Coordinator.** -- The EEO/Title IX Coordinator/
678 ~~or~~ designee or ADA/504 Specialist shall document and promptly and
679 thoroughly investigate all complaints of harassment or discrimination, including
680 the following steps to ensure that problems are appropriately addressed:
681
- 682 i. ~~promptly~~ talk with the complainant within two (2) business days after
683 receiving the complaint. The complainant (and/or the custodial
684 parent(s)/guardian thereof if applicable) shall have an opportunity to
685 describe the incident, present any evidence, name witnesses, and ensure
686 that put his/her the complaint is put in writing, ~~if he/she has not already~~
687 ~~done so.~~;
 - 688
 - 689 ii. ~~T~~alk with any witnesses or others who may have relevant information.;
690 and
 - 691
 - 692 iii. ~~C~~onduct an investigation meeting with the accused/employee, and the
693 accused/employee's representative, if applicable, to discuss the
694 allegations and allow the accused/employee to respond to the allegations.
695
- 696 h. During the investigation, the EEO/Title IX Coordinator may recommend to the
697 Chief Personnel Officer/~~or~~ designee, any action necessary to protect the
698 complainant, ~~or other students or employees or students,~~ consistent with the
699 requirements of applicable ~~regulations or statutes,~~ State Board of Education
700 Rules, Schol Board Policies, and collective bargaining agreements.
701
- 702 i. In general, complainants will continue attendance at the school and
703 pursue their studies as directed while the investigation is conducted and
704 the complaint is pending resolution. ~~The EEO Coordinator shall document~~
705 ~~all complaints to ensure that problems are appropriately addressed.~~
 - 706
 - 707 ii. When necessary to carry out ~~his/her the~~ investigation or for other good
708 reasons, and consistent with federal and state privacy laws, the EEO/Title
709 IX Coordinator or ADA/504 Specialist also shall discuss the complaint
710 with the following persons, as appropriate:
711
- 712 A. Superintendent/~~or~~ designee;
 - 713

- 714 B. Chief Operating Officer and/or Chief Operating Officer;
- 715
- 716 C. Area superintendent/designee Executive Directors;
- 717
- 718 D. Associate Superintendents;
- 719
- 720 E. Chief of School Police;
- 721
- 722 F. Chief Personnel Officer;
- 723
- 724 G. Director of Employee Labor Relations;
- 725
- 726 H. ~~T~~the custodial parent(s)/guardian of the complainant, if the
- 727 complainant is under eighteen (18) years of age (or has given
- 728 consent or is an adult who has been determined to be incompetent
- 729 or unable to give informed consent due to disability);
- 730
- 731 I. A teacher or staff member whose knowledge of the student(s) or
- 732 employee(s) involved may help determine who is telling the truth;
- 733
- 734 J. ~~C~~hild protective agencies responsible for investigating child abuse;
- 735
- 736 K. ~~L~~egal counsel for the District Board; and/or
- 737
- 738 L. ~~E~~xclusive bargaining representative or their the legal counsel
- 739 thereof, if appropriate; and
- 740
- 741 M. the accused/employee.
- 742

743 17. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator.**-- Upon completion of the
744 investigation, the EEO/Title IX Coordinator shall make a decision about the validity
745 of the allegations in the complaint.

- 746 a. The EEO/Title IX Coordinator shall discuss the determination and any
747 corrective action with the Principal/~~or~~ designee and Chief Personnel Officer.
- 748
- 749 b. In reaching a decision about the complaint, the following should be taken into
750 account:
- 751
- 752 i. ~~S~~tatements made by the persons identified above;
- 753

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793
- 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 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 accusations or complaints is to be considered, the investigator must review in their entirety the files regarding those past incidents); and
 - vi. ~~C~~ase law, state and federal laws and regulations, and ~~the District's Board~~ 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;
 - ii. ~~T~~he type, frequency, and duration of the misconduct;
 - iii. ~~T~~he number of persons involved;
 - iv. ~~T~~he subject(s) of harassment or discrimination;
 - v. ~~T~~he place and situation where the incident occurred; and
 - vi. ~~O~~ther incidents at the school.
- d. The following action(s) ~~or discipline~~ may be taken, consistent with any applicable collective-bargaining agreement provisions, to resolve a complaint of harassment or discrimination:
- i. ~~N~~o action, if the complaint is unsubstantiated;

- 794 ii. ~~T~~ Training requirements for the employee;
- 795
- 796 iii. ~~O~~ Oral reprimand of the employee;
- 797
- 798 iv. ~~W~~ Written reprimand of the employee;
- 799
- 800 v. ~~S~~ Suspension of the employee up to and including termination; or
- 801
- 802 vi. Termination of the employee.

803

804 A. For the first verified offense of harassment of, or discrimination
805 against, a student, suspension should be recommended for a
806 minimum of thirty (30) days without pay up to and including
807 termination. Termination should be recommended for the second
808 offense of verified harassment of, or discrimination against, a
809 student.

810

811 B. Suspension without pay and/or termination requires School Board
812 action.

813

814

815

816 **18. Appeal Procedure for an Accused/Employee**

817

- 818 a. If the accused/employee wishes to appeal the action taken in resolution of the
819 complaint, such appeal shall be filed either in accordance with District Board
820 Policy 3.31 or pursuant to the relevant collective bargaining agreement.
- 821
- 822 b. For those employees not in a bargaining unit, the appeal shall be filed in
823 accordance with District Board Policy #-3.31.
- 824

825 **19. Appeal Procedure for Student/Complainant Against Accused/Employee**

826

- 827 a. If the complainant ~~or accused/student~~ (or custodial parent(s)/guardian on
828 his/her behalf if the complainant is a minor or is an adult who has given
829 consent or has been determined to be incompetent or unable to give informed
830 consent due to disability) is dissatisfied with the EEO/Title IX Coordinator's
831 decision, it may be appealed in writing to the Superintendent/Chief Operating
832 Officer within ten (10) days after receipt of the decision. However, if the

833 Superintendent/Chief Operating Officer is directly involved with a complaint or
834 closely related to with the a partiesparty to the complaint, then an impartial
835 designee the Chief Academic Officer shall be asked to review the matter.

836
837 i. **Notice.--** Notice of the appeal shall be given to all parties the parties
838 (and the custodial parent(s)/guardian of a complainant who is a minor or
839 is an adult who has given consent or has been determined to be
840 incompetent or unable to give informed consent due to disability) within
841 two (2) days of receipt of appeal.

842
843 ii. **Procedure.--** The Superintendent/ or Chief Operating Officer/designee
844 shall review the written complaint, the accused/ student's employee's
845 response to the complaint, and all documentation pertaining to the
846 alleged sexual harassment or discrimination including the EEO/Title IX
847 Coordinator's or ADA/504 Specialist's decision.

848
849 A. The Superintendent/ or Chief Operating Officer/designee, in his/her
850 discretion, may request additional information.

851
852 B. The Superintendent/or Chief Operating Officer/designee shall issue a
853 written decision to the parties within twenty (20) calendar days of
854 request of the appeal.

855
856 b. **Appeal to the Superintendent.--** If the complainant or custodial
857 parent(s)/guardian of the complainant is not satisfied If the complainant or
858 accused/student (or their custodial parent(s)/guardian, on their behalf, if
859 appropriate) is dissatisfied with the Chief Operating Officer's decision, it may
860 be appealed in writing to the Superintendent within ten (10) days after receipt
861 of the decision.

862
863 i. If the Chief Operating Officer's designee conducted the review, the next
864 level of appeal is to the Chief Operating Officer rather than to the
865 Superintendent.

866
867 ii. If the Superintendent is directly involved with a complaint or closely
868 related to a party to the complaint, then the Chief Counsel to the Board
869 shall be asked to review the matter and report the findings to the Board.

870

871 iii. **Notice.**-- Notice of the appeal shall be given in writing to the parties (and
872 their custodial parent(s)/guardian if appropriate) within two (2) days of
873 receipt of the appeal.

874
875 iv. **Procedure.**-- The Superintendent/designee shall review the written
876 complaint, the accused/employee's response to the complaint, and all
877 documentation pertaining to the alleged harassment or discrimination,
878 including the Chief Operating Officer's decision.

879
880 A. The Superintendent may request additional information.

881
882 B. The Superintendent/designee shall issue a written decision to the
883 parties (and their custodial parent(s)/guardian if appropriate) within
884 twenty (20) calendar days of request of the appeal. The decision of
885 the Superintendent/designee is the final decision of the District.

886
887 c. Other Means of Resolution.-- If the complainant is not satisfied with the
888 results of the procedures contained in this pPolicy, he/ or she may utilize other
889 means for resolution as provided by law, including seeking recourse through
890 the Federal Office for Civil Rights ("OCR").

891
892 **20. Confidentiality**

893
894 a. To the greatest extent possible, all complaints will be treated as confidential
895 and in accordance with Fla. Stat. § 228.093(3)(d), ~~§ 119.07(3)(p)~~, and the
896 Family Educational Rights and Privacy Act ("FERPA"), and any other
897 applicable law, such as §§ 119.07(3)(p), 231.291(3), and 231.262(1), Fla. Stat.

898
899 b. However, limited disclosure may be necessary to complete a thorough
900 investigation as described above. The District's obligation to investigate and
901 take corrective action may supersede an individual's right to privacy.

902
903 c. The complainant's identity shall be ~~confidentially~~-protected, but absolute
904 confidentiality cannot be guaranteed.
905

906 21. **Notice. Informing Students and Employees About this Policy.**-- Notice of the
907 existence of this Policy, prevention plan, and procedures shall be posted in
908 prominent locations in all District buildings, including information on how to receive
909 a copy. Notice shall be included annually in student, parent, and staff handbooks.
910

- 911 ~~a. b. Upon receiving a complaint, and in accordance with federal and state~~
912 ~~privacy laws, the Principal or designee shall notify the custodial parents/~~
913 ~~guardians of all students under age (18) who is involved in the alleged~~
914 ~~harassment or discrimination within two (2) days of the allegations.~~
915 ~~Notification may be made by telephone, letter, or personal conference. The~~
916 ~~students involved and their parents/ guardians will also be notified of events~~
917 ~~and decisions described in this policy.~~
918

919 **22. Retaliation Prohibited**

- 920
- 921 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or
922 harassment in connection with filing a complaint or assisting with an
923 investigation under this Policy.
924
- 925 b. Retaliatory or intimidating conduct against any individual who has made a
926 harassment or discrimination complaint or any individual who has testified,
927 assisted, or participated, in any manner, in an investigation is specifically
928 prohibited.
929
- 930 c. The Principal or designee, and EEO/Title IX Coordinator or ADA/504
931 Specialist, if applicable, shall inform the complainants that he/she/they is are
932 protected by law from retaliation.
933

934 **23. Additional Assistance Available**

- 935
- 936 a. In all cases, the District reserves the right to refer the results of its own
937 investigation to the State Attorney for the Fifteenth Judicial Circuit for possible
938 criminal charges, whether or not the District takes any other action on its own
939 account.
940
- 941 b. The District will provide counseling services for students who have been
942 harassed or discriminated against.
943

- 944 c. Training will be provided to assist teachers and counselors who work with
945 students to prevent sexual harassment and discrimination between people of
946 the same sex or the opposite sex.
947
- 948 d. The Office for Civil Rights is a federal agency in the Department of Education
949 that ensures that schools' compliance with charged with implementing Title IX
950 of the Education Amendments and can be contacted by telephone at 1-800-
951 421-3481; by fax at (404) 562-6455; or by e-mail at OCR_Atlanta@ed.gov.
952
- 953 e. For more information, one may contact: EEO/Title IX Coordinator, 3370
954 Forest Hill Boulevard, Suite A-128 A-115, West Palm Beach, Florida, 33406;
955 Telephone: (561) 434-8637; or visit <http://www.ed.gov/ocr/sex.html> on the
956 Internet.
957

958 STATUTORY AUTHORITY: § 230.22(2); 230.23(17)(22); 230.23005(6), Fla. Stat.
959

960 LAWS IMPLEMENTED: §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida
961 Education Equity Act); 228.093(3)(d); 230.22(1),
962 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a);
963 231.262(1), 760.01(2), Fla. Stat.; Title II of the
964 Americans With Disabilities Act (42 U.S.C. 12131, et
965 seq. (Title II of the Americans with Disabilities Act);
966 Title IX of the Education Amendments of 1972 (20
967 U.S.C. § 1681-1688 et. seq. (Title IX of the Education
968 Amendments of 1972); Title VI of the Civil Rights Act
969 of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the
970 Civil Rights Act of 1964); Section 504 of the
971 Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section
972 504 of the Rehabilitation Act of 1973); 20 U.S.C. §
973 1232g (Family Educational Rights and Privacy Act
974 ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida
975 Education Equity Act"); § 228.093(3)(d);
976 230.23(6)(d)(1) and (8); 230.22(1) and (2);
977 230.33(8); 119.07(3)(p), Fla. Stat.
978

979 STATE BOARD OF EDUCATION 6A-19.001; 6A-19.002; 19.008; 6B-1.006(3)(a),
980 RULES SUPPLEMENTED (g)
981

982 HISTORY: 8/16/95; 3/17/99; / /02

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.81 and finds it legally sufficient for development by the Board.

Attorney

Date



THE SCHOOL DISTRICT OF PALM BEACH COUNTY

Student Complaint Report

DIRECTIONS: This report must be completed when a student files a complaint relating to harassment and/or discrimination. The original completed report must be sent to your Area Executive Office. One copy of the form should be kept on file at the school. If there are any witnesses to the incident, a Witness Statement (PBSD 1616) must be completed for each witness. The completed Witness Statement(s) must be attached to this report before it is sent to your Area Executive Office.

Form with sections: NAME OF COMPLAINANT, NAME OF ACCUSED, DATE AND PLACE OF INCIDENTS, DESCRIPTION OF ALLEGED MISCONDUCT, NAME(S) OF WITNESSES, EVIDENCE OF HARASSMENT, ANY OTHER INFORMATION. Includes sub-tables for SEX, GRADE, AGE.

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of Complainant: _____ Date: _____

Form Completed By (Print Name): _____

Principal/Designee (Print Name): _____

School: _____ Phone Number: () - _____

Summary for Students and Parents: Reporting Harassment or Discrimination

Policy 5.81 prohibits sexual harassment of students and gender-based discrimination against students.

Policy 5.001 prohibits harassment of, or discrimination against, students on bases including, but not limited to: race, color, religion, sex, national origin, age, disability, or marital status.

Disclaimer: The following is only a general summary. Space limitations required leaving out many important details. See Policies 5.001 and 5.81 for full details. The Palm Beach County School Board Policies are on the Internet at www.SchoolBoardPolicies.com.

A. Student Harasser/Discriminator. If the alleged harasser/discriminator is a **student**:

1. **Principal.** Report the incident to the school principal. Even if you request to make the complaint informally, the principal will document the complaint in writing.

a. If appropriate, and if you agree, the principal may offer to arrange for informal resolution through a meeting with the alleged harasser/discriminator. If informal resolution is not appropriate or possible, the principal will help you file and sign a formal complaint with the *Student Complaint Report* form (if you have not yet written the complaint on this form). To pursue a complaint, it must be filed in writing within 60 calendar days of the incident (or within 60 days after you become aware that harassment or discrimination probably occurred, if you become aware of it within one year).

b. The principal will investigate and issue a written decision about the validity of the complaint and any corrective action needed.

2. **Area Superintendent.** If you are not satisfied with the principal's decision, you can appeal in writing to the area superintendent within 10 business days. The area superintendent will issue a written decision, usually within 30 calendar days of receiving the appeal.

3. **Chief Academic Officer.** If you are not satisfied with the area superintendent's decision, you can appeal in writing to the Chief Academic Officer within business 10 days. The Chief Academic Officer will issue a written decision, usually within 20 calendar days of receiving the request for review.

4. **Superintendent.** If you are not satisfied with the Chief Academic Officer's decision, you can appeal in writing to the Superintendent within 10 business days. The Superintendent will issue a written decision within 20 calendar days of receiving the request for review. The Superintendent's decision is the final decision of the School District. (If you are not satisfied with the final decision of the District, you may utilize other lawful means of resolving the alleged harassment or discrimination, such as filing a complaint with the federal Office for Civil Rights (OCR), as mentioned in School Board Policies 5.001 and 5.81.)

B. Employee Harasser/Discriminator. If the alleged harasser/discriminator is a School District **employee**:

1. **Principal.** Report the incident to the school principal. The principal can help you file a formal complaint with the *Student Complaint Report* form. (But if you believe the principal is personally involved in the alleged harassment or discrimination, you can file the complaint with the area superintendent. Or you can report the incident to the Title IX Coordinator or ADA/504 Specialist). To pursue the complaint, it must be filed within 60 calendar days of the incident (or within 60 days after you become aware of the alleged harassment or discrimination, provided you become aware of it within one year). The principal will send the report to the **Title IX Coordinator** and **ADA/504 Specialist** (and one of those will investigate the complaint and issue a written decision about the validity of the complaint and about any recommended corrective action).

2. **Chief Operating Officer/Designee.** If you are not satisfied with the decision of the Title IX Coordinator or ADA/504 Specialist, you can appeal in writing to the Chief Operating Officer/designee within 10 business days. A written decision should be issued within 20 calendar days of receipt of the request for review.

3. **Superintendent.** If you are not satisfied with the Chief Operating Officer's decision, you can appeal in writing to the Superintendent within business 10 days. The Superintendent will issue a written decision within 20 calendar days of receiving the request for review. The Superintendent's decision is the final decision of the School District. (If you are not satisfied with the final decision of the District, you may utilize other lawful means of resolving the alleged harassment or discrimination, such as filing a complaint with the federal Office for Civil Rights (OCR), as mentioned in School Board Policies 5.001 and 5.81.)

Rezime pou Elèv ak Paran yo: Rapòte ka Nuizans ak Diskriminasyon

Regleman 5.81 entèdi nuizans sou elèv ki baze sou sèks ak diskriminasyon ki baze sou si yon elèv fanm oswa gason

Regleman 5.001 entèdi nuizans oswa diskriminasyon kont elèv sou baz ki genyen, men pa sèlman: ras, koulè, relijyon, sèks, nasyonalite, laj, andikap, oswa eta sivil.

Denye: Sa ki ekri anba a se sèlman yon rezime jeneral. Akoz pa gen ase espas, gen plizyè detay enpòtan ki pa mansyone. Al gade nan Regleman 5.001 ak 5.81 pou tout rès detay yo. W ap jwenn regleman Komite Edikasyon Distri Lekòl Rejyon Palm Beach la sou Entènèt nan sit www.SchoolBoardPolicies.com.

A. Elèv Anmèdan/Prejije. Si moun ki anmèdan/prejije a se yon **elèv**:

1. **Direktè**. Rapòte ensidan an bay direktè/tris lekòl la. Menm si w mande pou w rapòte plent la enfòmèlman, direktè ap genyen pou l ekri plent la.

a. Si l apwopriye, epi si w dakò, direktè/tris a kapab ofri pou jwenn yon solisyon enfòmèl nan yon reyinyon ak moun ki anmèdan/prejije a. Si yon solisyon enfòmèl pa apwopriye oswa posib, direktè/tris ap ede w ranpli epi siyen yon fòm plent fòmèl nan fòm *Rapò Plent Elèv* (si w poko ekri plent ou an nan fòm sa a). Pou w pousuiv yon plent, li dwe fèt alekrit nan entèval 60 jou apati dat ensidan an te pase a.

b. Direktè/tris a pral mennen investigasyon epi pral bay desizyon li alekrit sou validite plent la ak nenpòt aksyon nesèsè ki sipoze pran pou rezoud pwoblèm nan.

2. **Sipèentandan Zòn nan**. Si w pa satisfè ak desizyon direktè/tris la, ou kapab ekri sipèentandan zòn nan pou mande fè yon revizyon sou desizyon direktè a nan yon peryòd 10 jou travay. Sipèentandan zòn nan ap bay desizyon l alekriti, ki byen souvan pran 30 jou apre li resevwa apèl la.

3. **Direktè/tris Anchèf Akademik**. Si w pa satisfè ak desizyon sipèentandan zòn nan, ou kapab ekri Direktè/tris Anchèf Akademik pou mande fè yon revizyon sou desizyon sipèentandan zòn nan te pran an nan yon peryòd 10 jou travay. Direktè/tris Anchèf Akademik la ap bay yon desizyon alekrit, ki byen souvan pran 20 jou apre li resevwa apèl la.

4. **Sipèentandan**. Si w pa satisfè ak desizyon Direktè/tris Anchèf Akademik la, ou kapab ekri Sipèentandan an pou mande fè yon revizyon sou desizyon Direktè/tris Anchèf Akademik la nan yon peryòd 10 jou travay. Sipèentandan an ap bay desizyon li alekrit, ki dabitid pran 20 jou apre l resevwa apèl la. Desizyon Sipèentandan an se desizyon final Distri Lekòl la. (Si ou pa satisfè ak desizyon final Distri a, ou kapab itilize lòt fason legal pou w kapab rezoub zak anmèdman oswa diskriminasyon an, epi tankou nou te di w nan regleman Komite Edikasyon an 5.001 ak 5.81, ou kapab ale nan biwo federal dwadelòm (OCR) pou pote plent ou.)

B. Anplwaye Anmèdan/Prejije. Si moun ki anmèdan/prejije a se yon **anplwaye**:

1. **Direktè/tris la**. Rapòte ensidan an bay direktè/tris lekòl la. Direktè/tris la kapab ede w fè yon plent ofisyèl ak fòm *Rapò Plent Elèv*. (Men si w kwè direktè/tris a te enplike direktèman nan dosye anmèdman oswa prejije a, ou kapab ekri yon plent bay sipèentandan zòn nan. Oswa ou kapab rapòte ensidan an bay kowòdinatè Tit IX la oswa espesyalis ADA/504 la). Pou pousuiv plent la, li dwe fèt nan yon entèval 60 jou apati dat ensidan an te rive a. Direktè/tris a pral voye rapò a bay **kowòdinatè Tit IX la oswa espesyalis ADA/504 la** (epi youn nan yo ap mennen investigasyon sou plent la epi ap pran yon desizyon alekrit sou validite plent la ak aksyon ki rekòmande pou korije pwoblèm nan).

2. **Direktè/tris Anchèf Jesyon\ Ranplasan**. Si w pa satisfè ak desizyon kowòdinatè Tit IX la oswa espesyalis ADA/504 la, ou kapab ekri Direktè/tris Anchèf Jesyon/ranplasan an pou mande fè yon revizyon sou desizyon an nan yon peryòd 10 jou travay. Yon desizyon alekrit dwe fèt nan yon entèval 20 jou apre apèl la.

3. **Sipèentandan**. Si w pa satisfè ak desizyon Direktè/tris Anchèf Jesyon ou kapab ekri Sipèentandan an pou mande fè yon revizyon sou desizyon Direktè/tris Anchèf Akademik la nan yon peryòd 10 jou travay. Sipèentandan an ap bay desizyon li alekrit, ki dabitid pran 20 jou apre l resevwa apèl la. Desizyon Sipèentandan an se desizyon final Distri Lekòl la. (Si ou pa satisfè ak desizyon final Distri a, ou kapab itilize lòt fason legal pou w kapab rezoub zak anmèdman oswa diskriminasyon an, epi tankou nou te di w nan regleman Komite Edikasyon an 5.001 ak 5.81, ou kapab ale nan biwo federal dwadelòm (OCR) pou pote plent ou.)

Uma Breve Explicação Para os Pais e Alunos: Relatando Assédio ou Discriminação

Regulamento 5.81 proíbe o assédio sexual a alunos e a discriminação por sexo contra os alunos.

Regulamento 5.001 proíbe assédio a, ou discriminação contra alunos baseando-se em, mas não se limitando a: raça, cor, religião, sexo, nacionalidade, idade, deficiência ou estado civil.

Declinação de Responsabilidade: O que se segue é somente um resumo geral. Muitos detalhes importantes não foram aqui mencionados por motivo de espaço. Veja os Regulamentos 5.001 e 5.81 para maiores detalhes. Os Regulamentos do Conselho Escolar do Condado de Palm Beach se encontram na Internet em: www.SchoolBoardPolicies.com.

A. Aluno Assediador e/ou Discriminador. Se o acusado de assediar e/ou discriminar for um **aluno**:

1. Diretor(a). Relate o incidente para o diretor(a) da escola. Mesmo que você solicite fazer a queixa informalmente, o diretor(a) documentará a queixa por escrito.

a. Se for oportuno e se você concordar, o diretor(a) poderá se oferecer para providenciar uma resolução informal através de uma reunião com o assediador ou discriminador acusado. Se a resolução informal não for oportuna ou possível, o diretor(a) o(a) ajudará a registrar e assinar uma queixa formal usando o formulário de *Relatório de Queixas do Aluno* (se você ainda não tiver escrito a queixa neste formulário). Para dar prosseguimento à queixa, esta deverá ser registrada dentro de 60 dias corridos do incidente.

b. O diretor(a) investigará e expedirá uma declaração por escrito sobre os fundamentos da queixa e qualquer ação corretiva necessária.

2. Superintendente da Área. Se você não ficar satisfeito com a decisão do diretor, você poderá apelar escrevendo para o superintendente da área dentro de 10 dias úteis. O superintendente da área expedirá uma decisão por escrito, normalmente dentro de 20 dias corridos do recebimento da solicitação para revisão.

3. Coordenador Acadêmico Geral. Se você não ficar satisfeito com a decisão do superintendente da área, você poderá apelar escrevendo para o Coordenador Acadêmico Geral dentro de 10 dias úteis. O Coordenador Acadêmico Geral expedirá uma declaração por escrito, geralmente dentro de 10 dias corridos do recebimento do pedido de revisão.

4. Superintendente. Se você não ficar satisfeito(a) com a decisão do Coordenador Acadêmico Geral, você poderá apelar escrevendo para o Superintendente dentro de 10 dias úteis. O Superintendente expedirá uma declaração por escrito dentro de 20 dias do recebimento do pedido de revisão. A decisão do Superintendente é a decisão final do Distrito Escolar. (Se você não ficar satisfeito com a decisão final do Distrito, poderá utilizar outros meios legais para resolver o assédio ou discriminação alegados, como registrar uma queixa junto à Repartição de Direitos Cívicos (OCR), de acordo com os Regulamentos 5.001 e 5.81 do Conselho Escolar).

B. Empregado Assediador e/ou Discriminador. Se o acusado de assediar e/ou discriminar for um **empregado** do Distrito Escolar:

1. Diretor(a) Relate o incidente para o diretor(a) da escola. O diretor pode ajudá-lo a registrar uma queixa formal no formulário de *Relatório de Queixa do Aluno*. (Mas, se você acredita que o diretor(a) está pessoalmente envolvido no assédio ou discriminação alegadas você pode registrar a queixa junto ao superintendente da área. Ou você poderá relatar o incidente para o coordenador do Título IX ou ao Especialista ADA/504 [ADA: Lei que protege os americanos com deficiências 504]). Para dar prosseguimento à queixa é necessário que esta seja registrada dentro de 60 dias corridos do incidente. O diretor(a) mandará o relatório para o **Coordenador do Título IX** ou ao **Especialista ADA/504** (e um deles investigará a queixa e expedirá uma declaração sobre a fundamentação da queixa e sobre qualquer ação corretiva recomendada).

2. Diretor Executivo de Operações ou seu Representante. Se você não ficar satisfeito com a decisão do Coordenador do Título IX ou do Especialista ADA/504, você poderá apelar escrevendo para o Diretor Executivo de Operações (ou seu representante) dentro de 10 dias úteis. Uma declaração por escrito deverá ser expedida dentro de 20 dias corridos do recebimento do pedido de revisão.

3. Superintendente. Se você não ficar satisfeito com a decisão do Diretor Executivo de Operações, você pode apelar escrevendo para o Superintendente dentro de 10 dias úteis. O Superintendente expedirá uma declaração dentro de 20 dias corridos do recebimento do pedido de revisão. A decisão do Superintendente é a decisão final do Distrito Escolar. (Se você não ficar satisfeito com a decisão final do Distrito, poderá utilizar outros meios legais para resolver o assédio ou discriminação alegados, como registrar uma queixa junto à Repartição de Direitos Cívicos (OCR), de acordo com os Regulamentos 5.001 e 5.81 do Conselho Escolar).

Descripción Breve para Estudiantes y Padres: Cómo informar acerca del acoso o la discriminación

Spanish

La Norma 5.81 prohíbe el acoso sexual de los estudiantes y la discriminación contra estudiantes basándose en el género.

La Norma 5001 prohíbe el acoso o discriminación contra estudiantes basándose, pero no limitándose a: raza, color, religión, género, nacionalidad, edad, discapacidad o estado civil.

Descargo de Responsabilidad: La siguiente es solamente una descripción general. Debido a las limitaciones de espacio se han dejado afuera muchos detalles importantes. Ver las Normas 5.001 y 5.81 para información más completa. Las Normas de la Junta Escolar del Condado de Palm Beach se encuentran en el siguiente sitio de la Internet: www.SchoolBoardPolicies.com.

A. Estudiante acosador o discriminador. Si el supuesto acosador o discriminador es un **estudiante:**

1. Director(a). Informe del incidente al director de la escuela. Aunque decida presentar una queja informal, el director documentará la queja por escrito.

- a. Si es apropiado y usted está de acuerdo, el director puede decidir buscar una solución informal, por medio de una reunión con el supuesto acosador o discriminador. Si una solución informal no es apropiada o posible, el director le puede ayudar a presentar y firmar una queja formal, utilizando el formulario Informe de Queja para Estudiantes-*Student Complaint form* (si es que ya no lo ha hecho en este formulario). Para proseguir con una queja, ésta debe ser registrada por escrito, dentro de los 60 días del calendario natural en que ocurrió el incidente.
- b. El director hará una investigación y formulará una decisión por escrito, acerca de la validez de la queja y cualquier medida correctiva que sea necesaria.

2. Superintendente del Área. Si usted no está satisfecho con la decisión del director, puede apelar por escrito al superintendente del área dentro de 10 días laborables. El superintendente del área emitirá su decisión por escrito, normalmente, dentro de 30 días del calendario natural, después de haber recibido la apelación.

3. Funcionario Académico Superior. Si usted no está satisfecho con la decisión del superintendente de área puede presentar una apelación por escrito al Funcionario Académico Superior dentro de 10 días laborables. Éste emitirá una decisión por escrito, normalmente dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración.

4. Superintendente. Si usted no está satisfecho con la decisión del Funcionario Académico Superior, puede apelar por escrito al Superintendente dentro de 10 días laborables. El Superintendente emitirá una decisión por escrito dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración. La decisión del Superintendente es la decisión final del Distrito Escolar. (Si usted no está satisfecho con la decisión del Distrito, puede utilizar otros medios legales para resolver el presunto acoso o discriminación, tal como presentar una queja en la Oficina Federal de Derechos Civiles (OCR), mencionado en las Normas de la Junta Escolar 5.001 y 5.81).

B. Empleado Acosador o Discriminador. Si el supuesto acosador o discriminador es un **empleado** del Distrito Escolar.

1. Director(a). Informe del incidente al director de la escuela. Éste le puede ayudar a presentar una queja formal, por medio del formulario Informe de Queja para Estudiantes - *Student Complaint Report*. (Si usted cree que el director está personalmente involucrado en el supuesto acoso o discriminación, puede presentar una queja al superintendente del área o puede informar del incidente al Coordinador de Título IX o Especialista de ADA/504). Para proseguir con la queja, ésta debe ser presentada dentro de 60 días del calendario natural en que ocurrió el incidente. El director enviará el informe al **Coordinador del Título IX** y al **Especialista de ADA/504** (y uno de ellos hará una investigación de la queja y emitirá una decisión por escrito acerca la validez de la queja y de las medidas correctivas recomendadas).

2. Funcionario Ejecutivo de Operaciones (o persona designada). Si usted no está satisfecho con la decisión del Coordinador de Título IX o del Especialista de ADA/504, puede apelar por escrito al Funcionario Ejecutivo de Operaciones (o persona designada) dentro de 10 días laborables. Una decisión por escrito será emitida dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración.

3. Superintendente. Si usted no está satisfecho con la decisión del Oficial Superior de Personal (o la decisión del Funcionario Superior de Operaciones), puede presentar su apelación por escrito, al Superintendente, dentro de 10 días laborables. El Superintendente emitirá una decisión por escrito dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración. La decisión del Superintendente es la decisión final del Distrito Escolar. (Si usted no está satisfecho con la decisión del Distrito, puede utilizar otros medios legales para resolver el presunto acoso o discriminación, tal como presentar una queja en la Oficina Federal de Derechos Civiles (OCR), mencionado en las Normas de la Junta Escolar 5.001 y 5.81).