

PROHIBITION OF HARASSMENT

I. GENERAL STATEMENT OF POLICY

It is the policy of the Volusia County School District (“School District”) to maintain a work environment that is free from harassment because of an individual’s race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. The Volusia County School District prohibits any and all forms of harassment because of race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. This shall include same sex harassment, male to female harassment, and female to male harassment.

For the purpose of this policy, the term “school personnel” includes school board members, agents, volunteers, contractors, or persons subject to the supervision and control of the School District. For the purpose of this policy, the term “other person” shall be defined as any other person involved with school business or activities, or on school grounds.

It shall be a violation of School District policy for any student, teacher, administrator, other school personnel, or other person to harass a student, teacher, administrator, other school personnel, applicant for employment or other person through conduct of a sexual nature, or regarding race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability, as defined by this policy.

It shall also be a violation of this policy for any teacher, administrator or other school personnel to tolerate sexual harassment or harassment because of a student’s, subordinate employee’s, or other person’s race, color, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability by a student, teacher, administrator, other school personnel or by any third party.

The School District will act to promptly investigate all complaints, either formal or informal, verbal or written, of harassment because of race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability. The school system will promptly take appropriate action to protect individuals from further harassment. If it is determined that bullying or harassment in violation of this policy has occurred, the district will: (1) promptly and appropriately discipline any student or employee who is found to have violated this policy; (2) take appropriate action against any other person who is found to have violated this policy; and/or (3) take other action reasonably calculated to end the bullying and/or harassment and to correct the discriminatory effects on the complainant or other individuals who were subject to bullying and/or harassment, if appropriate.

The superintendent shall appoint an equity officer from among school personnel. The equity officer shall have the responsibility of counseling individuals who believe they may have been subjected to harassment in violation of this policy. Such counseling shall include providing necessary assistance and support in submitting the allegation to the

appropriate investigator. The equity officer shall also provide the superintendent with recommendations regarding training that may benefit the School District in the prevention of unlawful discrimination and harassment, and coordinate compliance with civil rights protection. The equity officer shall also have the responsibility of reporting to the superintendent, deputy superintendent, area superintendent, assistant superintendent, principal, or whomever the equity officer deems appropriate whenever he or she believes that an individual who has filed a complaint has not had the charge properly investigated in compliance with this policy.

II. DEFINITIONS

A. Sexual Harassment

For purposes of this policy, sexual harassment consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. submission to or rejection of that conduct by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. that conduct has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, abusive, oppressive, or offensive employment or education environment.

Sexual harassment may include but is not limited to:

1. sexual advances;
2. touching, patting, grabbing or pinching another individual's intimate parts;
3. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
4. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
5. graffiti of a sexual nature;
6. sexual gestures;
7. sexual or dirty jokes;

8. touching oneself sexually or talking about one's sexual activity in front of others;
  9. spreading rumors about or rating other employees as to sexual activity or performance;
  10. unwelcome, sexually motivated or inappropriate physical contact. This prohibition does not preclude legitimate non-sexual conduct such as the use of necessary restraints to avoid physical harm to persons or property; or
  11. other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats concerning an individual's employment, educational status or employment, or implied or overt promises of preferential treatment.
- B. Harassment Because of Race, Color, Religion, National Origin, Marital Status, Age, Political Beliefs, Sexual Orientation, Gender Identity or Expression, or Disability

For purposes of this policy, harassment on the basis of race, color, religion, national origin marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability consists of verbal or physical conduct relating to an individual's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or that of an individual's parents, family members or ancestors, or an individual's physical or mental disability, when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, abusive, oppressive, or offensive working or educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance; or
3. otherwise adversely affects an individual's employment or educational opportunities.

Harassment because of race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability may include but is not limited to:

1. graffiti containing offensive language;
2. name calling, jokes or rumors;
3. threatening or intimidating conduct directed at another because of the other's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability;

4. notes or cartoons;
5. slurs, negative stereotypes, and hostile acts, which are based upon another's race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability;
6. written or graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes;
7. a physical act of aggression or assault upon another because of, or in a manner reasonably related to race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability; or
8. other kinds of aggressive conduct such as theft or damage to property, which is motivated by race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability.

III. REPORTING PROCEDURES

A. General Procedures

Any student, parent/guardian of a student, employee, other school personnel or other person who believes he or she has been the victim of sexual harassment or harassment based on race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability as described by this policy, is encouraged to immediately report the alleged acts to an appropriate School District official designated herein.

Any administrator or other school employee who receives notice that any student, employee, other school personnel or other person may have been the victim of sexual harassment or harassment based on race, color, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability as described by this policy, is required to immediately report the alleged acts to an appropriate School District official designated herein. Failure to forward any harassment report or complaint as provided herein may result in disciplinary action against the employee, administrator or other school personnel who had been informed of the report or complaint. The individual receiving the report or complaint may request but may not insist upon a written complaint.

The School District shall, to the extent possible, protect the confidentiality and privacy of the individual filing the complaint, the individuals against whom the complaint is filed, and the witnesses involved. Such confidentiality and privacy may be limited by investigative and legal requirements that apply to the School District.

The School District encourages the reporting party or complainant to use the report form available from the appropriate office, but oral reports shall be considered complaints as well. Use of formal reporting forms is not required.

B. Submission of Complaints

1. Teachers who have observed or been told of bullying or harassment among students shall take the appropriate corrective action, and shall make the necessary referrals to the school administration as may be warranted by the situation. For other school personnel and other persons, any allegation that a student has been subjected to harassment in violation of this policy by another student shall be submitted to the affected student's building principal for investigation in accordance with the Code of Student Conduct and Discipline.
2. Any allegation that a teacher, administrator, other school personnel or other person has been subjected to harassment in violation of this policy by a student shall be submitted to the building principal for the student against whom the allegation was made.
3. Any allegation that a student, teacher, administrator, other school personnel or other person has been subjected to harassment in violation of this policy by a teacher, administrator, other school personnel or other person shall be submitted to the equity officer with the exception of allegations of harassment on the basis of sex. All complaints of harassment on the basis of sex shall be referred to the director of Professional Standards.
4. Complaints of harassment must be submitted within sixty (60) calendar days of the alleged action.
5. The equity officer shall be notified of all incidents of harassment that are the subject of an investigation.

IV. INVESTIGATION

- A. Upon receipt of the harassment report or complaint, the building principal, equity officer or the director of professional standards, whichever is applicable, shall immediately undertake or authorize an investigation.
- B. The investigation will consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the person investigating shall consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, and the

context in which the alleged incidents occurred.

- D. In the course of the investigation the building principal or the director of professional standards may determine that reason exists to make a recommendation regarding the protection of the student, employee or others named in the complaint. Such recommendation will be made immediately to the superintendent.
- E. The investigation will be completed as soon as practicable, with cases involving allegations against students being completed within ten (10) days, and cases involving allegations against adults taking no more than 60 days. If the allegation is against an employee, the director of professional standards or equity officer, whichever is applicable shall, upon completion of the investigation, provide a written report to the professional standards committee and shall make a recommendation to the superintendent. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy and should be completed with 90 days of the date of the complaint.

If the allegation is against a student, and is substantiated, the building principal shall take whatever action is appropriate under the Code of Student Conduct and Discipline. If the allegation is against a teacher, employee or other school personnel, and is substantiated, the superintendent and school board shall take appropriate action in accordance with school board policy, Florida Statutes and the Administrative Rules of the Florida State Board of Education. Such actions shall be taken in a timely manner.

- F. The result of any investigation conducted by a school or district administrator under this policy will be reported in writing to the parties to the extent allowed by law.

V. RETALIATION

The School District will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any individual who reports alleged harassment under this policy or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VI. DISSEMINATION OF POLICY, TRAINING AND PREVENTION

- A. This policy shall be accessible to all students, school personnel and members of the public via the School District's web site on the Internet.
- B. The policy will also be referenced in employee handbooks and student handbooks.

- C. The superintendent shall make arrangements for periodic training for staff to insure that employees understand and recognize prohibited harassment activity pursuant to this policy.
- D. The prohibitions and requirements of this policy shall be reviewed with students at the same time the Code of Student Conduct and Discipline is reviewed.
- E. The School District shall conspicuously post in all schools and departments the name of the equity officer, including mailing address and telephone number.

Legal Authority:

Sections 1001.41, Florida Statutes

Laws Implemented:

Section 1000.05, Florida Statutes

History:

(Adopted -- April 25, 2001)

(Revised -- July 28, 2009, March 29, 2011; March 13, 2012)

(Effective Date -- March 13, 2012)