

Related Entries: (Not identified at this time)

Complaint Procedures for Sexual Harassment and Discrimination by Students

Students of the School District shall follow the following procedures with regard to complaints of sexual harassment and discrimination by students:

- (1) Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual.
- (2) Any student or other person who believes that he/she has been the victim of sexual harassment or discrimination or has knowledge of such action by a student of the School District shall adhere to the following:
 - (a) Report the alleged act or acts immediately to the appropriate School District official. This may be the principal, the equity coordinator of the school, the District Director of Professional Standards and Equity or other instructional or administrative staff at the site.
 - (b) To ensure effective investigations, the filing of the complaint should be within 20 school days following the alleged sexual harassment, discrimination or retaliation. However, expiration of the 20 school days shall not prohibit an investigation of a valid complaint.
 - (c) The School District encourages the complainant to use the Complaint of Discrimination/Sexual Harassment Report form, which may be secured from principals, equity coordinators, and the District's Student Services and Personnel Services departments.
- (3) Anonymous complaints shall be accepted; however, the School District shall not necessarily investigate all alleged sexual harassment or discrimination when the identity of the complainant has not been revealed.
- (4) If the anonymous report does not provide sufficient factual basis to establish harassment or discrimination may have occurred, the complaint shall be documented, the party or parties against whom the complaint has been filed shall be notified and administrative intervention shall be undertaken as deemed appropriate. No records of an anonymous complaint shall be placed in the personnel file.

- 45 (5) An investigation shall be conducted if the circumstances described by the complaint
46 provide an appropriate factual basis, which indicates that sexual harassment or
47 discrimination may have occurred. The site-based administrator or equity
48 coordinator and/or the District Directors of Professional Standards and Equity,
49 Student Services and Personnel Services may conduct investigations.
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- 51 (6) The investigation of a sexual harassment or discrimination complaint shall include
52 but is not limited to:
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- 54 (a) Interviews with the complainant.
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 - 56 (b) Interviews with the individual(s) against whom the complaint has been filed.
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 - 58 (c) Interviews with others who have knowledge of the alleged incident(s) and
59 circumstances related to the complaint.
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 - 61 (d) An examination of relevant documents.
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- 63 (7) The investigator shall prepare a comprehensive report of the findings and forward it
64 to the appropriate District director and the relevant building administrator. This
65 report shall consist of all investigative material. The building administrator and
66 appropriate District director shall submit a recommendation with supporting
67 rationale to the Superintendent. The Superintendent shall approve, disapprove or
68 modify the recommendation determination.
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- 70 (8) Recommended determinations may be:
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- 72 (a) No violation of the Harassment policy.
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 - 74 (b) Violation of the Harassment policy.
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 - 76 (c) No violation of the Discrimination policy.
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 - 78 (d) Violation of the Discrimination policy.
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 - 80 (e) Evidence of inappropriate behavior not found to constitute sexual
81 harassment or discrimination.
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- 83 (9) A determination shall be rendered in the case no more than 20 school days
84 following receipt of the complaint.
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- 86 (10) The complainant shall be informed of the determination. If the determination
87 includes a finding that a violation of this policy has occurred the complainant shall
88 be informed of the determination. The individual(s) against whom the complaint has
89 been filed shall also receive notification of the determination.
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- 91 (11) The School District shall appropriately discipline any individual who retaliates
92 against any person who reports alleged harassment or discrimination or who
93 testifies, assists or participates in an investigation, proceeding or hearing related to
94 a sexual harassment or discrimination complaint. Persons bringing a sexual
95 harassment or discrimination complaint or assisting in an investigation of such a
96 complaint shall not be adversely affected in the terms and/or conditions of their
97 employment or education nor discriminated against because of the complaint.
98 Confidentiality shall be maintained to the extent possible.
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- 100 (12) Disciplinary actions imposed for acts of harassment, discrimination or retaliation
101 shall include sanctions up to and including expulsion from school attendance or
102 dismissal from employment.
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- 104 (13) This Policy shall be available at all work sites and shall be explained to all students
105 by the building administrator or his/her designee. The Office of Professional
106 Standards and Equity shall also provide technical assistance at the District level.
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- 108 (14) The School District of Lee County shall conspicuously post its Notice of
109 Nondiscrimination, inclusive of the name and telephone number of the School
110 District employee responsible for compliance with nondiscrimination provisions.
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- 112 (15) These procedures do not deny the right of any individual to pursue other avenues of
113 recourse which may include mediation, filing a complaint with the Office of Civil
114 Rights, initiating a civil action or seeking redress under State criminal statutes and/or
115 federal law.
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- 117 (16) The official record of all investigations performed pursuant to this policy shall be
118 maintained in the Student Services Department. These records shall not become a
119 part of the student's cumulative record and may only be reviewed upon approval of
120 the Superintendent or designee. Records shall be retained for the maximum time
121 allowable for redress available through actions pursued by regulatory or judicial
122 entities.
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125 **STATUTORY AUTHORITY:** 1001.42, 1001.43, 1006.09, 1012.31, F.S.

126
127 Adopted: 10/19/10 (formerly 4.13)