

NOTICE OF INTENT TO REPEAL AND ADOPT SCHOOL BOARD POLICIES AND OF PUBLIC HEARING

The School Board of Glades County, Florida ("School Board"), gives notice of its intent to repeal and adopt certain policies as shown below and that it will hold a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, June 15, 2021, 9:00 am

LOCATION: Glades County School District, 400 10th Street SW, Moore Haven, FL 33471

PURPOSE: To receive public input on the proposed repeal and adoption of policies. The Superintendent of Schools for Glades County School District is recommending to the Glades County School Board that the entire School Board Policy Manual be repealed and replaced.

Existing policies proposed for repeal:

0147.1	Vol. 20, No. 1	Travel & Per Diem
1120; 3120; 4120	Vol. 20, No. 1	Employment of Administrators; Instructional Staff; and Support Staff
1122; 3122; 4122	Vol. 20, No. 1	Nondiscrimination & Equal Employment Opportunity
1362; 3362; 4362	Vol. 20, No. 1	Anti-Harassment
2260	Vol. 20, No. 1	Nondiscrimination & Access to Equal Employment
2271	Vol. 20, No. 1	Articulation & Access to FL College System Institutions
2421	Vol. 20, No. 1	Career & Technical Education
4120	Vol. 20, No. 1	Employment of Support Staff
5121	Vol. 20, No. 1	Controlled Open Enrollment
5320	Vol. 20, No. 1	Immunization
5350	Vol. 20, No. 1	Student Suicide Prevention
5410.01	Vol. 20, No. 1	Promotion, Acceleration, Placement & Retention
5451	Vol. 20, No. 1	Student Recognition
5460	Vol. 20, No. 1	Graduation Requirements
5517	Vol. 20, No. 1	Anti-Harassment
5780	Vol. 20, No. 1	Student/Parent Rights
6100	Vol. 20, No. 1	Uniform Records & Accounts
6233	Vol. 20, No. 1	District Budget
6322	Vol. 20, No. 1	Construction Contracting & Bidding
7530.02	Vol. 20, No. 1	State & School Officials Use of Wireless Communication Devices
8600.04	Vol. 20, No. 1	Bus Operator qualifications, certification, discipline & termination
8625	Vol. 20, No. 1	Ban of Texting While Driving
8660	Vol. 20, No. 1	Transporting Students by Private Vehicle
1030	Vol. 20, No. 2	Superintendent of Schools
4162	Vol. 20, No. 2	Drug & Alcohol Testing of CDL License Holders & Other Employees Who Perform Safety-Sensitive Functions
6107	Vol. 20, No. 2	Acceptance & Distribution of Electronic Records & Use of Electronic Signatures is Prohibited.
1215; 3215; 4215; 5512; 7434	Vol. 20, No. 2	Tobacco-Free Environment

Purpose and Effect: The purpose is to adopt new and revised policies so that the policies address current conditions and requirements; better achieve the School Board's mission and vision; and incorporate changes in applicable law. The effect is that the policies will be correct and current.

Authority: Sections 120.81; 1001.32(1),(2); 1001.41(2); 1001.43; 1012.23, F.S. and as specified in each proposed policy.

When Implemented: As listed in each proposed policy.

The policies proposed for adoption or repeal may be viewed at www.gladesedu.com.

Summary of Statement of Estimated Regulatory Cost: No statement of estimated regulatory costs has been prepared. Section 120.54 (3)(b), F.S. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within twenty-one (21) days of this notice.

Proposed new policies to be adopted. These policies are to replace all of the policies in the existing School Board Policy Manual:

0147.1	Vol. 20, No. 1	Travel & Per Diem
1120; 3120; 4120	Vol. 20, No. 1	Employment of Administrators; Instructional Staff; and Support Staff
1122; 3122; 4122	Vol. 20, No. 1	Nondiscrimination & Equal Employment Opportunity
1362; 3362; 4362	Vol. 20, No. 1	Anti-Harassment
2260	Vol. 20, No. 1	Nondiscrimination & Access to Equal Employment
2271	Vol. 20, No. 1	Articulation & Access to FL College System Institutions
2421	Vol. 20, No. 1	Career & Technical Education
4120	Vol. 20, No. 1	Employment of Support Staff
5121	Vol. 20, No. 1	Controlled Open Enrollment
5320	Vol. 20, No. 1	Immunization
5350	Vol. 20, No. 1	Student Suicide Prevention
5410.01	Vol. 20, No. 1	Promotion, Acceleration, Placement & Retention
5451	Vol. 20, No. 1	Student Recognition
5460	Vol. 20, No. 1	Graduation Requirements
5517	Vol. 20, No. 1	Anti-Harassment
5780	Vol. 20, No. 1	Student/Parent Rights
6100	Vol. 20, No. 1	Uniform Records & Accounts
6233	Vol. 20, No. 1	District Budget
6322	Vol. 20, No. 1	Construction Contracting & Bidding
7440.03	Vol. 20, No. 1	NEW Small Unmanned Aircraft Systems
7530.02	Vol. 20, No. 1	State & School Officials Use of Wireless Communication Devices
8600.04	Vol. 20, No. 1	Bus Operator qualifications, certification, discipline & termination
8625	Vol. 20, No. 1	Ban of Texting While Driving
8660	Vol. 20, No. 1	Transporting Students by Private Vehicle
1030	Vol. 20, No. 2	Superintendent of Schools
4162	Vol. 20, No. 2	Drug & Alcohol Testing of CDL License Holders & Other Employees Who Perform Safety-Sensitive Functions
6107	Vol. 20, No. 2	Acceptance & Distribution of Electronic Records & Use of Electronic Signatures is Prohibited.
1215; 3215; 4215; 5512; 7434	Vol. 20, No. 2	Tobacco-Free Environment

Any material pertinent to the issues under consideration submitted to the Superintendent within twenty-one (21) days after the date of publication of this notice or submitted at the public hearing will be considered by the School Board and made a part of the rulemaking record. Action on the proposed policy changes anticipated to occur at a future School Board meeting, which will be separately noticed.

Any person who decides to appeal a decision with respect to a matter considered at the hearing is hereby advised that, for such purpose, he or she may need to ensure that a verbatim record of the hearing is made which record includes the testimony and evidence upon which the appeal is to be based.

Any person with a disability or physical impairment who wishes to attend this hearing and who requires special accommodations should contact the office of the Glades County School District (863) 946-2083 at least 48 hours prior to the hearing.

Notice of policy development appeared in Lake Okeechobee News on May 19, 2021.

By: Alice E. Barfield, Superintendent of Schools

GLADES SCHOOLS

Book Policy Manual
Section V20 N1 REVISED
Title REVISED POLICY - VOL. 20, NO. 1 - TRAVEL AND PER DIEM
Code po0147.1 New for Glades
Status

Change

REVISED POLICY - VOL. 20, NO. 1

0147.1 - TRAVEL AND PER DIEM

Members of the School Board have a duty to promote the best interests of the District and are expected to engage in meaningful professional development to enhance their leadership abilities and fulfill their responsibilities. In doing so, members of the Board may need to travel from time-to-time in the county, out of the county, and/or out of the State.

Members of the Board seeking reimbursement for travel must utilize District-approved forms.

In-County Travel

~~Travel on official business performed within Glades County by members of the Board shall be reimbursed at the maximum rate allowed by F.S. Chapter 112.061; said mileage shall be determined by actual odometer reading, if travel performed by personal automobile. [END OF OPTION] [x] shall not be reimbursed [END OF OPTION].~~

Reimbursable in-county travel for members of the Board is defined as that travel performed as part of a Board member's duties.

Out-of-County Travel (Within the State of Florida)

Expenditures for travel outside the District or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, are not permitted if any of the financial conditions outlined in F.S. 1011.051, and as set forth in Policy 6233, exist.

If such a financial condition does not exist, when approved in advance, expenses for out-of-county travel for members of the Board members shall be paid at the rate allowed by State law. Copies of receipts for lodging, transportation, tolls, registration fees, and parking must be attached to the traveler's request for reimbursement.

Travel outside the county that exceeds \$500.00 requires prior approval by the Board to confirm that such travel is for official business of the District and complies with rules of the State Board of Education.

~~If prior approval at a Board meeting is not possible in time to attend a meeting, and the total cost of travel will not exceed \$500.00, the Chairman may grant approval contingent upon Board approval at the next meeting.~~

Out-of-State Travel

Expenditures for travel outside the State or for cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, are not permitted if any of the financial conditions outlined in F.S. 1011.051, and as set forth in Policy 6233, exist.

If such a financial condition does not exist, when approved in advance, expenses for out-of-State travel for members of the Board shall be paid at the rate allowed by State law.

Any request by a member of the Board member to travel outside of Florida must include an itemized list detailing all anticipated travel expenses including, but not limited to, the anticipated costs of all means of travel, lodging, and subsistence. The public shall

have an opportunity to speak on any member of the Board specific travel agenda item prior to the Board taking action on whether to approve or deny the travel request.

Travel Costs Paid or Reimbursed from Federal Funds

Payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

(☒) Commercial airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airlines are unallowable except when such accommodations would (1) require circuitous routing; (2) require travel during unreasonable hours; (3) excessively prolong travel; (4) result in additional costs that would offset the transportation savings; or (5) offer accommodations not reasonably adequate for the traveler's medical needs. Instances of commercial airfare cost in excess of the basic least expensive unrestricted accommodations class must be justified and documented on a case-by-case basis. **[END OF OPTION]**

(☒) Temporary dependent care costs (as dependent is defined in 26 U.S.C. 152) above and beyond regular dependent care that directly results from travel to conferences are allowable provided that (1) the costs are a direct result of the individual's travel for the Federal award; (2) the costs are consistent with the District's documented administrative guidelines for all entity travel; and (3) are only temporary during the travel period. Travel costs for dependents are unallowable, except for travel of a duration of six (6) months or more with prior approval of the Federal awarding agency. **[END OF OPTION]**

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates, and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances") must apply to travel under Federal awards.

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F.S. 112.061

F.S. 1001.39

F.S. 1011.051

F.A.C. 6A-1.056

2 C.F.R. 200.474

breach of contract." This statement means that individuals who are appointed into their initial administrative positions in the State of Florida will have a ninety-seven (97) day probationary period.

All administrators shall become familiar with the policies of the Board and other policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the District. Any administrator employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or other lesser penalty as the Board may prescribe.

General Knowledge Examination Assistance

Any employee who does not achieve a passing score on any subtest of the general knowledge examination will be provided information regarding the availability of State-level and District-level supports and instruction to assist him/her in achieving a passing score. Such information will include, but is not limited to, State-level test information guides, School District preparation resources, and preparation courses offered by State universities and Florida college system institutions.

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F.S. 1012.01, 1012.23, 1012.315, 1012.32, 1012.33, 1012.55, 1012.56

GLADES SCHOOLS

Book Policy Manual
Section V20 N1 REVISED
Title NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code po1122 9/19/19 fsj
Status
Adopted September 22, 2015
Last Revised May 15, 2019

Change

1122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board shall comply with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Board that no administrative staff member or candidate for such a position in this District shall, on the basis of race, (including anti-Semitism [as defined in Bylaw 0100]), color, ethnicity, religion, national origin, age, gender, marital status, disability, genetic information, or legally-protected characteristic, be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

The Superintendent shall appoint a compliance officer whose responsibility will be to require that Federal and State regulations related to employees are complied with and that any complaints are dealt with promptly in accordance with law. The compliance officer shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title 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, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively-bargained agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

District Compliance Officer(s)

~~The following persons are designated as the Compliance Officer(s) (COs):~~

The Board designates the following persons to serve as designated as the District's "Compliance Officer(s)" (also known as "Civil Rights Coordinators"; hereinafter referred to as the ("COs")):

[x] The COs shall also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator.
[END OF OPTION]

NOTE: School districts are advised to appoint may want to consider appointing both a male and a female compliance officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

Vivian Bennett
Director of Student Services

Kim Jordan
Director of Human Resources

863-946-0202 ext. 12732

863-946-2083

P.O. Box 459

Moore Haven FL 33471

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Jamie BrownJim Brickel

Director of Administrative Services

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Moore Haven, FL 33471

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1. Section 504 Compliance Officer/ADA Coordinator () and Title IX Coordinator

The Board designates the following individual(s) to serve as the District's Section 504 Compliance Officer/ADA Coordinator () and Title IX Coordinator [END OF OPTION].

[NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator () and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

Kim Jordan

2.

(Name)

Director of Human Resources

(School District Title)

863-946-2083

(Telephone Number)

kim.jordan@gladesschools.org

(E-mail Address)

Jamie BrownJim Brickel

(Name)

Director of Administrative Services

(School District Title)

863-946-2083

(Telephone Number)

jamie.brownjim.brickel@glades-schools.org

(E-mail Address)

3. Title IX Coordinator

The Board designates the following individual(s) to serve as the District's Title IX Coordinator.

[NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

1. Kim Jordan

2. _____
(Name)
Director of Human Resources

(School District Title)
862-946-2083

(Telephone Number)
kim.jordan@gladesschools.org

(E-mail Address)

~~Jim Bricker~~ Janie Brown

(Name)
Director of Administrative Services

(School District Title)

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janie.brown@gladesschools.org

should
this change
to Brown
also?
YES



The name(s), title(s), and contact information of this/these individual(s) will be published annually on the School District's website.

Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel;
- E. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- F. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- G. dated written determinations to the parties;
- H. dated written descriptions of verbal notifications to the parties;
- I. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- J. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

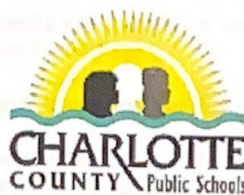
The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation will be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

Revised 5/15/19

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<https://go.boarddocs.com/fl/glad/Board.nsf/Private?open&login#>



Book February 2021
 Section 1000 Administration
 Title REVISED POLICY - VOL. 20, NO. 1 - ANTI-HARASSMENT
 Code po1362
 Status First Reading - Workshop
 Adopted June 28, 2005
 Last Revised October 9, 2018

REVISED POLICY - VOL. 20, NO. 1 (SB 1136 & HB 741)

1362 - ANTI-HARASSMENT

I. General Policy Statement

It is the policy of the School 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 District 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 District.

The District will vigorously enforce its prohibition against discriminatory harassment (including anti-Semitism as defined in Bylaw 0100) on the basis of race, ethnicity, color, national origin, sex (including sexual orientation, transgender status, or gender identity), recognized disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes"; hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Superintendent will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Superintendent will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

The District will offer counseling services to any staff member found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.

For purposes of this policy, "School District 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 District 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 District community at school-related events/activities (whether on or off School District property).

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

II. Other Violations of the Anti-Harassment Policy

The District 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 the investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

III. Definitions

A. 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 (including anti-Semitism), 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. This unlawful harassment may include, but not be limited to, the following:

1. teasing;
2. threats;
3. intimidation;
4. stalking;
5. cyberstalking;
6. cyberbullying;
7. physical violence;
8. theft;
9. sexual, religious, or racial harassment;
10. public humiliation; or
11. destruction of property.

B. "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 a school employee that:

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

B. 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:

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.

2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
3. 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:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. ~~Physical assault;~~ Unwanted physical and/or sexual contact;
3. 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.
4. 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.
5. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature placed in the work or educational environment, which may embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. 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.
8. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. 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.
10. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
11. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life (see AP1362).

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based ~~conduct~~ must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

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

D. Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person ~~to an Internet website~~ without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

E. Race/Color Harassment (Including Anti-Semitism)

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.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage 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 based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

F. 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.

G. 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.

H. 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. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

I. Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy 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 pregnancy and condition of pregnancy.

IV. Reports and Complaints of Harassing Conduct

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor, or other School District official so that the Superintendent may address the conduct before it becomes severe, pervasive, or persistent.

Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer as soon as possible after the conduct occurs while the facts are known and potential witnesses are available within **two (2) business days**.

of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District 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 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. While there are no time limits for initiating complaints of harassment under this policy, 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.~~

~~The titles of the Anti-Harassment Compliance Officer with whom complaints of sexual and other forms of unlawful harassment will be published annually in the parent and staff handbooks and/or on the School District's website.~~

~~The formal and informal processes for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of unlawful harassment was substantiated will be readily available to all members of the School District community and posted in appropriate places throughout the School District.~~

~~Any District employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers. Thereafter, the Compliance Officer must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), to advise s/he/them of the District'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.~~

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and 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 (including anti-Semitism) 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 one of the Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of the Policy 1362 investigation and provide him/her with a copy of the resulting written report.

A. Anti-Harassment Compliance Officers

- A. The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators"; hereinafter referred to as the "COs").

~~The COs shall also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinators. [END-OF-OPTION][]~~

[NOTE: School districts are advised to appoint both a male and a female **CO Compliance Officer** in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The **COs Compliance Officers** may also serve as the District's Section 504 and Title IX Coordinators. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.

~~The following persons are designated as the Compliance Officer(s) (COs):~~

Patrick Keegan
Assistant Superintendent for Human Resources and Employee Relationships
941-255-0808 ext. 3122
1445 Education Way
Port Charlotte, Florida 33948
patrick.keegan@yourcharlotteschools.net

Adrienne McElroy
Director of Human Resources
941-255-0808 ext. 3044
1445 Education Way
Port Charlotte, Florida 33948

amcelroy@yourcharlotteschools.net

A. Section 504 Compliance Officer/ADA Coordinator ~~() and Title IX Coordinators~~

The Board designates the following individuals to serve as the District's Section 504 Compliance Officer/ADA Coordinators ~~and Title IX Coordinators [END OF OPTION].~~

[NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator () and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]~~*~~

Rebecca Marazon

Coordinator of Psychological Services
1445 Education Way
Port Charlotte, Florida 33948
Phone: 941-255-0808
Fax: 941-255-7573

A. Title IX Coordinators

The Board designates the following individuals to serve as the District's Title IX Coordinators.

[NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

B. Patrick Keegan

Assistant Superintendent for Human Resources and Employee Relationships
941-255-0808 ext. 3122
1445 Education Way
Port Charlotte, Florida 33948
patrick.keegan@yourcharlotteschools.net

Adrienne McElroy

Director of Human Resources
941-255-0808 ext. 3044
1445 Education Way
Port Charlotte, Florida 33948
adrienne.mcelroy@yourcharlotteschools.net

C. Publication Required

The names, titles, and contact information of these individuals will be published annually; ~~titles of the Anti Harassment Compliance Officer with whom complaints of sexual and other forms of unlawful harassment will be published annually~~ in the parent and staff handbooks and/or on the School District's website.

The names, titles, and/or contact information of the persons presently serving as Compliance Officers may change from time to time, and such changes shall be deemed technical corrections within the meaning of Bylaw 0131.1 and shall be made pursuant to that bylaw.

E. Duties and Responsibilities

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 District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Any employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report observations to one of the Anti-Harassment Compliance Officers within **two (2)** business days. Thereafter, the Compliance Officer or designee must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within **two (2)** business days to advise s/he/them of the Superintendent'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.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District or to receive complaints which 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 District 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, after consultation with the Superintendent, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her 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 or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within five (5) calendar 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 any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education, Office for Civil Rights (OCR), the Florida Commission on Human Relations (FCHR), or the Equal Employment Opportunity Commission (EEOC).

A. Informal Process for Addressing Complaints of Harassment-Procedure

- ~~B. An informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution will be readily available. Members of the School District 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. Those members of the School District 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 unlawful harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.~~

VI. A.

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 s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against 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.

Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against 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 District employee, any other adult member of the School District community, or a third party against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/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. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are 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/her 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.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the Compliance Officers.

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

The School District's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed by another individual 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 individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.
2. 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.
3. If both parties agree, the Compliance Officers may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) calendar days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers or designee in accordance with the Board's records retention policy. (See Policy 8310 and Policy 8320).

VI. Formal Process for addressing Complaints of Harassment Procedure

- VII. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, 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):

Members of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the compliance officers. 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 school building principal will be immediately reported to the appropriate compliance officer and the principal will not conduct an investigation unless directed to do so by the Compliance Officer.

The complaint process is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office

~~Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.~~

~~The District reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the complaint. The District also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or Superintendent.~~

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual 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 an employee, other member of the School District 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.

An individual who believes s/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, principal, or other District employee, the Compliance Officer, Superintendent, or other District employee. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within five (5) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, principal, or other District employee, the Compliance Officer, Superintendent, or other District 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 parties 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/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the complainant.

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 work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the complainant to assess his/her 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 s/he deems appropriate in consultation with the Superintendent and/or Board Attorney.

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

Simultaneously, 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.

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

1. Interviews with the complainant;
2. Interviews with the respondent;

3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
4. 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 (☒) may (☐) should (☐) shall consult with the (☒) the Board Attorney (☒) Superintendent. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ☒ ten (10) ~~15~~ business days of receiving the report of the Compliance Officer or the designee, the Superintendent 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 Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ☒ ten (10) ~~15~~ business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

☒ The decision of the Superintendent shall be final.

OR

~~☐ A complainant or respondent who is dissatisfied with the final decision of the Superintendent may appeal to the Board by filing a written notice of appeal with the Superintendent within ten (10) business days of the date of the Superintendent's final decision. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.~~

[END OF OPTIONS]

The Superintendent reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the complaint. The Superintendent also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Superintendent.

VII. Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the respondent.

Anonymous reports may be submitted. Anonymity cannot be guaranteed for the complainant in connection with any harassment investigation. Anonymous complaints shall be investigated by the District only if the complaint contains actionable specific information. No formal investigation action shall be initiated based solely on unverified anonymous information. Nothing in this policy shall be construed to infringe upon a Respondent's right to due process. Additionally, the Respondent will be provided the Complainant's identity prior to conclusion of the formal hearing and finding of fact.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District 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

3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
4. 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 (☒) may (☐) should (☐) shall consult with the (☒) the Board Attorney (☒) Superintendent. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ☒ ten (10) ~~15~~ business days of receiving the report of the Compliance Officer or the designee, the Superintendent 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 Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ☒ ten (10) ~~15~~ business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

☒ The decision of the Superintendent shall be final.

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~~In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.~~

[END OF OPTIONS]

The Superintendent reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the complaint. The Superintendent also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Superintendent.

VII. Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the respondent.

Anonymous reports may be submitted. Anonymity cannot be guaranteed for the complainant in connection with any harassment investigation. Anonymous complaints shall be investigated by the District only if the complaint contains actionable specific information. No formal investigation action shall be initiated based solely on unverified anonymous information. Nothing in this policy shall be construed to infringe upon a Respondent's right to due process. Additionally, the Respondent will be provided the Complainant's identity prior to conclusion of the formal hearing and finding of fact.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District 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



Book	Policy Manual
Section	V20 N1 REVISED
Title	ANTI-HARASSMENT
Code	po1362 9/19/19 fsj
Status	
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Last Revised	May 15, 2019

OK
see Charlotte's policy

1362 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the School 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 District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting 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 discriminatory harassment based on sex, race, (including anti-Semitism [as defined in Bylaw 0100]), 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), and encourages those within the School District 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.

For purposes of this policy, "School District 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 District 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 District community at school-related events/activities (whether on or off School District property).

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

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:

- 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.
- Filing a malicious or knowingly false report or complaint of unlawful harassment.
- Disregarding, failing to investigate adequately, or delaying the 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, (including anti-Semitism), 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. This unlawful harassment may include, but not be limited to, the following:

- 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" 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 a 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.
- D. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.
- E. 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:

F. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

G. Unwanted physical and/or sexual contact.

H. 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.

I. 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.

J. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.

K. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

L. 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.

M. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

N. 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.

O. 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 and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment or educational environment.

Sexual Cyberharassment

Pursuant to Florida law, "sexual cyberharassment" means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

Race/Color Harassment (Including Anti-Semitism)

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.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage 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 based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious
ilities.

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. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the School District community and third parties, which includes all staff, are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer within two (2) business days.

 Members of the School District community or third parties who believe they have been unlawfully harassed by another member of School District 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 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 in accordance with Policy 5517.01 – Bullying and 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 one of the Compliance Officers who shall investigate the allegation in accordance with this policy.

~~Anti-Harassment~~ Compliance Officers

~~The following individuals serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers":~~

The Board designates the following individuals to serve as the District's "Anti-Harassment Compliance Officers" (also known as "Civil Rights Coordinators"; hereinafter referred to as the "COs").

[] The COs shall also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinators.
[END OF OPTION]

[NOTE: School districts are advised to appoint both a male and a female CO in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 and Title IX Coordinators. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]

Director of Student Services
Vivian Bennett
863-946-0202 ext. 132
P.O. Box 459

1. Section 504 Compliance Officer/ADA Coordinator () and Title IX Coordinators

The Board designates the following individuals to serve as the District's Section 504 Compliance Officer/ADA Coordinators () and Title IX Coordinators **[END OF OPTION]**.

[NOTE: School districts are advised to appoint both a male and a female Section 504 Compliance Officer/ADA Coordinator () and Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

1. Kim Jordan

2. _____

(Name)

Director of Human Resources

(School District Title)

(863) 862-946-2083

(Telephone Number)

kim.jordan@glades-schools.org

(E-mail Address)

Jamie Brown ~~Jim Bricke~~

(Name)

Director of Administrative Services

(School District Title)

863-946-2083

(Telephone Number)

jamie.brownjim.bricke@glades-schools.org

2. Title IX Coordinators

The Board designates the following individuals to serve as the District's Title IX Coordinators.

[NOTE: School districts are advised to appoint both a male and a female Title IX Coordinator in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable.]

1. Kim Jordan

2. _____

(Name)

Director of Human Resources

(School District Title)

(863) 862-946-2083

(Telephone Number)

kim.jordan@glades-schools.org

(E-mail Address)

Jamie Brown ~~Jim Bricke~~

(Name)

Director of Administrative Services

(School District Title)

Notification Required

The names, titles, and contact information of these individuals will be published annually in the parent and staff handbooks and/or on the School District's website.

The names, titles, and/or contact information of the persons presently serving as Compliance Officers may change from time to time, and such changes shall be deemed technical corrections within the meaning of Bylaw 0131.1 and shall be made pursuant to that bylaw.

Duties and Responsibilities

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 District 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 one of the Anti-Harassment Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/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.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District or to receive complaints which 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 District 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, after consultation with the Board Attorney, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any employee or other member of the School District community or visitor to the District who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her 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 are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, time lines 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 any individual to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights ([OCR](#)), the Florida Civil Rights Commission [on Human Relations \(FCHR\)](#), or the Equal Employment Opportunity Commission ([EEOC](#)).

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 s/he has been unlawfully harassed. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, other members of the School District 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.

Employees, other members of the School District 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.