

Related Entries: (P4.141, Code of Conduct for Students)

### **Complaint Procedures for Harassment and Discrimination Based on Race, Color, National or Ethnic Origin, Disability, Age, Sexual Orientation, Religion and Marital Status by Students**

Students of the School District shall adhere to the following procedures for harassment and discrimination complaints based on race, color, national or ethnic origin, disability, age, sexual orientation, religion and marital status by students:

- (1) Harassment and discrimination based on race, color, national or ethnic origin, disability, age, sexual orientation, religion and marital status consists of the following: graffiti containing offensive language which is derogatory to others; threatening or intimidating conduct; jokes, rumors, or name calling, slurs, negative stereotypes, and hostile acts; written or graphic material containing racial, ethnic comments or stereotypes which are posted or circulated which are aimed at degrading individuals or members of protected classes; a physical act of aggression or assault upon another because of, or in a manner reasonably related to an individual's race, color, national or ethnic origin, disability, age, sexual orientation, religion or marital status; other kinds of aggressive conduct such as theft or damage to property which is motivated by an individual's race, color, national or ethnic origin, disability, age, sexual orientation, religion or marital status.
- (2) Any student or other person who believes that he/she has been the victim of 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 harassment and/or discrimination or retaliation. However, expiration of the 20 school days shall not prohibit an investigation of a valid complaint.

- 41 (c) The School District encourages the complainant to use the Complaint of  
42 Discrimination/Harassment Report form, which may be secured from  
43 principals, equity coordinators, and the Directors of Professional Standards  
44 and Equity, Student Services and Personnel Services.  
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- 46 (3) Anonymous complaints shall be accepted; however, the School District shall not  
47 necessarily investigate all alleged harassment or discrimination when the identity of  
48 the complainant has not been revealed.  
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- 50 (4) If the anonymous report does not provide sufficient factual basis to establish  
51 harassment may have occurred, the complaint shall be documented, the party or  
52 parties against whom the complaint has been filed shall be notified and  
53 administrative intervention shall be undertaken as deemed appropriate. No records  
54 of such anonymous complaint shall be placed in the personnel file.  
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- 56 (5) An investigation shall be conducted if the circumstances described by the complaint  
57 provide an appropriate factual basis, which indicates that harassment or  
58 discrimination may have occurred. The site-based administrator or equity  
59 coordinator and/or the District Directors of Professional Standards and Equity,  
60 Student Services and Personnel Services may conduct investigations.  
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- 62 (6) The investigation of a harassment and/or discrimination complaint shall include but  
63 is not limited to:  
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- 65 (a) Interviews with the complainant.  
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- 67 (b) Interviews with the individual(s) against whom the complaint has been filed.  
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- 69 (c) Interviews with others who have knowledge of the alleged incident(s) and  
70 circumstances related to the complaint.  
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- 72 (d) An examination of relevant documents.  
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- 74 (7) The investigator shall prepare a comprehensive report of the findings and forward it  
75 to the appropriate District director and the relevant building administrator. This  
76 report shall consist of all investigative material. The building administrator and  
77 appropriate District director shall submit a recommendation with supporting  
78 rationale to the Superintendent. The Superintendent shall approve, disapprove or  
79 modify the recommendation determination.  
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- 81 (8) Recommended determinations may be:  
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83 (a) No violation of the Harassment policy.  
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85 (b) Violation of the Harassment policy.  
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87 (c) No violation of the Discrimination policy.  
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89 (d) Violation of the Discrimination policy.  
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91 (e) Evidence of inappropriate behavior not found to constitute harassment and/or  
92 discrimination.  
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- 94 (9) A determination shall be rendered in the case no more than 20 school days  
95 following receipt of the complaint.  
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- 97 (10) The complainant shall be informed of the determination. If the determination  
98 includes a finding that a violation of this policy has occurred the complainant shall  
99 be informed of the determination. The individual(s) against whom the complaint has  
100 been filed shall also receive notification of the determination.  
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- 102 (11) The School District shall appropriately discipline any individual who retaliates  
103 against any person who reports alleged harassment and/or discrimination or who  
104 testifies, assists or participates in an investigation, proceeding or hearing related to  
105 a harassment or discrimination complaint. Persons bringing a harassment and/or  
106 discrimination complaint or assisting in an investigation of such a complaint shall not  
107 be adversely affected in the terms and/or conditions of their employment or  
108 education nor discriminated against because of the complaint. Confidentiality shall  
109 be maintained to the extent possible.  
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- 111 (12) Disciplinary actions imposed for acts of harassment, discrimination or retaliation  
112 shall include sanctions up to and including expulsion from school attendance or  
113 dismissal from employment.  
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- 115 (13) This policy and the School District's Prohibition of Harassment and Discrimination  
116 policies shall be available at all work sites and shall be explained to all students by  
117 the building administrator or his/her designee. The Office of Professional Standards  
118 and Equity shall also provide technical assistance at the District level.  
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- 120 (14) The School District of Lee County shall conspicuously post its Notice of  
121 Nondiscrimination, inclusive of the name and telephone number of the School  
122 District employee responsible for compliance with nondiscrimination provisions.  
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124 (15) These procedures do not deny the right of any individual to pursue other avenues of  
125 recourse which may include mediation, filing a complaint with the Office of Civil  
126 Rights, initiating a civil action or seeking redress under State criminal statutes and/or  
127 federal law.

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129 (16) The official record of all investigations performed pursuant to this policy shall be  
130 maintained in the Student Services Department. These records shall not become a  
131 part of the student's cumulative record and may only be reviewed upon approval of  
132 the Superintendent or designee. Records shall be retained for the maximum time  
133 allowable for redress available through actions pursued by regulatory or judicial  
134 entities.

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136 **STATUTORY AUTHORITY:** 1001.42, 1001.43, 1006.09, 1012.31, F.S.

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138 Adopted: 10/19/10 (formerly 4.14)