

**EQUITY, HARASSMENT &
DISCRIMINATION
PROCEDURES
2018/2019
REFRESHER/UPDATE**



AGENDA

- Definition of *Harassment*
- Review District's Procedures
 - Students
 - Employees & Applicants

POLICY AGAINST DISCRIMINATION

- *Employees/Applicants and Students*
- The School Board seeks to provide a work environment free of discrimination and harassment on the basis of race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation. No employee/applicant must tolerate such discrimination or harassment.

HARASSMENT: *STUDENTS and* *EMPLOYEES/APPLICANTS*

- Any slurs, innuendoes or other verbal or physical conduct reflecting on an individual's **race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation** which has the purpose or effect of creating a hostile or offensive educational environment.

HARASSMENT: *STUDENTS and EMPLOYEES AND APPLICANTS*

- Harassment has the purpose or effect of unreasonable interfering with the individual's work performance or participation; or otherwise adversely affects an individual's employment opportunities.

SEXUAL HARASSMENT

- What is sexual harassment?
 - Unwelcome or unwanted
 - Verbal: sexual jokes
 - Physical: touching, massaging
 - Other, such as pictures or emails

TYPES OF SEXUAL HARASSMENT

- Quid Pro Quo:
 - A person in a position of power, either perceived or real, uses the position to gain sexual favors. This is the only absolute in the law. This type of behavior is always actionable.

TYPES OF SEXUAL HARASSMENT

- Hostile Environment:
 - When one or more individuals create an environment so offensive that it affects
 - the student's ability to learn and his/her well-being or
 - an employee's ability to effectively perform his/her job or his/her well-being.
 - This type of harassment can occur anywhere, usually in less structured areas such as hallways, cafeterias, in the school yard and off campus.

SEXUAL HARASSMENT: EMPLOYEES & APPLICANTS

- Includes:
 - A. Sexual advances requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment opportunities; submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual;

SEXUAL HARASSMENT: EMPLOYEES & APPLICANTS

- Or such conduct has the purpose or effect of substantially interfering with an individual's job performance or creating an intimidating, hostile, or offensive work environment.
- B. The denial of or the provision of aid, benefits, promotions, rewards, employment, training, services, or treatment, on the basis of sexual advances or requests for sexual favors.

SEXUAL HARASSMENT: STUDENTS

- Includes:
 - A. Sexual advances requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational opportunities; submission to or rejection of such conduct is used as the basis for educational decisions affecting the individual;

SEXUAL HARASSMENT: STUDENTS

- Or such conduct has the purpose or effect of substantially interfering with an individual's educational performance or creating an intimidating, hostile, or offensive educational environment.
- B. The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment, on the basis of sexual advances or requests for sexual favors.

CONDITIONS OF HARASSMENT

- Failure to object does not constitute approval.
- If anyone regards the behavior as offensive...
- If even one person considers the behavior offensive...
- Opinions vary between the sexes.
- Intent carries little or no weight.
- Failure to cease objectionable behavior can be sexual harassment.

Procedures for Complaints Employees/Applicants

- Discrimination Complaint Forms shall be available in the main office of each school or cost center and on the district's Human Resources' website. Any complaint must be filed within six (6) months of the date on which the alleged discrimination occurred.
- The employee/applicant shall communicate in writing to the Equity Coordinator that there has been a discriminatory or harassing action or inaction against the employee by a specified individual(s) within the school district's scope of responsibility. The Equity Coordinator will be responsible for reviewing the complaint form to ensure the complainant has indicated a legitimate basis of discrimination based on the district's current equity policy. If no legitimate basis of discrimination is indicated on the complaint form, the Equity Coordinator will contact the complainant in writing to request clarification of the complaint. If no response is received within ten (10) business days, the complaint will be considered abandoned.
- If an oral complaint is given to any administrator by an employee they will encourage the employee to fill out the complaint form, if the employee refuses then the administrator will reduce the complaint to writing. The document will then be forwarded to the Equity Coordinator who will follow up with the complainant to ensure they did not wish to formally file the complaint. However, regardless of the complainants wishes to formally file the complaint, an investigation shall be conducted if the circumstances described by the complaint provide a factual basis, which indicates harassment or discrimination may have occurred.

Initial Investigation Employees/Applicants

- The Equity Coordinator will assemble the committee within five (5) business days of receipt of the formal complaint from the complainant. The committee will consist of three individuals: one central office administrator, and two members of the trained investigation team, one being a School Based Administrator (SBA), and one being a School District Administrator (SDA) representative. The committee will meet with the complainant to secure additional information or clarify existing information, as well as any witnesses.
- After reviewing all relevant information, the committee, by majority vote, will render a decision. The committee will respond in writing to the complainant no later than ten (10) business days following the conclusion of the investigation into the complaint. The written response will indicate whether a determination of reasonable cause was made.

Unresolved Outcome of Initial Investigation Employees/Applicants

- If the complaint is not satisfactorily resolved, as determined by the complainant, he/she may file an appeal in writing to the Equity Coordinator within five (5) business days of receipt of the written response from the Appeals Committee. The Equity Coordinator, acting as the Superintendent's designee, will schedule a discussion with the complainant within five (5) business days following receipt of the communication. The Equity Coordinator will make a determination of reasonable cause no later than ten (10) business days following the discussion of the complaint with the complainant.
- Conciliation - If a determination of reasonable cause is made, the Equity Coordinator will seek to conciliate the complaint with the respondent and the employee/applicant within ten (10) business days of said determination.

EMPLOYEES/APPLICANTS

- NOTE: The complainant may file a complaint directly with the **Equal Employment Opportunity Commission (EEOC)** at any time if he/she is not satisfied with our internal process.

POLICY AGAINST DISCRIMINATION STUDENTS

- The School Board seeks to provide an educational environment free of discrimination and harassment on the basis of **race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation.**

COMPLAINT PROCEDURE

STUDENTS

- Step 1: Complaint is filed with the District's Equity Coordinator.
- Step 2: After reviewing the complaint, the Equity Coordinator sends the complaint to the Cost Center Head for investigation. (If the complaint involves the Cost Center Head, the complaint is forwarded instead to the immediate supervisor of the Cost Center Head for investigation.)

COMPLAINT PROCEDURE

STUDENTS

- Step 3: If the complaint is not resolved to the satisfaction of the complainant at the level of the Cost Center Head, the complaint is forwarded to an Appeals Committee for review.
- Step 4: If the complaint is not resolved to the satisfaction of the complainant at the level of the Appeals Committee, the complaint is forwarded to the Equity Coordinator for final appeal. The Equity Coordinator serves as the Superintendent's designee.

SEXUAL HARASSMENT

- Adults have a responsibility to act even if no report has been filed.
 - Intervene if you observe:
 - Student on student harassment
 - Intervene if you observe:
 - Teacher on student harassment

STUDENTS

- Note: The complainant (or his/her guardian) may file a complaint directly with the **Office of Civil Rights** at any time if he/she is not satisfied with the District's internal process.

Equity Coordinator

- Al Harayda
- Al.Harayda@sarasotacountyschools.net
- 941-927-9000 ext. 31217

QUESTIONS?

