

## HARASSMENT

The Board recognizes that a student has the right to learn in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct which has the purpose or effect of unreasonably interfering with learning performance or creating an intimidating, hostile, discriminatory, or offensive learning environment disrupts the educational process and impedes the legitimate pedagogical concerns of the District. Sexual and other forms of harassment will not be tolerated.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contact of a sexual nature whenever submission to or rejection of such conduct results in the denial of or provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment. Under certain circumstances, sexual harassment may constitute sexual abuse under Federal law (Title VII and Title IX) and Florida statute (Equity Act). In all cases, school personnel will comply with statute and take immediate action to protect the victim of alleged abuse. Other prohibited harassment includes conduct which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive learning environment on the basis of gender, religion, race, color, national origin or ancestry, age, disability, marital status, and/or any other legally protected characteristic.

The harassment by a student of a staff member, fellow student of this District or third party (e.g. visiting speaker, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any student who is found to have harassed a staff member, or third party or student will be subject to discipline in accordance with law and the parent/student handbook.

The Superintendent shall establish administrative procedures which address the conduct prohibited by this policy and describe a reporting procedure. The Superintendent shall ensure that explanations of the prohibited conduct and reporting procedures are available ~~to all students~~ and are posted in appropriate places throughout the District.

### **Complaints and Grievances Regarding Harassment**

- A. Any employee or applicant for employment who believes that s/he has been the subject of harassment may file a grievance according to the procedures established in *Adult Harassment Complaints and Grievances Procedures* which are incorporated by reference and are part of this rule.

- B. Any student or parent of a student who believes that s/he has been the subject of harassment may file a grievance according to the procedures established in *Student Harassment Complaints and Grievances Procedures* which are incorporated by reference and are part of this rule.
- C. In any cases which involve alleged harassment, nothing in this policy or in any other policy or procedure shall require the individual alleging harassment to present the matter to the person who is the subject of the complaint.
- D. Retaliation against anyone reporting or thought to have reported harassment behaviors is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be considered independent of whether a charge or informal complaint of harassment is substantiated.
- E. Any employee or student who is found to have knowingly filed a false harassment complaint will be subject to discipline by the School District. S/He may also be held personally liable for his/her misconduct through civil suit by the injured employee and may also be criminally prosecuted under F.S. 837.06.

**Investigations of Complaints Regarding Harassment**

- A. In determining whether alleged conduct constitutes harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.
- B. A substantiated charge against an employee for harassment shall subject that employee to disciplinary action which may include, but may not be limited to the following: written warning, written reprimand, suspension, and/or dismissal. The severity of the disciplinary action will depend on the frequency, circumstances, and severity of the offense.

**Notification of Administrative, Instructional, and Support Staff**

- A. It shall be the responsibility of the Superintendent to ensure that all employees receive appropriate training related to the implementation of this policy.
- B. Students, employees, volunteers, and vendors shall receive appropriate information related to this policy, including the name of the designated person to contact to file a complaint and/or receive information related to this policy.

**Grievance Procedures Regarding Discrimination on the Basis of Disability**

A student who believes that s/he or a specific class of individuals has been subjected to discrimination according to the Americans with Disabilities Act (ADA) by the District may file a complaint.

A. Step 1

The student should first take the complaint to the person(s) and/or appropriate school official involved and try to solve the problem informally. If this does not work, then s/he may go on to the next step.

B. Step 2

The student (or parents) must give the principal a written and signed harassment grievance form no later than thirty (30) days after the date of the event giving rise to the grievance. This event is the initial response by a school official to an accusation of harassment. A copy of the grievance is to be given to any other person involved. This should describe the problem and give all the facts. The student should tell what would be the best solution to the problem. The principal should make a decision within seven (7) days.

C. Step 3

If a student does not agree with the principal's decision, parents may send another harassment grievance, just as in Step 2, to the Board's Equity Coordinator. A copy of the grievance is to be given to the principal. This must be done within seven (7) days after receiving the principal's decision. The Board's Equity Coordinator will make a decision within seven (7) days after receiving the grievance.

F.S. 110.1221, 1000.05, 1006.07  
42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
29 U.S.C. 621 et seq.  
29 U.S.C. 794  
42 U.S.C. 12101 et seq.  
20 U.S.C. 1681 et seq.  
Civil Rights Act, 42 U.S.C. 1983