

RESCIND POLICY

ZERO TOLERANCE FOR DISCRIMINATORY AND HARASSING  
MISCONDUCT BY PERSONNEL AND STUDENTS

~~It is the policy of the School Board to create and enhance an environment in the District where diversity and human differences are respected, where the learning, work, and interactive environment among students and the District staff personnel is positive, accepting, safe, and free from discriminatory behavior, harassment, and abuse. It is the policy of the Board to forbid and prevent discrimination and harassment of or by any person, whether employee or student, of the District.~~

~~Accordingly, it is impermissible for any employee and/or student to discriminate against any other employee, student, and/or applicant for employment or student admission for any reason such as, without limitation, on the basis of one's race, color, sex, age, religion, disability, national origin, ethnicity, ancestry, pregnancy, political affiliations, and/or marital status. This shall include wrongfully isolating, segregating, classifying, limiting, treating differently, hiring, firing, and evaluating any employee and/or student on the basis of the referenced classifications.~~

~~It is the policy of the Board to prohibit, throughout the District, sexual harassment of and sexual misconduct toward any employee and/or student whether such misconduct involves employee to employee, employee to student, student to student, student to employee misconduct as well as misconduct involving employees or students and persons not employed by the District. It is fully recognized by the Board that the District's goal is to encourage and promote a healthy academic and work setting free from sexually intimidating, harassing, and degrading behaviors that create a hostile environment that injures not only trust and self-esteem, but also reduces the ability and/or desire to perform, achieve, and realize one's potential.~~

~~Therefore, it is the policy of the Board, in conjunction with its stated diversity objectives, to expand its sexual harassment/misconduct policy to encompass a ban against harassment and misconduct toward any employee, applicant for employment, student, and/or applicant for student admission for any reason such as, without limitation, because of his/her race, color, sex, age, religion, disability, national origin, ethnicity, ancestry, pregnancy, political affiliations, and/or marital status.~~

1 ~~In the area of sexual harassment and sexual misconduct, such conduct shall consist~~  
2 ~~of gender oriented misconduct, unwanted sexual advances, requests for sexual~~  
3 ~~favours, or inappropriate physical contact or verbal and/or written comments or~~  
4 ~~behaviors that serve to create an intimidating, hostile, offensive, or abusive work or~~  
5 ~~school environment, including behaviors that physically threaten any employee or~~  
6 ~~student or in anyway interfere with the ability to perform one's job, receive an~~  
7 ~~education or participate in District activities and programs.~~

8 ~~Similarly, such principles shall apply to the other protected categories referenced~~  
9 ~~above, without limitation. Therefore, harassing or other forms of misconduct~~  
10 ~~including physical contact, inappropriate verbal and/or written comments or~~  
11 ~~behaviors directed toward another because of his/her race, color, sex, age, religion,~~  
12 ~~disability, national origin, ethnicity, ancestry, pregnancy, political affiliations,~~  
13 ~~and/or marital status that serves to create an intimidating hostile, offensive, or~~  
14 ~~abusive work or school environment, including behaviors that physically threaten~~  
15 ~~any employee, applicant for employment, student, and/or applicant for student~~  
16 ~~admission in the manner described above, is hereby prohibited.~~

17 ~~Any employee, volunteer, or other person who engages in or knows or should have~~  
18 ~~known of any such misconduct as addressed above and fails to report it shall be~~  
19 ~~subject to disciplinary action up to and including termination as recommended by~~  
20 ~~the Superintendent. The reporting of a complaint or of any misconduct of the kind~~  
21 ~~addressed above will not affect any employee's or applicant's status or the terms and~~  
22 ~~conditions of his/her employment including work assignments, or opportunity to~~  
23 ~~participate in the District's activities; however, knowingly filing a false allegation or~~  
24 ~~making false statements during any investigation or inquiry is prohibited and is~~  
25 ~~subject to discipline.~~

26 ~~Similarly, any student who engages in any misconduct or knows of any such~~  
27 ~~misconduct as addressed above shall be subject to disciplinary action up to and~~  
28 ~~including expulsion in accordance with the Florida statutes, Florida Administrative~~  
29 ~~Code and the District's Code of Student Conduct. The reporting of a complaint or of~~  
30 ~~any misconduct will not adversely affect a student's grades, status, or~~  
31 ~~extra-curricular activities; however, knowingly filing a false allegation or making~~  
32 ~~false statements during any investigation or inquiry is prohibited and is subject to~~  
33 ~~discipline.~~

34 ~~The reporting of any misconduct will be done through a reporting/grievance~~  
35 ~~procedure. Employees and students will follow separate procedures with separate~~  
36 ~~contact persons. The Superintendent shall develop and implement a reporting and~~  
37 ~~complaint procedure for District employees and applicants for employment to file~~  
38 ~~confidential complaints and report misconduct. The procedure shall include a~~  
39 ~~committee-based appeals procedure to permit an employee found having engaged in~~  
40 ~~wrongful conduct to have his/her case appropriately reviewed.~~

1 ~~With respect to students, the confidential reporting and complaint filing procedure~~  
2 ~~shall include the specific appeals procedure. At each school the principal or the~~  
3 ~~principal's designee is responsible for receiving complaints alleging violations of this~~  
4 ~~policy. All school employees are required to report alleged violations of this policy to~~  
5 ~~the principal or the principal's designee. All other members of the school~~  
6 ~~community, including students, parents/legal guardians, volunteers, and visitors~~  
7 ~~are encouraged to report any act that may be a violation of this policy anonymously~~  
8 ~~or in person to the principal or principal's designee (see also AP 5517.01). A person~~  
9 ~~(hereinafter referred to as a complainant) may also wish to file a written complaint~~  
10 ~~with the Chief Administrative Officer (CAO). The CAO may request the complainant~~  
11 ~~to provide a written statement regarding the nature of the complaint or require a~~  
12 ~~meeting with the parent(s)/guardian of a student (see also AP 9130).~~

13 ~~The Superintendent shall implement a program for educating and training~~  
14 ~~employees and students with respect to this policy and the appropriate procedures.~~

15 ~~F.S. 110.105, 760.08, 760.021, 1000.05~~

16 ~~F.A.C. 6A-19.001~~

17 ~~Fourteenth Amendment, U.S. Constitution~~

18 ~~20 U.S.C. Section 1681, Title IX of Education Amendment Act~~

19 ~~20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974~~

20 ~~42 U.S.C. Section 2000e et seq., Civil Rights Act of 1964~~

21 ~~42 U.S.C. 6101 et seq.~~

22 ~~34 C.F.R. Part 110 (7/27/93)~~

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

25 ~~Title III of the No Child Left Behind Act of 2001~~

26  
27 ~~Revised 12/10/09~~