

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.

- (c) The School District encourages the complainant to use the Complaint of Discrimination/Harassment Report form, which may be secured from principals, equity coordinators, and the Directors of Professional Standards and Equity, Student Services and Personnel Services.
- (3) Anonymous complaints shall be accepted; however, the School District shall not necessarily investigate all alleged 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 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 such anonymous complaint shall be placed in the personnel file.
- (5) An investigation shall be conducted if the circumstances described by the complaint provide an appropriate factual basis, which indicates that harassment or discrimination may have occurred. The site-based administrator or equity coordinator and/or the District Directors of Professional Standards and Equity, Student Services and Personnel Services may conduct investigations.
- (6) The investigation of a harassment and/or discrimination complaint shall include but is not limited to:
- (a) Interviews with the complainant.
 - (b) Interviews with the individual(s) against whom the complaint has been filed.
 - (c) Interviews with others who have knowledge of the alleged incident(s) and circumstances related to the complaint.
 - (d) An examination of relevant documents.
- (7) The investigator shall prepare a comprehensive report of the findings and forward it to the appropriate District director and the relevant building administrator. This report shall consist of all investigative material. The building administrator and appropriate District director shall submit a recommendation with supporting rationale to the Superintendent. The Superintendent shall approve, disapprove or modify the recommendation determination.

- (8) Recommended determinations may be:
- (a) No violation of the Harassment policy.
 - (b) Violation of the Harassment policy.
 - (c) No violation of the Discrimination policy.
 - (d) Violation of the Discrimination policy.
 - (e) Evidence of inappropriate behavior not found to constitute harassment and/or discrimination.
- (9) A determination shall be rendered in the case no more than 20 school days following receipt of the complaint.
- (10) The complainant shall be informed of the determination. If the determination includes a finding that a violation of this policy has occurred the complainant shall be informed of the determination. The individual(s) against whom the complaint has been filed shall also receive notification of the determination.
- (11) The School District shall appropriately discipline any individual who retaliates against any person who reports alleged harassment and/or discrimination or who testifies, assists or participates in an investigation, proceeding or hearing related to a harassment or discrimination complaint. Persons bringing a harassment and/or discrimination complaint or assisting in an investigation of such a complaint shall not be adversely affected in the terms and/or conditions of their employment or education nor discriminated against because of the complaint. Confidentiality shall be maintained to the extent possible.
- (12) Disciplinary actions imposed for acts of harassment, discrimination or retaliation shall include sanctions up to and including expulsion from school attendance or dismissal from employment.
- (13) This policy and the School District's Prohibition of Harassment and Discrimination policies shall be available at all work sites and shall be explained to all students by the building administrator or his/her designee. The Office of Professional Standards and Equity shall also provide technical assistance at the District level.
- (14) The School District of Lee County shall conspicuously post its Notice of Nondiscrimination, inclusive of the name and telephone number of the School District employee responsible for compliance with nondiscrimination provisions.

(15) These procedures do not deny the right of any individual to pursue other avenues of recourse which may include mediation, filing a complaint with the Office of Civil Rights, initiating a civil action or seeking redress under State criminal statutes and/or federal law.

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

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

Adopted: 10/19/10 (formerly 4.14)