

## Equity Policies - Students

### NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth. Therefore, the Board will not discriminate nor tolerate harassment in its educational programs or activities for any reasons, including on the basis of religion, race, color, national origin, sex, disability, age, or genetic information. Additionally, it will not discriminate in its employment policies and practices.

The Board is committed to providing an equal opportunity for all students, regardless of race, color, creed, disability, religion, gender, ancestry, age, national origin, or social or economic background, to learn through the curriculum offered in this school.

In order to achieve the aforesaid goal, the Board directs the Principal to:

**A. Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon race, color, gender, disability, religion, national origin, ancestry, or culture; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society;

**B. Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of color/racial, gender, religious, national, cultural, or other bias in all aspects of the program;

**C. Student Access**

review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of race, color, creed, gender, disability, or national origin in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;

**D. Student Evaluation**

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of race, color, creed, gender, or national origin.

The Principal shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any complaints are dealt with promptly in accordance with law. He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act is provided to students, their parents, staff members, and the general public.

The Principal shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in school programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit procedures and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the school will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis.

The Principal shall develop and update administrative procedures as necessary to implement this policy.

F.S. 760.08, 760.021, 1000.05

F.A.C. 6A-19.001

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 U.S.C. Section 794, Rehabilitation Act of 1973

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990

42 U.S.C. 6101 et seq.

34 C.F.R. Part 110 (7/27/93)

29 C.F.R. Part 1635

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

Title III of the No Child Left Behind Act of 2001

Revised 9/18/12

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## **ANTI-HARASSMENT**

### **General Policy Statement**

It is the policy of the Board to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all school operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on the traits of sex, race, color, national origin, religion, or disability that are protected by Federal civil rights laws (hereinafter

referred to as unlawful harassment) and encourages those within the school community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of unlawful harassment and, in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end such unlawful harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "school community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on school property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the school community at school-related events/activities (whether on or off school property).

### **Other Violations of the Anti-Harassment Policy**

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

### **Definitions**

#### **Bullying**

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;

- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

## **Harassment**

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his person or damage to his property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of the school.

## **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical and/or sexual assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular

programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

**NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.**

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin Harassment**

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a

class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

## **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

## **Reports and Complaints of Harassing Conduct**

Students and all other members of the school community, as well as third parties, are encouraged to promptly report incidents of unlawful harassing conduct, either orally or in writing, to a teacher, administrator, supervisor, or other school employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other school employee or official who receives such a complaint shall file it with the school's Anti-Harassment Compliance Officer within two (2) school days.

Members of the school community, which includes students, or third parties who believe that they have been unlawfully harassed by a student are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

If, during an investigation of reported act of bullying and/or harassment, the principal or his designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy.

## **Anti-Harassment Compliance Officer**

The Equity Manager serves as "Anti-Harassment Compliance Officer" for the school. The Equity Manager is hereinafter referred to as the "Compliance Officer".

The name, title, and contact information of this individual will be published annually in the parent and staff handbook and on the school's web site.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the school community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) business days. Thereafter, the Compliance Officer or his designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days, to advise them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

The Compliance Officer is assigned to accept complaints of unlawful harassment directly from any member of the school community or a visitor to the school, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the school community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Principal or will oversee the preparation of such recommendations by a designee. All members of the school community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) calendar days of learning of the incident.

## **Investigation and Complaint Procedure**

Any student who believes that he has been subjected to unlawful harassment may seek resolution of his complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated or unsubstantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known, and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

## **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes he has been unlawfully harassed. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students, other members of the school community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Students, other members of the school community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a school employee or any other adult member of the school community against a student will be formally investigated.

As an initial course of action, if a student feels that he is being unlawfully harassed and he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A student who believes he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school; (2) to the Principal; and/or (3) directly to the Compliance Officer.

All informal complaints must be reported to the Compliance Officer who will either facilitate an informal resolution as described below on his own or appoint another individual to facilitate an informal resolution.

The school's informal complaint procedure is designed to provide students, other members of the school community and third parties who believe they are being unlawfully harassed by a student with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or his designee will exercise his authority to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. Those members of the school community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated as part of the informal complaint process will be retained by the Compliance Officer or his/her designee.



## **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of a student, other member of the school community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

A student who believes he has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing, with a teacher, administrator, principal, or the Compliance Officer. Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known, and potential witnesses are available. If a complainant informs a teacher, principal, other school employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the complainant informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of class schedule, or possibly a change of school. In making such a determination, the Compliance Officer should consult the complainant to assess his agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions he deems appropriate in consultation with the Principal and/or Board Attorney.

Within two (2) business days of receiving a formal complaint, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Board, which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in State and Federal law as to whether the complainant has been subject to unlawful harassment, or the complainant's claim was unsubstantiated. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Board.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Board must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Board's final decision will be delivered to both the complainant and the respondent.

If the Board requests additional investigation, the Board must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Board must issue a final written decision as described above.

The decision of the Board shall be final.

If the complainant is not satisfied with the Board's decision, the complainant will have an additional sixty (60) days to file a complaint with the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Educational Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the school community or third party alleging the unlawful harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person as deemed appropriate by the Board or its designee.

## **Confidentiality**

The school will make all reasonable efforts to protect the rights of the complainant and the respondent. The school will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the school's legal obligations under State and Federal law. Confidentiality cannot be guaranteed, however. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his designee will instruct all members of the school community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that he learns or that he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with State law. Any records that are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law.

## **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Principal shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline.

Where the Board becomes aware that a prior remedial action has been taken against a member of the school community, all subsequent sanctions imposed by the Board and/or Principal shall be reasonably calculated to eliminate such conduct in the future.

## **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officers or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Principal.

## **Mandatory Reporting of Misconduct by Certificated Employees**

The Principal is required by State law to report alleged misconduct by certificated employees of the school that affects the health, safety, or welfare of a student. In accordance

with State law, the Principal shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct.

## **Education and Training**

In support of this policy, the Board requires preventative educational measures to create greater awareness of unlawful discriminatory practices. The Principal shall provide appropriate training to all members of the school community related to the implementation of this policy. All training regarding this policy and harassment in general will be age and content appropriate.

## **Retaliation**

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

F.S. 110.1221, 1000.05, 1006.07, 1006.147

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.

42 U.S.C. 1983

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## **NONDISCRIMINATION GRIEVANCE PROCEDURE**

It is the policy of the Board to offer the opportunity to students to participate in appropriate programs and activities without regard to race, color, religion, national origin, sex, disability, marital status, or age, except as otherwise provided by State law.

The compliance officer for the Board is identified annually and the name is published in the student handbook. The compliance officer may be reached at the:

Principal: Evan Markowitz

Email: [Evan.Markowitz@aaota.org](mailto:Evan.Markowitz@aaota.org)

Phone: 727-372-0200

Address: 3118 Seven Springs Blvd New Port Richey, Florida 34655

The principal may designate other persons to act in this capacity on his behalf as the demands of the institution dictate. Nevertheless, all written grievances may be properly directed to the principal of the institution alleged to be in violation of Title IX of the Florida Education Equity Act.

All written complaints alleging violations of Title IX of the Florida Education Equity Act, regardless of resolution at the individual school level, shall be forwarded to the compliance officer. The Board's

compliance officer, or his designee shall maintain all such written complaints, as well as the written response/resolution to such complaints. These documents are public records and shall be available for inspection and copying through proper public records request by any person or organization, subject to reasonable fee.

## **Student Grievance Procedure:**

### **Grievance Defined**

The steps described below must be followed in the submittal and resolution of student grievances.

**A. Step 1**

A 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 he may go on to the next step. The student may begin the process at the second step.

**B. Step 2**

The student (or parents) must give the assistant principal a written and signed harassment grievance form no later than three (3) 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 the best solution to the problem would be. The principal should make a decision within seven (7) days.

**C. Step 3**

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

**D. Step 4**

If the parents of the student do not agree with the Principal's decision, they may send the harassment grievance to the Administrator and/or Board within seven (7) school days after they receive the Principal's decision. A copy of the harassment grievance is to be given to the Principal. The Administrator and Board will take action at its next regularly scheduled meeting. The Board will communicate its decision to the grieving party within thirty (30) days.

At any time, if a student and/or his parent or guardian believes that he has been subjected to discrimination pursuant to State or Federal law, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR") or with the Office of Equal Educational Opportunity, Florida Department of Education, as appropriate. The OCR can be reached at:

U.S. Department of Health and Human Services  
Office for Civil Rights  
Atlanta Office  
Sam Nunn Atlanta Federal Center, Suite 16T70  
61 Forsyth Street, SW  
Atlanta, GA 30303-8909  
404-562-7881  
FAX: 404-562-7881  
TDD: 404-562-7884

Web: <http://www.ed.gov/ocr>

F.S. 1000.05  
Titles VI, VII, and IX of the Civil Rights Act 1964  
Section 504 of the Education Amendments of 1972  
American's with Disabilities Act, Public Law 101-  
336

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# Equity Policies - Noninstructional

## ANTI-HARASSMENT

### General Policy Statement

It is the policy of the Board to maintain an educational and work environment that is free from discriminatory harassment based on sex/sex-stereotyping, race, color, ethnicity, national origin, religion, marital status, disability, or genetic information that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment). This commitment applies to all school operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of legally prohibited harassment. This policy applies to legally prohibited conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

For purposes of this policy, "school community" means students, administrators, teachers, staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on school property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who interact with members of the school community at school-related events/activities (whether on or off school property).

The Board will vigorously enforce its prohibition against all forms of unlawful harassment, including sexual harassment, and encourages those within the school community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

**"Harassment"** means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of the school

### Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging legally

prohibited harassment, or who has participated as a witness in a harassment investigation.

- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of legally prohibited harassment, when responsibility for reporting and/or investigating legally prohibited harassment charges comprise part of one's supervisory duties.

## **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.



- I. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a school employee or other adult member of the school community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes legally prohibited sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

**NOTE: Any member of the school community who engages in sexual conduct with a student may also be guilty of a crime.**

### **Other Unlawful Harassment**

Other prohibited unlawful harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race, color, religion, national origin, disability, etc., and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race, color, religion, national origin, disability, etc., such as slurs, nicknames implying stereotypes, epithets, and/or negative references relative to a legally protected class.

### **Reports and Complaints of Harassing Conduct**

Members of the school community, which includes all staff and third parties are encouraged to promptly report incidents of unlawfully harassing conduct to an administrator, supervisor or other school official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other school official who receives such a complaint shall file it with the School's Compliance Officer or designee within two business days.

Members of the school community or third parties who believe they have been unlawfully harassed by another member of the school community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complainant's employment or participation in educational or extra-curricular programs unless the complainant makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to the Compliance Officer who shall investigate the allegation in accordance with this policy.

### **Anti-Harassment Compliance Officer**

The following individual serves as the "Anti-Harassment Compliance Officer" for the school and is hereinafter referred to as the "Compliance Officer".

Title: Equity  
Officer/Administrator  
Name: Dan Rishavy  
Address: 3118 Seven Springs Blvd  
New Port Richey, Florida  
34655  
Phone: 727-372-0200  
Fax: 727-376-1916  
E-mail [Dan.Rishavy@aaota.org](mailto:Dan.Rishavy@aaota.org)

The name, title, and contact information of this individual will be published annually in the parent and staff handbook, on the school's website, and on the "Your Employment Rights" poster prominently displayed on campus. The name, title, and/or contact information of the person presently serving as Compliance Officer may change from time to time.

Members of the school community or third parties who feel they have been legally prohibited harassed should file a formal written complaint with the worksite supervisor or the School Equity Officer identified in the anti-harassment complaint procedure. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a worksite supervisor will be immediately reported to the appropriate compliance officer identified in the anti-harassment complaint procedure and the worksite supervisor will not conduct an investigation unless directed to do so by the School Equity Officer.

The complaint process set forth in the policies listed above is not intended to interfere with the rights of a member of the school community or a third party to pursue a complaint of legally prohibited harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of legally prohibited harassment regardless of whether the member of the school community or third party alleging the legally prohibited harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person or in such other manner as deemed appropriate by the Board or its designee.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to the School's Equity Officer. Thereafter, the Equity Officer must contact the student, if over age eighteen (18) or the student's parents if under age eighteen (18), to advise of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

## **Confidentiality**

The school will make reasonable efforts to maintain the confidentiality of the parties involved in an investigation of unlawful harassment. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the school community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law.

## **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the Principal shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where legally prohibited harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the school community, all subsequent sanctions imposed by the Board and/or Principal shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

## **Retaliation**

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

## **Mandatory Reporting of Misconduct by Certificated Employees**

The Principal is required by State law to report alleged misconduct by certificated employees of the school that affects the health, safety, or welfare of a student. In accordance with State law, the Principal shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of legally prohibited discriminatory practices. The Principal shall provide appropriate information to all members of the school community related to the implementation of this policy and shall

provide training to school students and staff when appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content appropriate.

F.S. 110.1221, 760.01, 760.10, 1000.05, 1006.07

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)

42 U.S.C. 2000d et seq.

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29 U.S.C. 621 et seq., Age Discrimination on Employment Act of 1967

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29 C.F.R. Part 1635

29 U.S.C. 6101, The Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

20 U.S.C. 1681 et seq.

42 U.S.C. 1983

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

National School Boards Association Inquiry and Analysis - May 2008

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## **SUPPORT STAFF COMPLAINTS AND GRIEVANCES**

The Board encourages the prompt and fair handling of problems before they become formal grievances. The grievance procedure shall be followed objectively so that no individual should fear retribution for seeking full satisfaction of the problem.

### **Definitions**

A grievance is a claim by an employee(s) or applicant(s) for employment of an alleged infraction or misinterpretation of a provision of a policy, procedure, or agreement which was adopted by the Board.

A complaint/grievance which alleges discrimination and/or harassment is one in which a claim is made of an infraction or misinterpretation of a provision of the policy of nondiscrimination or the policy which assures freedom from harassment based on an individual's race, religion, color, gender, ethnicity, national origin, age, marital status, or disability.

### **Purpose**

To encourage prompt and equitable solutions and to ensure that no person need fear coercion, interference, restraint, discrimination, or reprisal for utilizing the procedure. The school will investigate any reports of discrimination or harassment or known instances of discrimination or harassment whether or not the individual who allegedly is the subject of discrimination or harassment files either a formal or informal complaint.

Complaints should be addressed as soon as possible following the alleged infraction. In cases which involve alleged discrimination and/or harassment, including sexual harassment, the initial complaint or report of any alleged infraction should be made within thirty (30) days of the alleged infraction, although the school will investigate any such complaints which are made within one (1) year of the alleged

discrimination and/or harassment. All complaints and grievances will be dealt with in a confidential manner to the fullest extent as required by law.

## Steps

### A. Step 1

A person who feels aggrieved shall orally and informally confer with the administrator or other individual involved. In cases which involve alleged discrimination and/or harassment, including sexual harassment, the person may begin the process at the third step.

### B. Step 2

If a solution is not reached at Step 1, the person may file a grievance in writing to the immediate supervisor.

A formal grievance shall be filed as soon as possible but in no event longer than twenty (20) working days after the grievant knew or could reasonably have been expected to know of the occurrence or action giving rise to the grievance.

The written statement shall include a description of the alleged violation, the date of the alleged violation, a suggested resolution, and the signature of the grievant.

### C. Step 3

If the grievance is unresolved at Step 2, the grievant may request in writing within five (5) working days a review by the Administrator or his designee. In cases which involve alleged discrimination and/or harassment, including sexual harassment, the review will be handled by the for administration or his designee.

The written request shall include a copy of the original grievance and the decision arrived at in Step Two. In cases which involve alleged discrimination and/or harassment, including sexual harassment, the initial complaint or report of any alleged infraction may be made in other than written form.

Within ten (10) working days after the receipt of the written request for appeal, the Administrator or his designee shall hold a hearing on the grievance.

The person who filed the grievance and the administrator involved in Step 2 shall be given at least two (2) days' written notice of the hearing.

Within five (5) working days after the hearing, the Administrator or designee shall communicate his decision in writing, together with supporting reasons, to all parties present at the hearing, including the grievant.

### D. Step 4

If the grievance is unresolved at Step 3, the grievant may request in writing within five (5) working days a review by the Board. The appeal shall be in writing and shall include a copy of the original grievance and the decisions arrived at in Steps 2 and 3.

Within fifteen (15) working days after the receipt of the appeal, the Board shall hold a hearing.

All parties, including the person who filed the grievance, shall be given written notice at least two (2) days prior to the hearing.

Within fifteen (15) working days after the hearing on the appeal, the Board shall communicate its decision in writing, together with its supporting reasons, to the grievant.

In cases of alleged discrimination and/or harassment in employment, nothing in this policy shall prohibit an employee or applicant for employment from pursuing a grievance through the complaint and/or

grievance procedures as may be established by Federal and/or State statutes or regulations.

No person shall be subject to adverse action in retaliation for having filed a grievance or for having testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under the authority of this policy.

# Equity Policies - Instructional

## ANTI-HARASSMENT

### General Policy Statement

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### Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

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## **Sexual Harassment**

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**NOTE: Any member of the school community who engages in sexual conduct with a student may also be guilty of a crime.**

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If, during an investigation of reported act of bullying and/or harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to the Compliance Officer who shall investigate the allegation in accordance with this policy.

### **Anti-Harassment Compliance Officer**

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Officer/Administrator  
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Address: 3118 Seven Springs Blvd  
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34655  
Phone: 727-372-0200  
Fax: 727-376-1916  
E-mail [Dan.Rishavy@aaota.org](mailto:Dan.Rishavy@aaota.org)

The name, title, and contact information of this individual will be published annually in the parent and staff handbook, on the school's website, and on the "Your Employment Rights" poster prominently displayed on campus. The name, title, and/or contact information of the person presently serving as Compliance Officer may change from time to time.

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## **INSTRUCTIONAL COMPLAINTS AND GRIEVANCES**

The Board encourages the prompt and fair handling of problems before they become formal grievances. The grievance procedure shall be followed objectively so that no individual should fear retribution for seeking full satisfaction of the problem.

# Equity Policies - Administration

## ANTI-HARASSMENT

### General Policy Statement

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For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on school property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the school community at school-related events/activities (whether on or off school property).

The Board will vigorously enforce its prohibition against all forms of unlawful harassment, including sexual harassment, and encourages those within the school community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

**"Harassment"** means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of the school.

### Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging legally prohibited harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of legally prohibited harassment, when responsibility for reporting and/or investigating legally prohibited harassment charges comprises part of one's supervisory duties.

## **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Physical assault.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about

one's own sexual activities or sexual history.

- I. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- J. Inappropriate boundary invasions by a school employee or other adult member of the school community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes legally prohibited sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

**NOTE: Any member of the school community who engages in sexual conduct with a student may also be guilty of a crime.**

## **Other Unlawful Harassment**

Other prohibited unlawful harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race, color, religion, national origin, disability, etc., and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race, color, religion, national origin, disability, etc, such as slurs, nicknames implying stereotypes, epithets, and/or negative references relative to a legally protected class.

## **Reports and Complaints of Harassing Conduct**

Members of the school community, which includes all staff and third parties are encouraged to promptly report incidents of unlawfully harassing conduct to an administrator, supervisor or other school official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other school official who receives such a complaint shall file it with the School's Compliance Officer or designee within two business days.

Members of the school community or third parties who believe they have been unlawfully harassed by another member of the school community or a third party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complainant's employment or participation in educational or extra-curricular programs unless the complainant makes the complaint maliciously or with knowledge that it is false. Individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to the Compliance Officer who shall investigate the allegation in accordance with this policy.

## **Anti-Harassment Compliance Officer**

The following individual serves as the "Anti-Harassment Compliance Officer" for the school and is hereinafter referred to as the "Compliance Officer".

Title: Equity  
Officer/Administrator  
Name: Dan Rishavy  
Address: 3118 Seven Springs Blvd  
New Port Richey, Florida  
34655  
Phone: 727-372-0200  
Fax: 727-376-1916  
E-mail [Dan.Rishavy@aaota.org](mailto:Dan.Rishavy@aaota.org)

The name, title, and contact information of this individual will be published annually in the parent and staff handbook, on the school's website, and on the "Your Employment Rights" poster prominently displayed on campus. The name, title, and/or contact information of the person presently serving as Compliance Officer may change from time to time.

Members of the school community or third parties who feel they have been legally prohibited harassed should file a formal written complaint with the worksite supervisor or the School Equity Officer identified in the anti-harassment complaint procedure. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a worksite supervisor will be immediately reported to the appropriate compliance officer identified in the anti-harassment complaint procedure and the worksite supervisor will not conduct an investigation unless directed to do so by the School Equity Officer.

The complaint process set forth in the policies listed above is not intended to interfere with the rights of a member of the school community or a third party to pursue a complaint of legally prohibited harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of legally prohibited harassment regardless of whether the member of the school community or third party alleging the legally prohibited harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person or in such other manner as deemed appropriate by the Board or its designee.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to the School's Equity Officer. Thereafter, the Equity Officer must contact the student, if over age eighteen (18) or the student's parents if under age eighteen (18), to advise of the Board's intent to investigate the alleged misconduct, including the obligation of the



compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

## **Confidentiality**

The school will make reasonable efforts to maintain the confidentiality of the parties involved in an investigation of unlawful harassment. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the school community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law.

## **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Principal shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where legally prohibited harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the school community, all subsequent sanctions imposed by the Board and/or Principal shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

## **Retaliation**

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

## **Mandatory Reporting of Misconduct by Certificated Employees**

The Principal is required by State law to report alleged misconduct by certificated employees of the school that affects the health, safety, or welfare of a student. In accordance with State law, the Principal shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct.

## **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of legally prohibited discriminatory practices. The Principal shall provide appropriate information to all members of the school community related to the implementation of this policy and shall provide training to school students and staff when appropriate. All training, as well as all information provided regarding this policy and harassment in general, will be age and content appropriate.

F.S. 110.1221, 760.01, 760.10, 1000.05, 1006.07

20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

29 U.S.C. 621 et seq., Age Discrimination on Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

29 U.S.C. 6101, The Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

20 U.S.C. 1681 et seq.

42 U.S.C. 1983

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

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## **ADMINISTRATIVE COMPLAINTS AND GRIEVANCES**

The Board encourages the prompt and fair handling of problems before they become formal grievances. The grievance procedure shall be followed objectively so that no individual should fear retribution for seeking full satisfaction of the problem.

### **Definitions**

A grievance is a claim by an employee(s) or applicant(s) for employment of an alleged infraction or misinterpretation of a provision of a policy, procedure, or agreement which was adopted by the Board.

A complaint/grievance which alleges discrimination and/or harassment is one in which a claim is made of an infraction or misinterpretation of a provision of the policy of nondiscrimination or the policy which assures freedom from harassment based on an individual's race, religion, color, gender, ethnicity, national origin, age, marital status, or disability.

### **Purpose**

To encourage prompt and equitable solutions and to ensure that no person need fear coercion, interference, restraint, discrimination, or reprisal for utilizing the procedure. The school will investigate any reports of discrimination or harassment or known instances of discrimination or harassment whether or not the individual who allegedly is the subject of discrimination or harassment files either a formal or informal complaint.

Complaints should be addressed as soon as possible following the alleged infraction. In cases which involve alleged discrimination and/or harassment, including sexual harassment, the initial complaint or report of any alleged infraction should be made within thirty (30) days of the alleged infraction, although the school will investigate any such complaints which are made within one (1) year of the alleged discrimination and/or harassment. All complaints and grievances will be dealt with in a confidential manner to the fullest extent as required by law.

## **Steps**

### **A. Step 1**

A person who feels aggrieved shall orally and informally confer with the administrator or other individual involved. In cases which involve alleged discrimination and/or harassment, including sexual harassment, the person may begin the process at Step 3.

### **B. Step 2**

If a solution is not reached at Step 1, the person may file a grievance in writing to the immediate supervisor.

A formal grievance shall be filed as soon as possible but in no event longer than twenty (20) working days after the grievant knew or could reasonably have been expected to know of the occurrence or action giving rise to the grievance.

The written statement shall include a description of the alleged violation, the date of the alleged violation, a suggested resolution, and the signature of the grievant.

### **C. Step 3**

If the grievance is unresolved at Step 2, the grievant may request in writing within five (5) working days of a review by the Principal or his designee. In cases which involve alleged discrimination and/or harassment, including sexual harassment, the review will be handled by the Administrator or his designee.

The written request shall include a copy of the original grievance and the decision arrived at in Step Two. In cases which involve alleged discrimination and/or harassment, including sexual harassment, the initial complaint or report of any alleged infraction may be made in other than written form.

Within ten (10) working days after the receipt of the written request for appeal, the Administrator or his designee shall hold a hearing on the grievance.

The person who filed the grievance and the administrator involved in Step 2 shall be given at least two (2) days' written notice of the hearing.

Within five (5) working days after the hearing, the Administrator or designee shall communicate his decision in writing, together with supporting reasons, to all parties present at the hearing, including the grievant.

### **D. Step 4**

If the grievance is unresolved at Step 3, the grievant may request in writing within five (5) working days a review by the Board. The appeal shall be in writing and shall include a copy of the original grievance and the decisions arrived at in Steps 2 and 3.

Within fifteen (15) working days after the receipt of the appeal, the Board shall hold a hearing.

All parties, including the person who filed the grievance, shall be given written notice at least two (2) days prior to the hearing.

Within fifteen (15) working days after the hearing on the appeal, the Board shall communicate its decision in writing, together with its supporting reasons, to the grievant.

In cases of alleged discrimination and/or harassment in employment, nothing in this policy shall prohibit an employee or applicant for employment from pursuing a grievance through the complaint and/or grievance procedures as may be established by Federal and/or State statutes or regulations.

No person shall be subject to adverse action in retaliation for having filed a grievance or for having testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under the authority of this policy.

F.A.C. Chapter 6A-19  
34 C.F.R. 104.7