

6Gx53-1.006 EDUCATIONAL EQUITY HARASSMENT POLICY

I. Discrimination and Harassment Policy

A. Stated Policy. The School Board of Polk County, Florida, forbids and affirmatively commits to preventing discrimination or harassment against any person, including employee, applicant for employment or student, on the basis of sex, race, national origin, language spoken, color, marital status, homelessness, or disability or other basis prohibited by law. All persons involved in any activity of the School Board have the right to an environment free from discrimination and harassment. The Board will not tolerate sexual, racial, disability harassment activity by any of its employees or students, or non-employee volunteers who work under the control of school authorities.

B. Rationale. Incidents of impermissible discrimination or harassment either tolerated or committed by School Board employees, students or anyone participating in a School Board activity threatens the safety, security and well being of not only those against whom such actions are directed, but everyone who has an interest in our schools. Such actions create the wholly unacceptable impression that our school system neither accepts nor requires compliance with the concepts of equal opportunity and treatment under the law. For these reasons, the School Board has adopted this policy as its strident commitment to requiring and insuring that all School Board activities will take place without harassment or impermissible discrimination being directed against any person.

C. Application. In recognition of the emphasis placed on this policy by the School Board, any substantiated violation of this policy will be deemed a serious violation and shall be addressed accordingly. All administrators, managers and supervisors are expected and required to insure that this policy is fully implemented and vigorously enforced.

II. Definitions.

A. Discrimination is conduct which deprives the victim of the proper opportunity to participate in employment, educational programs or activities, School Board or school sponsored activities, or in any other activities offered or provided by the School Board on account of race, color, national origin, language spoken, homelessness, sex, disability, marital status, age, religion, or any other basis prohibited by law.

B. Harassment is conduct directed by a person or persons against another person on account of race, color, national origin, language spoken,

homelessness, sex, disability, marital status, age, religion, or any other basis prohibited by law which is severe, persistent, pervasive, and objectively offensive to the point that the prohibited conduct substantially impairs the victim's participation in his/her employment, educational programs, school sponsored activities, or any other activities offered or provided by the School District, as more specifically defined below.

C. Sexual Harassment. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other inappropriate verbal, nonverbal, written, graphic, or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment, an individual's education or participation in any School Board function.
2. Submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting that individual.
3. Such conduct substantially interferes with an employee's work performance or student's academic performance, or creates an intimidating, hostile, or offensive work or school environment.
4. Examples of sexual harassment include, **but are not limited to** the following:
 - a. Verbal, nonverbal, graphic, and written harassment or abuse
 - b. Pressure for sexual activity
 - c. Repeated remarks to a person with sexual or demeaning implications
 - d. Unwelcome or inappropriate touching
 - e. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's employment.
5. It is sexual harassment for a School Board employee or non-employee volunteer to use his or her authority to solicit sexual favors or attention from subordinates or students, including but not limited to incidents when the subordinate's or student's failure to

submit will result in adverse treatment, or when the subordinate's or student's acquiescence will result in preferential treatment.

D. Racial Harassment. Racial harassment consists of verbal, nonverbal, graphic, written or physical conduct that denigrates or shows hostility or aversion toward any person based upon race when such conduct has the purpose or effect of creating an intimidating hostile or offensive work or school environment; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or any school activity.

Examples of racial harassment include, **but are not limited to** the following conduct which is based upon race:

1. Epithets and slurs
2. Negative stereotyping
3. Threatening, intimidating or hostile acts
4. Written or graphic material that shows hostility or aversion toward an individual group
5. It is racial harassment for a School Board employee, non-employee volunteer or student to create or be responsible for a racially hostile environment -- i.e. harassing conduct that is sufficiently severe, pervasive or persistent so far as to interfere with or limit the ability of an employee or student to participate in or benefit from services, activities, or privileges provided by the District.

E. Disability Harassment. Disability harassment is oral, written, graphic or physical conduct or any act as relating to an individual's disability that is sufficiently severe, pervasive or persistent so as to limit or interfere with the ability of the individual to participate in or benefit from district programs or activities; harassment that has the effect of unreasonably interfering with an employee's performance or creating an intimidating, hostile or offensive working or school environment.

Examples of disability harassment include, **but are not limited to** conduct directed at the characteristics of a person's disabling condition such as:

1. Imitating manner of speech

2. Interfering with necessary equipment
3. Negative stereotyping
4. Threatening, intimidating or hostile acts
5. Written or graphic material that shows an aversion or hostility towards an individual or group with disabling attributes.
6. It is disability harassment when a School Board employee, non-employee volunteer or student seeks to involve a student or employee with a disability in antisocial, dangerous or criminal activity where the student or employee because of disability, is unable to comprehend fully or consent to the behavior.

III. Procedures. Any person who alleges a violation of the foregoing policy may file a complaint as set forth below.

A. Employees. Any person who alleges harassment or discrimination by any staff member may use the Educational Equity Complaint Procedure or may complain directly to the building principal or Equity Coordinator. If the direct administrator or supervisor is the offending person, the report should be made to the next higher level of administration or supervision or the Equity Coordinator.

- Equity Handbook: [English](#), [Spanish](#)
- [Equity Complaint Form](#)
- Complaints filed with the Equity Coordinator should be forwarded to:

Patricia W. Hunter, Director Equity & Compliance
Polk County Public Schools
1915 South Floral Avenue
Bartow, FL 33830
Telephone: 863.534.0513 or 863.534.0517
Email: patricia.hunter@polk-fl.net

B. Students. Any student who alleges harassment or discrimination by another student, employee, or non-employee volunteer may use the student grievance procedure as found in the Code of Conduct or may complain directly to the building principal or Equity Coordinator.

C. Non-Retaliation. Filing a grievance/complaint or otherwise reporting harassment or discrimination will not affect the individual's status, future employment, future promotion, extracurricular activities or work assignments. Retaliation against any individual for good faith reporting of a claim or harassment or cooperation in an investigation will not be tolerated and will itself be subject to appropriate discipline.

D. Confidentiality. The right to confidentiality, both of the complainant and of the respondent, will be respected, consistent with the Board's legal obligations, and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

E. Determination. In determining whether alleged conduct constitutes harassment or discrimination, the totality of the circumstances, the nature of the conduct and the context in which the alleged conduct occurred will be investigated. The Superintendent or designee has the responsibility of investigating and resolving complaints of harassment or discrimination.

F. Substantiated Charge.

1. Employees. A substantiated charge against a School Board employee shall be deemed a serious disciplinary matter and shall subject such employee to disciplinary action, including but not limited to warning, reprimand, suspension or termination, subject to applicable procedural requirements.

2. Students. A substantiated charge against a student shall be deemed a serious disciplinary matter and shall subject that student to disciplinary action, which may include suspension or expulsion, consistent with the Code of Student Conduct.

3. Other Parties. Anyone involved in a School Board activity, other than employees and students, who engages in an act in violation of this policy shall be subject to prompt response by the appropriate School Board officials, including without limitation, immediate removal and future exclusion from such School Board activities.

G. Training. Training for staff and students shall be required each year to insure that the entire education community understands what harassment is and the consequences for it.

Statutory Authority: Florida Statutes 1001.32, 1001.41, 1001.42, and 1001.43

The School Board of Polk County, Florida
Policy 1.006

Laws Implemented: Florida Statutes 760.10, 1000.05; Florida Administrative Code 6A-19.0001, 6A-19.010

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