

TABLE OF CONTENTS

	Page
Introduction	1
I. School Board Harassment Policies 1362, 3362, 4362, 5517.....	2
II. Administrative Investigation Guidelines and Interview Forms	6
A. Administrative Harassment Investigation Guidelines.....	7
1. General Investigation Guidelines	7
2. Interviewing the Complainant	9
3. Complainant Interview Form.....	12
4. Interviewing the Accused	18
5. Accused Interview Form.....	20
6. Interviewing Witnesses	23
7. Witnesses Interview Form	24
8. Interviewing the Accused’s Supervisor	25
9. Complainant/Accused’s Supervisor Interview Form	26
III. Complaints and Grievance Procedures for Student and Employee/Applicant.....	28
B. Complaints and Grievances Procedures (Student)	29
C. Complaints and Grievances Procedures (Employee/Applicant)	31
IV. Grievance Forms.....	34
D. Student/Parent Harassment Grievance Form (Step 2).....	35
E. Student/Parent Harassment Grievance Form (Step 3).....	36
F. Employee/Applicant Harassment Grievance Form (Step 2).....	37
G. Employee/Applicant Harassment Grievance Form (Step 3).....	38
V. Informational Materials on Harassment.....	39
H. Student Harassment Grievance Procedure Time Line.....	40
I. Handout: “What is Sexual Harassment?”	41
J. School Critical Incident Response Manual: #49 Student Welfare	

Situation - Suspected Child Abuse 43

VI.	Notices	45
	N. Notice to Employees	46
	O. Notice to Students	47
	P. Nondiscrimination Notice.....	48

BREVARD PUBLIC SCHOOLS HARASSMENT POLICY/PROCEDURE MANUAL

INTRODUCTION

Harassment is a concern for every Brevard County school district employee. Such behavior is destructive to the efforts to create an equal opportunity work and classroom environment. The Federal and State law and court rulings now specify that unequal educational opportunity results from harassment and that this indeed makes it a form of discrimination.

Prevention is a key component in the eradication of harassment in our schools. Strategies to reduce and eliminate harassment in schools need to aim for a transformation of a broader school culture. Dealing effectively with instances of harassment is much easier if a school has established a learning place where offensive language, derogatory comments, and unwelcome touching are not tolerated. District harassment policies and grievance procedures should be reviewed with students and staff each year. Notification of the district's harassment policy and grievance procedures should be published in student/parent and staff handbooks and posted at school sites.

Schools are encouraged to be prompt and fair in the handling of harassment complaints before they become grievances. **The harassment grievance policy and procedures detailed in this manual are intended to provide an avenue of redress or appeal for those complainants who are not satisfied by the initial response of a school official to an harassment complaint.** These policies and procedures include:

A. Students:

- School Board Policy 5517, approved May, 2002.
- Grievance Procedure: School Board Policy 2260.01, approved May 2002.
- Elementary & Secondary Student/Parent Handbooks.

B. Employees:

- Nondiscrimination Notice.
- School Board Policies 1362, 3362, and 4362, approved May, 2002.
- Grievance Procedures: School Board Administrative Procedures 1362, 3362, and 4362.

SCHOOL BOARD
HARASSMENT POLICIES
1362, 3362, 4362, 5517

1362, 3362, & 4362 Harassment Policies

The School Board recognizes that an administrative, instructional or support staff member as well as a student has the right to work/learn in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct which has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, discriminatory, or offensive educational environment disrupts the educational process and impedes the legitimate pedagogical concerns of the District. Sexual and other forms of harassment will not be tolerated.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision. Under certain circumstances, sexual harassment may constitute sexual abuse under Federal law (Title VII) and Florida Statute (Equity Act). In all such cases, school personnel will comply with statute and take immediate action to protect the victim of alleged abuse. Other prohibited harassment includes conduct which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive educational environment on the basis of gender, religion, race, color, national origin or ancestry, age, disability, marital status, and/or any other legally protected characteristic.

The harassment of a staff member or student of this District, or third party (visiting speaker, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any administrative staff member or agent of the Board who is found to have harassed a staff member, student, or third party will be subject to discipline in accordance with law.

The Superintendent shall establish administrative regulations which address the conduct prohibited by this policy and describe a reporting procedure. The Superintendent shall ensure that the policy and administrative regulations are available to all staff members.

F.S. 1001.41

42 U.S.C. 2000 et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

42 U.S.C. 12101 et seq.

20 U.S.C. 1681 et seq.

Civil Rights Act, 42 U.S.C. 1983

Americans with Disabilities Act, P.L. 101-336

5517 HARASSMENT POLICY

The Board recognizes that a student has the right to learn in an environment untainted by sexual or other forms of harassment or discrimination. Offensive conduct which has the purpose or effect of unreasonably interfering with learning performance or creating an intimidating, hostile, discriminatory, or offensive learning environment disrupts the educational process and impedes the legitimate pedagogical concerns of the District. Sexual and other forms of harassment will not be tolerated.

Sexual harassment includes all unwelcome sexual advances, requests for sexual favors, and verbal or physical contacts of a sexual nature whenever submission to or rejection of such conduct results in the denial of or provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment. Under certain circumstances, sexual harassment may constitute sexual abuse under Federal law (Title VII) and Florida Statute (Equity Act). In all cases, school personnel will comply with Statute and take immediate action to protect the victim of alleged abuse. Other prohibited harassment includes conduct which has the purpose or effect of creating an intimidating, hostile, discriminatory, or offensive learning environment on the basis of gender, religion, race, color, national origin or ancestry, age, disability, marital status, and/or any other legally protected characteristic.

The harassment by a student of a staff member, fellow student of this District or third party (e.g. visiting speaker, athletic team member, volunteer, parent, etc.) is strictly forbidden. Any student who is found to have harassed a staff member, or third party or student will be subject to discipline in accordance with law and the Parent/Student Handbook.

The Superintendent shall establish administrative procedures which address the conduct prohibited by this policy and describe a reporting procedure. The Superintendent shall ensure that explanations of the prohibited conduct and reporting procedures are available to all students and are posted in appropriate places throughout the District.

Complaints and Grievances Regarding Harassment

A. Any student or parent of a student who believes that s/he has been the subject of harassment may file a grievance according to the procedures established in Student Harassment complaints and Grievances Procedures which are incorporated by reference and are part of this rule.

B. In any cases which involve alleged harassment, nothing in this policy or in any other policy or procedure shall require the individual alleging harassment to present the matter to the person who is the subject of the complaint.

C. Retaliation against anyone reporting or thought to have reported harassment behaviors is prohibited. Such retaliation shall be considered a serious violation of the policy and shall be considered independent of whether a charge or informal complaint of harassment is substantiated.

D. Any employee or student who is found to have knowingly filed a false harassment complaint will be subject to discipline by the School District. S/He may also be held personally liable for his/her misconduct through civil suit by the injured employee and may also be criminally prosecuted under Section 837.06, Florida Statutes.

Investigations of Complaints Regarding Harassment

A. In determining whether alleged conduct constitutes harassment, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated.

Notification of Administrative, Instructional, and Support Staff

A. It shall be the responsibility of the Superintendent to ensure that all employees receive appropriate training related to the implementation of this policy.

B. Students, employees, volunteers, and vendors shall receive appropriate information related to this policy, including the name of designated person to contact to file a complaint and/or receive information related to this policy.

Discrimination on the Basis of Disability

A student who believes that s/he or a specific class of individuals has been subjected to discrimination according to the Americans with Disabilities Act (ADA) by the School Board of Brevard County may file a complaint.

Grievance Procedures

A. Step 1

The student should first take the complaint to the person(s) and/or appropriate school official involved and try to solve the problem informally. If this does not work, then s/he may go on to the next step.

B. Step 2

The student (or parents) must give the principal a written and signed harassment grievance form no later than thirty (30) days after the date of the event giving rise to the grievance. This event is the initial response by a school official to an accusation of harassment. A copy of the grievance is to be given to any other person involved. This should describe the problem and give all the facts. The student should tell what would be the best solution to the problem. The principal should make a decision within seven (7) days.

C. Step 3

If a student does not agree with the principal's decision, parents may send another harassment grievance, just as in Step 2, to the Board's Equity Coordinator. A copy of the grievance is to be given to the principal. This must be done within seven (7) days after receiving the principal's decision. The Board's Equity Coordinator will make a decision within seven (7) days after receiving the grievance.

42 U.S.C. 2000d et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

42 U.S.C. 12101 et seq.

20 U.S.C. 1681 et seq.

Civil Rights Act, 42 U.S.C. 1983

HARASSMENT

**ADMINISTRATIVE INVESTIGATION
GUIDELINES AND INTERVIEW FORMS**

BREVARD PUBLIC SCHOOLS ADMINISTRATIVE HARASSMENT INVESTIGATION GUIDELINES

General Investigation Guidelines

1. Conduct a thorough and prompt investigation. Begin the investigation immediately after being advised of the situation. Prolonging the investigation can make the witness testimony increasingly unreliable. Do not limit the investigation to interviews of the complainant and alleged perpetrator.
2. Immediately begin a chronological investigation record documenting the actions of everyone involved in the investigation.
3. Treat a claim as valid until it has been established otherwise.
4. If the alleged victim reports harassment involving touching, this may constitute a criminal offense. Contact local law enforcement, Office of Public Safety, and the area superintendent.
5. If the alleged victim is involved in a harassment incident with a Brevard Public School employee which may be child abuse, immediately notify the local law enforcement agency. Immediately after notifying law enforcement, report the suspected school board employee involved case by telephone to the Children and Families Central Abuse Hotline. (See “School Critical Incident Response Manual: #49 Student Welfare Situation - Suspected Child Abuse” and School Board Rule in Appendix.)
6. If a student makes a harassment complaint against a teacher, notify the Office of Public Safety, Director of Human Resources/Labor Relations, and the area superintendent.
7. While it is not possible to ensure complete confidentiality, as much as possible when conducting the investigation, keep the investigation and the facts that it uncovers under a strict “need to know” basis. Emphasize to all those involved in the investigations, including the complainant, the accused, and witnesses, the need to keep discussions strictly confidential. Support these instructions with warnings of discipline if necessary. The

School Board attorney has indicated that harassment complaints become public record 20 days after an investigation is complete.

8. Limit the number of persons in the district who have access to the information. Do not unnecessarily disclose information to witnesses or ask leading question. For example, instead of asking, "Did you see Paul touch Joan?", ask "Have you seen anyone touch Joan at work in a way that made her uncomfortable?" The purpose of the investigation is to gather facts, not disseminate allegations.
9. If there are allegations by different complainants, treat each incident separately.
10. In discussing the situation with witnesses, make it clear that the facts are not to be discussed with unconcerned parties. If there is any doubt about a potential witness's ability to maintain confidentiality, it may be wise to think very carefully about the way that particular witness will be involved in the investigation.
11. Harassment investigation reports and accompanying documents may not be student records as defined by FS 1002.22 Student Records; thus, individual statements may not remain confidential.
12. To avoid defamation liability, never broadcast the facts of a given situation or the results as an example to others or as a training tool.

BREVARD PUBLIC SCHOOLS INTERVIEWING THE COMPLAINANT

1. Introduce yourself to the complainant, stating your name, title, and role in the investigation of the complaint. (Your role is to conduct a thorough investigation; to interview the complainant, the accused, the supervisors/teachers of the complainant and the accused, and any witnesses who can corroborate the claims of either the complainant or the accused; to gather as many facts as possible; and to make recommendations to the proper authority regarding the situation.)
2. Make the complainant feel at ease, and if the complainant is of the opposite gender, make it clear that he or she has the right to be interviewed by someone of the same gender. Emphasize to the complainant that findings will be kept on a strict “need to know” basis, and that the complainant needs to keep discussions strictly confidential.
3. In some cases the complainant may have difficulty in understanding what constitutes harassment. It may be wise to review the policy with the complainant, and to discuss the different types of harassment.

Harassment includes:

- Any slurs, innuendos or other verbal or physical conduct reflecting on an individual's race, religion, color, sex, national or ethnic origin, age, marital status or disability, which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose or effect of unreasonably interfering with the individual's work or school performance or participation; or otherwise adversely affects an individual's employment or educational opportunities. (Sexual harassment is a form of discrimination which includes sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature.)

Which could include:

- The denial of or provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.
- 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 or educational career;
 - ⇒ submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or,
 - ⇒ such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.
4. When interviewing the complainant, state that the district has a zero tolerance policy for harassment and that a grievance procedure exists should they have concerns about how this investigation is resolved. Explain how the investigation will be conducted and how the results will be reported to the alleged victim. State that there is a policy against retaliation and that any further incidents should be reported immediately to the investigator.
 5. Elicit specific details regarding the alleged harassment. Include questions regarding the type of conduct, the frequency of the occurrence, what was said or done, where it occurred, if (and where) the complainant was touched, the dates that the conduct occurred, and the time period over which the conduct occurred. Find out whether or not there was a pattern of previous episodes or whether the complainant was aware of similar behavior by the accused towards another employee or student.
 6. Get the specific context in which the conduct occurred, including the nature and general description of the work area, and the specific location. Did the conduct occur at a school/related function, during the school day or work day, or after hours?
 7. Determine the effect of the conduct on the complainant. Identify the type(s) of effects (e.g. economic, non-economic and/or psychological). Was the conduct received as a joke? Was it really unwelcome? Did it embarrass, frighten, intimidate or humiliate the complainant? Often, complainants contend that, while they may have voluntarily given in to the demands made of them, they did so out of fear, or because they felt threatened or intimidated. It is important to remember, however, that the real issue is not whether the behavior was voluntary or involuntary, but whether it was unwelcome.
 8. Determine whether or not persons of the opposite sex from the complainant were subjected to similar conduct or were treated differently by the alleged harasser.

9. Determine the time relationship between the occurrence of the alleged conduct, its effect on the complainant, and the time when the complainant made the report. If there was a time lag between the occurrence and the report, find out why the complainant waited so long before reporting the situation. A plausible explanation may be the employee's/student's fear of retaliation. Prepare a detailed chronology. Analyze whether there might have been certain events that triggered the complaint, for example, a denial of promotion, pay raise, or transfer. Determine whether there were any possible motives on the part of the complainant.
10. Find out what the complainant wants. (How does the complainant want the situation resolved? Can the complainant continue to work for/with the accused? Can the complainant be productive? Will it be embarrassing or awkward for the complainant? Does the complainant need counseling? If the complainant is a student, will it be awkward for the alleged harasser to be in the same class as the victim?)
11. Explain to the complainant that the charges are serious and that the district will conduct a thorough investigation before reaching any conclusions, and that she/he will not be the object of retaliation for making the complaint.
12. Make no statements about the accused's character, job or school performance, or family life. If the accused were to sue for defamation, this might be enough evidence for a finding of malice. Malice nullifies the "qualified privilege" employers have to discuss internally these kinds of situations without incurring liability.
13. Get a signed written statement from the witness. If the witness finds it difficult to give a written statement, the interviewer may prepare one from the interview notes for complainant's approval. Be very clear that the complainant should not sign the statement until it reflects the witness's position.

**BREVARD PUBLIC SCHOOLS
HARASSMENT
COMPLAINANT INTERVIEW**

Name: _____

Position: _____

Work location/school: _____

Date of interview: _____

Interviewer name: _____

Interviewer title: _____

INTERVIEW QUESTIONS

- 1. Elicit specific details regarding the alleged harassment.** (NOTE: The interviewer may skip specific questions if the information is given as part of the answer to another question. Likewise, the interviewer may need to ask additional or probing questions to elicit complete information.)

Please describe the type of behavior that you felt constituted harassment.

How often did this type of behavior occur? _____

Exactly what was said or done? _____

Where did this occur? _____

Were you touched at any time? Where were you touched? _____

What were the approximate dates that the behavior occurred? _____

What was the time period over which the behavior occurred? _____

Were there any other similar occurrences of this behavior in the past?

Are you aware of any similar behavior by the accused towards another employee or student?

2. Get the specific context in which the conduct occurred, including:

Exactly where (specific location[s]) did the behavior occur? _____

Did the conduct occur at a school/related function, during the school or work day, or after hours?

- 3. Determine the effect of the conduct on the complainant.** (Emphasize that although some of the questions may at first seem to be accusatory to the complainant, the purpose of the questions is to gather complete information related to the complaint, and are not meant to embarrass or intimidate the complainant.)

What effect has this behavior had on you? In terms of working relationships or in terms of learning? In terms of work/school behaviors?

Did you ever react to the behavior as a joke? _____

Was the behavior really unwelcome? Did you indicate in any way that the behavior was unwelcome? _____

Did the behavior embarrass, frighten or humiliate you? _____

4. Determine whether or not persons of the opposite sex from the complainant were subjected to similar conduct or were treated differently by the alleged harasser. _____

5. Determine the time relationship between the occurrence of the alleged conduct,

its effect on the complainant, and _____

the time when the complainant made the report.

If there was a time lag between the occurrence and the report, find out why the complainant waited so long before reporting the situation. _____

Prepare a detailed chronology. Analyze whether there might have been certain events that triggered the complaint; for example, a denial of promotion, pay raise, transfer, grade change, rejection. Determine whether there were any possible motives on the part of the complainant.

6. Find out what the complainant wants.

How do you want the situation resolved? _____

Do you believe that you can continue to work for (or with) the accused?

Can you be productive under this set of circumstances? _____

Will it be embarrassing or awkward for you under this set of circumstances?

Do you feel that you need counseling? _____

Are there any other comments you would like to make or questions you would like to ask? _____

7. Explain to the complainant that the charges are serious and that the district will conduct a thorough investigation before reaching any conclusions, and that she/he will not be retaliated against for making the complaint.

- 8. Make no statements about the accused's character, job or school performance or family life.** If the accused were to sue for defamation, this might be enough evidence for a finding of malice. Malice nullifies the "qualified privilege" employers have to internally discuss these kinds of situations without incurring liability.

BREVARD PUBLIC SCHOOLS INTERVIEWING THE ACCUSED GUIDELINES

1. Introduce yourself to the accused, stating your name, title, and role in the investigation of the complaint. (Your role is to conduct a thorough investigation; to interview the complainant, the accused, the supervisors of the complainant and the accused, and any witnesses who can corroborate the claims of either the complainant or the accused; to gather as many facts as possible; and to make recommendations to the proper authority regarding the situation.)
2. Expect the accused to deny the charges. Observe and note the physical and verbal reactions. Note whether or not there is surprise, anger, or disbelief. Describe the details of the allegation and note the areas of disagreement between the testimonies of both parties. If the accused denies the allegations, probe further to determine with the accused the background, reasons, and motivation that could possibly trigger the complaint.
3. As much as possible, make the accused feel at ease, realizing that the accused may become defensive or even hostile. Emphasize to the accused that findings will be kept on a strict "need to know" basis, and that the accused needs to keep discussions strictly confidential.

Harassment includes:

- Any slurs, innuendos or other verbal or physical conduct reflecting on an individual's race, religion, color, sex, national or ethnic origin, age, marital status, or disability, which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose or effect of unreasonably interfering with the individual's work or school performance or participation; or otherwise adversely affects an individual's employment or educational opportunities. (Sexual harassment is a form of discrimination which includes sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature.)
- The denial of or provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.
- 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 or educational career;
 - ⇒ submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or,
 - ⇒ such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive working or educational environment.
4. When interviewing the accused, explain that the purpose of the meeting is to investigate a harassment complaint. State that the district has a zero tolerance policy for harassment and provide him/her with a definition of harassment. Remind the accused that the district policy prohibits retaliation.
 5. Identify the relationship of the accused to the complainant. Was the accused an agent of the district, a supervisory employee, a coworker, another student, or a nonemployee?
 6. Was there any prior consensual relationship between the parties? How long have the parties known each other? Is there a history of group or individual socializing?
 7. If the individual was a supervisor or teacher, indicate the individual's job title, obtain a copy of the individual's job description, and determine the individual's specific duties at the time of the alleged harassment.
 8. Determine whether the accused directed, or had responsibility for, the work of other employees, or the complainant, had authority to recommend employment decisions affecting others, (e.g. hiring, firing, promoting) or was responsible for the maintenance or administration of the records of others. If the complainant or accused is a student, determine whether others might have information that would be relevant to the investigation. This helps to establish whether or not there was someone who allegedly knew or should have known of the conduct.
 9. Get a signed written statement from the accused. If the accused finds it difficult to give a written statement, the interviewer may prepare one from the interview notes for the accused's approval. Be very clear that the accused should not sign the statement until it reflects the complainant's position.

**BREVARD PUBLIC SCHOOLS
HARASSMENT
ACCUSED INTERVIEW**

Name: _____

Position: _____

Work location/school: _____

Date of interview: _____

Interviewer name: _____

Interviewer title: _____

INTERVIEW QUESTIONS

1. Obtain a statement from the accused.

Please describe to me your interpretation of your behavior toward the complainant? (If necessary, ask specific questions related to the behavior, such as, "Did you say to the complainant, 'I'd like to get under the sheets with you.'" "What did you mean by that?" "What do you think the complainant thought of that comment?") _____

Give the accused a copy of the School Board policy on harassment (Working Conditions). Ask the accused if he/she is familiar with what constitutes harassment. _____

2. Identify the relationship of the accused to the complainant. Was the accused an agent of the district, a supervisory employee, a coworker, another student, or a non-employee?

3. **Was there any prior consensual relationship between the parties? How long have the parties known each other? Is there a history of group or individual socializing?** _____

How long have you and the complainant known each other? _____

In what context have you known or socialized with the complainant?

4. **If the individual was a supervisor or teacher, indicate the individual's job title, obtain a copy of the individual's job description, and determine the individual's specific duties at the time of the alleged harassment.**

5. **Determine whether the accused directed, or had responsibility for, the work of other employees, or the complainant, or had authority to recommend employment decisions affecting others, (e.g. hiring, firing, promoting) or was responsible for the maintenance or administration of the records of others.** If the complainant or accused is a student, determine whether others might have information that would be relevant to the investigation. (This helps to establish whether or not there was someone who allegedly knew or should have known of the conduct.) _____

6. Are there any other statements you would like to make or questions you would like to ask? _____

Explain to the accused that the charges are serious and that the district will conduct a thorough investigation before reaching any conclusions.

BREVARD PUBLIC SCHOOLS INTERVIEWING WITNESSES GUIDELINES

1. Obtain statements from any witnesses who support or deny any of the complainant's allegations. This evidence is very critical to the investigation. Without it, it is simply the complainant's word against that of the accused.
2. Assure all witnesses that their cooperation is important and that they will not be retaliated against for testifying. Make sure that they know retaliation is illegal and prohibited by Brevard School Board policy.
3. Introduce yourself to the witness, stating your name, title, and role in the investigation of the complaint. (Your role is to conduct a thorough investigation; to interview the complainant, the accused, the supervisors of the complainant and the accused, and any witnesses who can corroborate the claims of either the complainant or the accused; to gather as many facts as possible; and to make recommendation to the proper authority regarding the situation.)
4. As much as possible, make the witness feel at ease, realizing that the witness may not be an impartial observer to the behavior. In some instances the witness may have either contributed to the behavior or did nothing to stop or discourage the behavior.
5. Do not unnecessarily disclose information to witnesses or ask leading questions. For example, instead of asking, "Did you see Paul touch Joan?" ask, "Have you seen anyone touch Joan at work in a way that made her uncomfortable?" The purpose of the investigation is to gather facts, not disseminate allegations.
6. Emphasize to the witness that findings will be kept on a strict "need to know" basis, and that the witness needs to keep discussions strictly confidential. In discussing the situation with witnesses, make it clear that the facts are not to be discussed with unconcerned parties. If there is any doubt about a potential witness's ability to maintain confidentiality, it may be wise to think very carefully before involving that particular witness.
7. Get a signed written statement from the witness. If the witness finds it difficult to give a written statement, the interviewer may prepare one from the interview notes for his/her approval. Be very clear that the accused should not sign the statement until it reflects the witness's position.

**BREVARD PUBLIC SCHOOLS
INTERVIEWING THE ACCUSED'S SUPERVISOR
GUIDELINES**

If the accused is a student, the supervisor is one of the adults responsible for supervising the student, e.g. teacher, coach.

1. Talk with the accused's supervisor to learn about any discipline problems and behavior patterns on the part of the accused or the complainant and to determine whether or not the supervisor had any knowledge of the relationship between the parties.
2. Introduce yourself to the supervisor, stating your name, title, and role in the investigation of the complaint. (Your role is to conduct a thorough investigation; to interview the complainant, the accused, the supervisors of the complainant and the accused, and any witnesses who can corroborate the claims of either the complainant or the accused; to gather as many facts as possible; and to make recommendations to the proper authority regarding the situation.)
3. Emphasize to the supervisor that findings will be kept on a strict "need to know" basis, and that the supervisor needs to keep discussions strictly confidential.
4. Did the complainant report the conduct to the supervisor? Was the supervisor in a position to observe the conduct? Should the supervisor have been alerted to the conduct? For example, was the conduct discussed in the presence of the supervisor, or were there any rumors circulating?
5. Determine whether or not there is any available documentation, (e.g. letters, memoranda, reports or statements) that would support the conclusion that the supervisor knew or had reason to know of the conduct.
6. Get a signed written statement from the supervisor. If the teacher(s)/ supervisor finds it difficult to give a written statement, the interviewer may prepare one from the interview notes for his/her approval. Be very clear that the accused should not sign the statement until it reflects the teacher(s)/ supervisor's position.

**BREVARD PUBLIC SCHOOLS
HARASSMENT
COMPLAINANT/ACCUSED'S SUPERVISOR INTERVIEW**

If the accused is a student, the supervisor is one of the adults responsible for supervising the student, e.g. teacher, coach.

Name: _____

Position: _____

Work location/school: _____

Date of interview: _____

Interviewer name: _____

Interviewer title: _____

INTERVIEW QUESTIONS

1. Talk with the accused's supervisor to learn about any discipline problems, and behavior patterns on the part of the accused or the complainant and to determine whether or not the supervisor had any knowledge of the relationship between the parties. _____

2. Did the complainant report the conduct to the supervisor? _____

When did the complaint take place? _____

What were the specific allegations made in the complaint? _____

What action was taken by the supervisor? _____

3. Was the supervisor in a position to observe the conduct? _____

4. Should the supervisor have been alerted to the conduct? (For example, was the conduct discussed in the presence of the supervisor, or were there any rumors circulating?) _____

Determine whether or not there is any available documentation, (e.g. letters, memoranda, reports or statements) that would support the conclusion that the supervisor knew or had reason to know of the conduct. _____

**HARASSMENT
COMPLAINTS AND GRIEVANCE
PROCEDURES**

- STUDENT**
- EMPLOYEE/APPLICANT**

STUDENT HARASSMENT COMPLAINTS AND GRIEVANCES PROCEDURES

The School Board encourages the prompt and fair handling of problems before they become real grievances. If the issue cannot be resolved prior to initiating a formal grievance procedure, the harassment grievance procedure shall be followed objectively. Carefully following the procedure helps insure that no individual should fear retribution for seeking full satisfaction of the problem.

A. Definition

A grievance is a claim by a student(s) or parent(s) of an alleged infraction or misinterpretation of a provision of a policy or agreement which was adopted by the School Board.

B. Purpose

The purpose of this harassment policy is to encourage prompt and equitable solutions to problems which might become grievances and to ensure that no person need fear coercion, interference, restraint, discrimination, or reprisal for utilizing the procedure. The harassment grievance policy and procedures detailed in this manual are intended to provide an avenue of redress or appeal for those complainants who are not satisfied by the initial response of a school official to a harassment complaint.

C. Grievance Steps

Step 1

The student should first take the complaint to the person(s) and/or appropriate school official involved and try to solve the problem informally. If this does not work, then s/he may go on to the next step.

Step 2

The student (or parents) must give the principal a written and signed harassment grievance form no later than thirty (30) days after the date of the event giving rise to the grievance. This event is the initial response by a school official to an accusation of harassment. A copy of the grievance is to be given to any other person involved. This should describe the problem and give all the facts. The student should tell what would be the best solution to the problem. The principal should make a decision within seven (7) days.

Step 3

If a student does not agree with the principal's decision, parents may send another harassment grievance, just as in Step 2, to the Board's Equity Coordinator. A copy of the grievance is to be given to the principal. This must be done within seven (7) days after receiving the principal's decision. The Board's Equity Coordinator will make a decision within seven (7) days after receiving the grievance.

D. General Provisions

- (1) In cases of alleged discrimination harassment, nothing in this policy shall prohibit a student or parent from pursuing a grievance through the complaint and/or grievance procedures as may be established by federal and/or state statutes or regulations.
- (2) No student, parent, or employee shall be subject to adverse action in retaliation for having filed a grievance or for having testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under the authority of this policy.
- (3) All parties involved in this harassment grievance process shall have the right to representation at all steps.
- (4) If the grievant fails to meet the specific time restrictions provided herein, the grievance shall be deemed to be withdrawn. If the appropriate administrator fails to act within the time restrictions provided herein, the grievant shall have the right to proceed to the next step in the procedure.
- (5) Harassment investigation reports and accompanying documents may not be student records as defined by FS 1002.22 Student Records; thus, individual statements may not remain confidential.

EMPLOYEE/APPLICANT HARASSMENT COMPLAINTS

The School Board encourages the prompt and fair handling of problems before they become real grievances. If the issue cannot be resolved prior to initiating a formal grievance procedure, the harassment grievance procedure shall be followed objectively. Carefully following the procedure helps insure that no individual should fear retribution for seeking full satisfaction of the problem.

A. Definition

A grievance is a claim by an employee(s) or applicant(s) for employment of an alleged infraction or misinterpretation of a provision of a policy procedure, or agreement which was adopted by the School Board. The harassment grievance policy and procedures detailed in this manual are intended to provide an avenue of redress or appeal for those complainants who are not satisfied by the initial response of a school official to a harassment complaint.

B. Purpose

The purpose of this harassment policy is to encourage prompt and equitable solutions and to ensure that no person need fear coercion, interference, restraint, discrimination, or reprisal for utilizing the procedure.

C. General Provisions

- (1) In cases of alleged discrimination in employment, nothing in this policy shall prohibit an employee or applicant for employment from pursuing a grievance through the complaint and/or grievance procedures as may be established by the Instructional or School Related Collective Bargaining Agreements or federal and/or state statutes or regulations.
- (2) No person shall be subject to adverse action in retaliation for having filed a harassment grievance or for having testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under the authority of this policy.
- (3) All parties involved in this harassment grievance process shall have the right to representation at all steps.

- (4) If the grievant fails to meet the specific time restrictions provided herein, the grievance shall be deemed to be withdrawn. If the appropriate administrator fails to act within the time restrictions provided herein, the grievant shall have the right to proceed to the next step in the procedure.

EMPLOYEE/APPLICANT GRIEVANCE PROCEDURES

Employees whose classifications are not included in a bargaining unit shall have access to the grievance procedure outlined below.

- A. A grievance is an allegation by an employee that there has been a violation, misinterpretation, or misapplication of any specific provision of Florida Statute, State agency regulation, or School Board policy.
- B. The term "days" shall mean those days on which the Board's business office shall be open.
- C. If the grievant fails to meet time restrictions specified in this procedure, the grievance shall be considered withdrawn.
- D. If the appropriate administrator fails to act within the specified time restrictions, the grievant shall have the right to proceed to the next step in the procedure.
- E. Time limits may be extended by mutual written agreement provided that whenever illness or other incapacity prohibits either party from attending a grievance meeting, the time limits shall be extended until the affected party(ies) can be present.
- F. The appropriate administrator shall schedule grievance meetings at each step.
- G. If a grievance meeting is convened by the grievance administrator during an employee's working hours, the employee shall suffer no loss of pay as a result of attending the meeting.
- H. An investigation or processing of any grievance shall be conducted so that the instructional program is not affected and with as little disruption as possible of the employee's and/or grievance administrator's work activity.
- I. Grievance Steps
 - 1. The grievant shall first informally discuss the grievance with his/her immediate supervisor.

2. If not satisfied with the resolution of the grievance at Step 1, the grievant may submit a completed grievance form to his/her immediate supervisor no later than thirty (30) days from the date of the event giving rise to the grievance. Within seven (7) days of receipt of the step 2 filing, the immediate supervisor shall meet with the grievant in an effort to resolve the grievance. The immediate supervisor shall submit his/her written decision to the grievant within seven (7) days of the Step 2 meeting.
3. Within seven (7) days following receipt of the Step 2 decision, the grievant, if not satisfied with the resolution of the grievance at Step 2, may submit the completed grievance form to the Board's Equity Coordinator. Within seven (7) days of receipt of the Step 3 filing the Board's Equity Coordinator shall meet in an effort to resolve the grievance. The Board's Equity Coordinator shall submit his/her written decision to the grievant within seven (7) days of the Step 3 meeting.
4. Within seven (7) days following receipt of the Step 3 decision, the grievant, if not satisfied with the resolution of the grievance at Step 3, may submit the completed grievance form to the Superintendent. Within seven (7) days of receipt of the Step 4 filing the Superintendent shall meet in an effort to resolve the grievance. The Superintendent shall submit his/her written decision to the grievant within seven (7) days of the Step 4 meeting.

**HARASSMENT
GRIEVANCE FORMS**

Signature of administrator _____ Date copy to grievant _____

DISTRIBUTION: 1 - Administrator 2 - Grievant 3 - Labor Relations and/or Equity Officer

Signature of supt./designee _____ Date of signature _____

DISTRIBUTION: 1 - Supt./Designee 2 - Grievant 3 - Administrator 4 -Labor Relations and/or Equity Officer

**BREVARD PUBLIC SCHOOLS
EMPLOYEE/APPLICANT
HARASSMENT GRIEVANCE FORM
UNDER PROVISIONS OF BOARD POLICY
STEP 2**

THIS PORTION TO BE COMPLETED BY GRIEVANT (Type/Ball Point Pen)

Name of grievant _____

Check as appropriate Employee Applicant

School/Work site _____

Date(s) of harassment _____

Date of Step 1 (informal meeting) _____

	Date	Time	Place
Description of grievance _____			

Remedy requested _____

Signature of grievant _____ Date of signature _____

THIS PORTION TO BE COMPLETED BY THE GRIEVANCE ADMINISTRATOR

Date received by grievance administrator _____ Date of Step 2 meeting _____

Decision of grievance administrator _____

Signature of administrator _____ Date copy to grievant _____

DISTRIBUTION: 1 - Administrator 2 - Grievant 3 - Labor Relations and/or Equity Officer

Signature of supt./designee _____ Date of signature _____

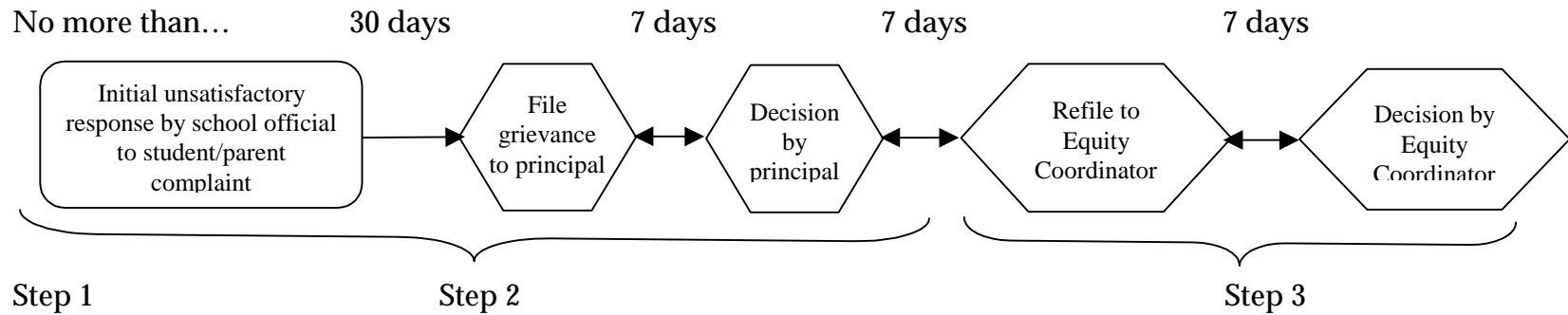
DISTRIBUTION: 1 - Supt./Designee 2 - Grievant 3 - Administrator 4 -Labor Relations and/or Equity Officer

**INFORMATIONAL MATERIALS
ON HARASSMENT**

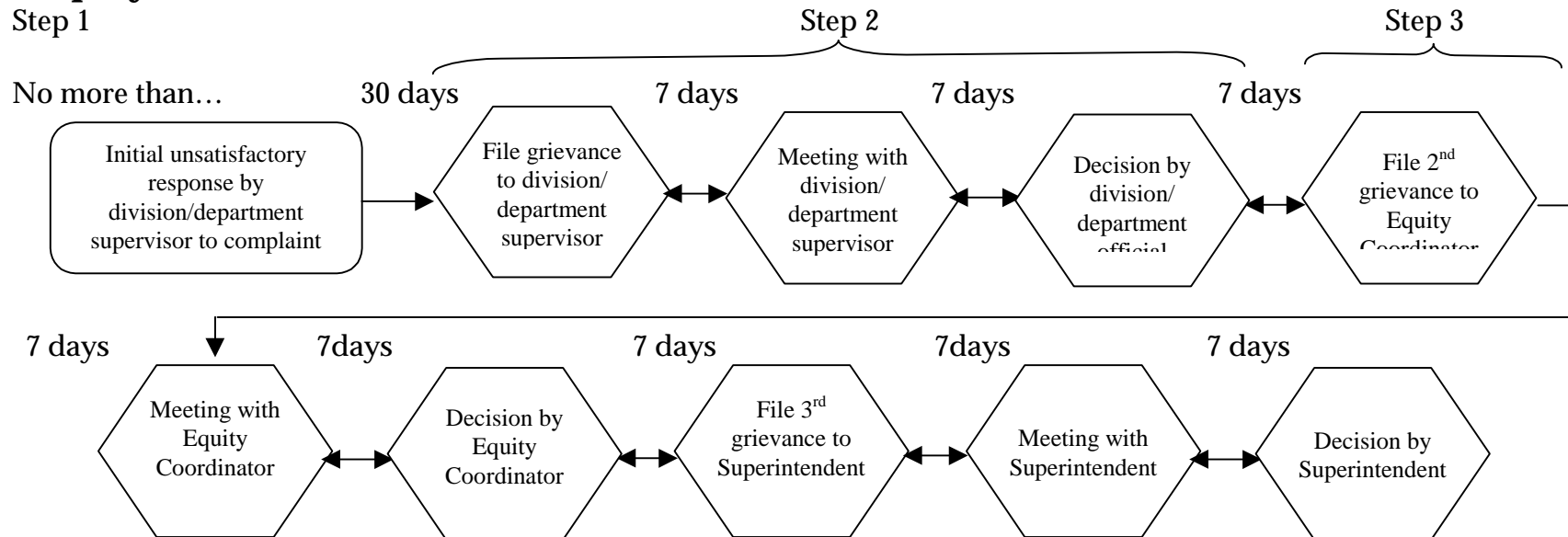
GRIEVANCE PROCEDURE TIMELINE

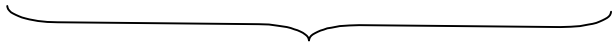
“If a grievant fails to meet the specific time restrictions... the grievance shall be deemed withdrawn. If the appropriate administrator fails to act within the time restrictions provided herein, the grievant shall have the right to proceed to the next step...”

Student Grievance Timeline

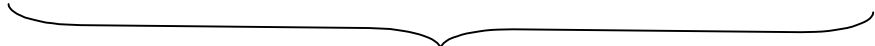


Employee Grievance Timeline





Step 3 (continued)



Step 4

Handout

WHAT IS SEXUAL HARASSMENT?

A Definition

Any unwelcome sexual advance, request for sexual favors and other verbal or physical conduct of a sexual nature that is severe or pervasive enough to create a hostile or intimidating school or work environment.

“Sexual Advance” means trying to pressure or threaten someone into a sexual act.

“Sexual favors” are sexual acts performed in return for a reward or favor; for example, a better grade on a project or a promotion at work.

“Verbal conduct of a sexual nature” includes improper and undesired comments or jokes about a person’s body, clothing or gender.

“Physical conduct of a sexual nature” includes improper and undesired touching; for example, patting, pinching, rubbing or leering. It also includes displaying sexually explicit or degrading materials--posters, graffiti or signs with offensive messages.

“That is severe or pervasive enough to create a hostile or intimidating work environment” means that sexual harassment negatively affects a person’s efforts or reputation at work or school.

Sexual Harassment is Against the Law

Individuals, schools and businesses can face severe penalties if sexual harassment is allowed to occur.

- Sexual harassment in schools became clearly illegal with an amendment to Title VII of the Civil Rights of 1964. The Civil Rights Act of 1991, The Florida Equity Act and other state and municipal laws also clearly identify sexual harassment as an act of discrimination and thus illegal under the law of the land.
- Sexual harassment can occur between adults, between students, and between adults and students.
- Sexual harassment can occur between people who are dating or have dated.
- Any retaliation against a person who complains about sexual harassment is illegal.

Guidelines for Behaviors

Behavior that may be appropriate in a social situation can be illegal sexual harassment if it occurs at school or work. Several questions can help guide your own behavior choices:

- Would you say or do this in front of your parents or your spouse?
- Would you say or do this in front of another student or co-worker of the same sex?
- Would you say or do the same thing to a co-worker or another student of the same sex?
- How would you feel if someone said or did the same things to you?

Behaviors Frequently Viewed as Sexual Harassment

- Using obscene language.
- Sexual innuendos or comments.
- Starting rumors about a person's sexual behavior.
- Humor or jokes about sex or females/males in general.
- Pestering a person for dates.
- Touching, patting, pinching, etc.
- Rating a person's sexuality or attractiveness.
- Leering or staring at a person in a sexual way.
- Writing graffiti about a person's sexuality.
- Sexual name calling.
- Sexual ridicule.
- Letters, notes, telephone calls, computer messages of a sexual nature
- Displaying pictures, calendars, cartoons or other materials with sexual content.
- "Mooning" and "streaking."
- Any employee or applicant for employment who believes the he/she has been the subject of sexual harassment may file a grievance according to the procedures established in Adult Sexual Harassment Complaints and Grievances Procedures adopted by the School Board of Brevard County.
- Any student or parent of a student who believes that he/she has been the subject of sexual harassment may file a grievance according to the procedures established in Student Sexual Harassment Complaints and Grievance Procedures.
- Any employee or student who is found to have knowingly filed a false sexual harassment complaint will be subject to discipline by the school district. He/She may also be held personally liable for his/her misconduct through civil suit by the injured employee and may also be criminally prosecuted under Section 837.06, Florida Statutes.

***SCHOOL CRITICAL INCIDENT RESPONSE MANUAL:
#49 STUDENT WELFARE SITUATION - SUSPECTED CHILD ABUSE
Preplan Action, Immediate Action, Follow-up Action***

PRE-PLAN ACTION

1. Provide materials for child abuse awareness training staff and students.
2. Offer parenting classes on the topic.
3. Post signs with 1-800-96-ABUSE number (1-800-962-2873) to report abuse.
4. Inform parent that the school site maintains access to sexual offender/sexual predator list.
5. School officials may be present at an interview if: Children and Family Services/law enforcement believe that it will enhance the interview or if the alleged abused child requests the presence of school staff.
6. Support Appendix #67, Suspected Abuse, Neglect or Abandonment.
7. Review Florida State Statute 39.401 authorizes an agent of the Department (Investigator) to take into protective custody any child suspected of being abused or neglected. It is the responsibility of the child protective investigator to contact the child's parents.
8. Support Appendix #70 - Chain of Command.
9. Support Appendix #71 - Emergency Phone Numbers.
10. Be prepared to contact parent/guardian of victim or suspect if appropriate.
11. Support Appendix #80 - Sample Letters/Memos and Sample Media Statement.
12. Support Appendix #87 - Sexual Offender/Sexual Predator Internet site, (<http://www.fdlestate.fl.us>).

IMMEDIATE ACTION

13. Under Florida Law, any school teacher, school official or personnel must report any suspected abuse or neglect immediately to the Florida Abuse Hotline 800-96-ABUSE number (1-800-962-2873).
14. If the person accused is an employee and acting in their official capacity, immediately call local law enforcement for a criminal investigation, then contact Florida Abuse Hotline.
15. F.S. 415.504(2)(b) requires mandated reporters to provide their names to hotline staff. Reporters' names will be given to law enforcement and may appear in police reports.
16. The Florida Abuse Hotline Counselor evaluates the information and advises the caller if a report is being accepted for an investigation. The counselor determines a

response priority, either immediate or within 24 hours, and forwards case to the local Department of Children and Families Office for investigation into the concerns. A Child Protective Investigator will be assigned the case if it does not involve a noncaretaker.

17. Do not have victim repeat "story." Proper interviewing is essential.
18. Police do formal interview of victim following appropriate law enforcement policy.
19. Keep victim in a private location.

FOLLOW-UP ACTION

20. Document the law enforcement contact by indicating date, time, and law enforcement case number.
21. Document the call to Florida Abuse Hotline contact by indicating date, time, and hotline abuse counselor identification number.
22. One-on-one counseling with the child and school Guidance Counselor is an appropriate referral.
23. After it has been reported, those with daily contact with the child should be told to watch for signs of abuse.
24. Documentation should be made of anything that may be part of the overall picture of abuse and shared with the Department of Children and Families counselor and/or law enforcement.
25. Parent educator should offer resources to parent for assistance.
26. Monitor well being of child and assist the Department of Children and Families counselor as needed.
27. Teacher to be advised that the topic of a parent conference will be concerning a specific suspected child abuse case.
28. Support Appendix #77 - Record Keeping Process and Procedures for Critical Incident Response Reports and Training. Documentation.
29. Critique incident.

NOTICES

***NOTICE TO EMPLOYEES
WORKING CONDITIONS (HARASSMENT)***

The Brevard County school district is committed to take steps to create and to ensure an education and work environment free of harassment on the basis of race, religion, color, sex, national or ethnic origin, age, marital status, or disability.

For the purposes of employment, harassment includes:

1. Any slurs, innuendos or other verbal or physical conduct reflecting on an individual's race, religion, color, sex, national or ethnic origin, age, marital status, or disability which has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with the individual's work performance or participation; or otherwise adversely affects an individual's employment opportunities.
2. The denial of or provision of aid, benefits, rewards, employment, services, or treatment on the basis of sexual advances or requests for sexual favors.
3. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or,
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Any employee or applicant for employment who believes that he/she has been the subject of harassment may file a grievance according to the procedures established in School Board Policy 2260.01.

In any cases which involve alleged harassment, nothing in this policy or in any other policy or procedure shall require the individual alleging harassment to present the matter to the person who is the subject of the complaint.

For additional information related to the above policies, or for a copy of the grievance procedure (School Board Policy), contact the school principal/site manager or the district Equity Coordinator for Brevard Public Schools:

Brenda Blackburn
Equity Coordinator/Associate Superintendent

or

Joy Salamone, Director

Human Resources Services and Labor Relations

2700 Judge Fran Jamieson Way
Viera, Florida 32940
(321) 631-1911, ext. 402

NOTICE TO STUDENTS EQUAL EDUCATIONAL OPPORTUNITIES

The right of a student to participate fully in classroom instruction and extracurricular activities shall not be abridged or impaired because of age, sex, race, color, religion, national or ethnic origin, disability, pregnancy, parenthood, marriage, political beliefs, social and family background, or for any other reason not related to his/her individual capabilities.

The Brevard County school district is committed to take steps to create and to ensure an education and work environment free of harassment on the basis of race, religion, color, sex, national or ethnic origin, age, marital status, or disability.

For the purposes of employment, harassment includes:

1. Any slurs, innuendos or other verbal or physical conduct reflecting on an individual's race, religion, color, sex, national or ethnic origin, age, marital status, or disability which has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with the individual's school performance or participation; or otherwise adversely affects an individual's educational opportunities.
2. The denial of or provision of aid, benefits, grades, rewards, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.
3. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Any student (or parent of a student) who believes that he/she has been denied participation in or access to an educational program or activity, or has otherwise been discriminated against due to age, sex, race, color, religion, national or ethnic origin, disability, pregnancy, parenthood, marriage, political beliefs, social and family background, or for any other reason not related to his/her individual capabilities, or who believes that he/she has been the subject of harassment, may file a written grievance according to the procedures established in School Board Policy 2260.01.

In any cases which involve alleged harassment, nothing in this policy or in any other policy or procedure shall require the individual alleging harassment to present the matter to the person who is the subject of the complaint.

For additional information related to the above policies, or for a copy of the grievance procedure (School Board Policy), contact the school principal or site manager or the district Equity Coordinator for Brevard Public Schools:

Brenda Blackburn

Equity Coordinator/Associate Superintendent

or

Dr. Walter Christy, Director
Secondary Programs

2700 Judge Fran Jamieson Way
Viera, Florida 32940
(321) 631-1911

BREVARD PUBLIC SCHOOLS NONDISCRIMINATION NOTICE

It is the policy of the School Board of Brevard County to offer the opportunity to **students** to participate in appropriate programs, and activities without regard to race, color, religion, national origin, sex, disability, marital status, or age, except as otherwise provided by Florida State Law.

A **student** having a grievance concerning discrimination may contact:

Brenda Blackburn
Equity Coordinator
Associate Superintendent
Division of Curriculum & Instruction

Dr. Walter Christy, Director
Secondary Education

Ms. Eva Lewis, Director
ESE Program Support Services
ADA/Section 504 Coordinator

School Board of Brevard County
2700 Judge Fran Jamieson Way
Viera, Florida 32940-6699
(321) 631-1911

It is the policy of the School Board of Brevard County not to discriminate against **employees** or **applicants** for employment on the basis of race, color, religion, sex, national origin, participation and membership in professional or political organizations, marital status, age, or disability. Harassment is a form of employee misconduct which undermines the integrity of the employment relationship, and is prohibited. This policy shall apply to recruitment, employment, transfers, compensation, and other terms and conditions of employment.

An **employee** or **applicant** having a grievance concerning employment may contact:

Mr. Leroy Berry
Deputy Superintendent
Human Resources Services

Joy Salamone, Director
Human Resources Services
and Labor Relations

Ms. Eva Lewis, Director
ESE Program Support Services
ADA/Section 504 Coordinator

School Board of Brevard County
2700 Judge Fran Jamieson Way
Viera, Florida 32940-6699
(321) 631-1911

This publication or portions of this publication can be made available to persons with disabilities in a variety of formats, including large print, Braille or audiotape. Telephone or written requests should include your name, address, and telephone number. Requests should be made to Kim Riddle, Exceptional Education Projects, 631-1911, extension 535, at least two (2) weeks prior to the time you need the publication.

Revised 4/22/03