

**Welfare****DISCRIMINATION/HARASSMENT: COMPLAINT PROCEDURES FOR STUDENTS****PROCEDURES FOR ASSURANCE OF COMPLIANCE  
WITH FEDERAL/STATE REGULATIONS/SCHOOL BOARD POLICIES  
OF NONDISCRIMINATION/HARASSMENT IN EDUCATIONAL ACTIVITIES/PROGRAMS****I. Purpose**

The School Board of Miami-Dade County, Florida, has established procedures to assure nondiscrimination in educational activities/programs and the elimination of harassment, including sexual harassment. It is the policy of the School Board that all students will be treated with respect by all employees, third-parties, and fellow students. Hostile treatment or violence against a student because of his/her gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, will not be tolerated.

It is recognized that discrimination or harassment complaints by students/parents may arise from actual or perceived situations and circumstances related to the prohibition of discrimination. It is the intent of this procedure to assure that discrimination or harassment complaints are resolved in an expeditious, orderly, and equitable manner that serves to fulfill the letter and intent of the law.

All principals are required to make a conscientious effort to fully consider and understand the nature and basis of the discrimination or harassment complaint of a student/parent and resolve it, to the satisfaction of the complainant, without delay or refer it, without delay, to the appropriate office for resolution. The initiation of a discrimination or harassment complaint by a student/parent will not be used as a basis for actions that adversely affect the student's standing in his/her school. Additionally, participation in or assistance in the investigation of a complaint shall not to be used as the basis for adverse actions against a student.

Discrimination or harassment complaints made under the provisions of this rule will be handled using federal enforcement agencies' procedures and standards in the processing and investigation of discrimination/harassment charges and without extraneous administrative barriers. No anonymous complaints shall be accepted or processed. The complaint must be signed attesting that it is true to the best of the complainant's knowledge, information and belief. Any complainant who knowingly submits false information will be subject to disciplinary action. A record will be maintained of each discrimination or harassment complaint investigation to include the final disposition of each.

## II. Procedure for Filing complaints

A student/parent who has a reasonable and good-faith belief that he/she has been the subject of discrimination or harassment because of his/her gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, shall communicate in writing the allegation(s) to the student's school principal.

If the student/parent does not feel comfortable discussing his/her complaint at the school or ACCESS Center, the student/parent may file the complaint directly with the School Board's Civil Rights and Diversity Compliance (CRDC) office.

Due to the sensitive nature of sexual harassment complaints, students/parents may file such a complaint directly with the School Board's CRDC office.

If the complaint is submitted to the principal, the principal will be responsible for scheduling a meeting with the complainant to discuss the complaint. In the event the complaint involves the student's principal, the student/parent may go directly to the next level of administration, such as the ACCESS Center Student Advocacy Director or Assistant Superintendent.

If the complaint is not resolved to the complainant's satisfaction after discussion with the principal, or cannot be resolved at that level, the student/parent may appeal to the next administrative level, the ACCESS Center Student Advocacy Director or Assistant Superintendent.

If the complaint is not satisfactorily resolved at the second level of administration, as determined by the student/parent, he/she may file a complaint with the School Board's CRDC office. The student/parent will be requested to provide the School Board's CRDC office signed, specific information regarding the discriminatory or harassing action(s) or inaction(s), the basis (e.g., age, race, disability, etc.) for the action(s) or inaction(s), the alleged offender(s), witnesses, etc.

## III. Appeals

If the student/parent does not agree with the final determination made by the School Board's CRDC office, he/she may appeal the determination to the Superintendent's designee to hear such appeals by submitting a letter of appeal within 15 workdays of the date of the final determination.

## IV. Special Provisions

A. Failure on the part of the student/parent to initiate and/or follow-up on a

complaint in a timely manner may result in the complaint being considered abandoned. A complaint must be filed within 300 days of the alleged discriminatory act(s).

- B. Failure by a principal to address a complaint within ten (10) workdays will automatically allow the complainant to move the complaint to the next level of administration.
- C. In general, students shall continue attendance at school and pursue their studies, as directed, while complaints are pending resolution.
- D. Records of an ongoing investigation shall remain confidential and not subject to disclosure pursuant to Chapter 119, Florida Statutes until a final determination is made on the case.

This rule is intended to effect compliance with federal/state regulations, i.e.: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Florida Educational Equity Act (F.S. 1000.05); the State Board Rules 6A-19.001, 6A-19.002, 6A-19.008, 6B-1.001 and 6B-1.006; and the Multicultural Education Training Advocacy, Inc. (META) Consent Decree.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 1000.05; 1001.43 F.S.;

6A-19.001; 6A-19.002; 6A-19.008; 6B-1.001 and 6B-1.006 FAC; Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Florida Educational Equity Act (F.S. 1000.05); and the Multicultural Education Training Advocacy, Inc. (META) Consent Decree.

**History:** THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 6-4-86

Amended: 11-19-86; 9-22-93; 8-25-99; 10-22-03