

# DISCRIMINATION / HARASSMENT

It is the policy of the School Board that all students and employees be treated with respect. The School Board affirmatively strives to provide a workplace and educational environment free from discrimination and harassment (including sexual harassment), as required by law. Through this policy, the School Board establishes its intent to provide equal access, opportunity, and treatment to students in the provision of educational programs and activities and to applicants and employees in all aspects of employment. Slurs, innuendos, hostile treatment, violence, or verbal or physical conduct against a student or employee reflecting on his/her race, ethnic or national origin, gender or any other of the categories described below, will NOT be tolerated by the School Board.

## The School Board Policy Covers the Following Protected Categories:

**AGE** - This category prevents denial of employment and/or educational opportunities because of a person's age.

**COLOR** - This category prevents denial and/or educational opportunities because of a person's skin tone. Color discrimination can occur within the same race; for example someone who has a darker complexion may discriminate against someone that has a lighter complexion.

**DISABILITY** - This category prevents denial of employment and/or educational opportunities because of a person has, or is perceived to have a permanent impairment that substantially limits or prevents a major life activity; for example: walking, seeing, hearing, talking, sitting, or standing.

**ETHNIC / NATIONAL ORIGIN** - This category prevents denial of employment and/or educational opportunities because of a person's ancestors' place of origin; or because an individual has the physical, cultural or linguistic characteristics of a particular group.

**GENDER** - This category prevents denial of employment and/or educational opportunities because of a person's gender or sex.

**GENDER IDENTITY** - This category prevents denial of employment and/or educational opportunities because of a person's gender-related identity, appearance, expression or behavior, regardless of the individual's assigned sex at birth.

**GENETIC INFORMATION (GINA)** - This category prevents denial of equal employment and/or harassment because of a person's genetic information; it ensures that individuals are not treated differently because of genetic information.

**LINGUISTIC PREFERENCE** - This category prevents denial of employment and/or educational opportunities because of the language a person speaks.

**MARITAL STATUS** - This category prevents denial of employment and/or educational opportunities because of a person's marital status; i.e. single, married, widowed, or divorced.

**POLITICAL BELIEFS** - This category prevents denial of employment and/or educational opportunities because of a person's support and/or affiliation or lack thereof with a particular political party.

**PREGNANCY** - This category prevents denial of employment and/or educational opportunities for women who are pregnant.

**RACE** - This category prevents denial of employment and/or educational opportunities because of a person's race. The five federally recognized racial categories are American Indian or Alaskan Native, Asian, Black or African American, Hawaiian or Other Pacific Islander, and White. Persons from a mixed racial backgrounds do not need to prove their exact heritage in order to assert that they have been discriminated against based on race. Likewise, this category covers persons being discriminated against because they are married to persons of a different race other than their own.

**RELIGION** - This category prevents denial of employment and/or educational opportunities because of a person's sincerely held religious beliefs.

**SEX** - This category prevents denial of equal employment and/or educational opportunities because of a person's male or female gender.

**SEXUAL ORIENTATION** - This category prevents denial of equal employment and/or educational opportunities because a person is, or is perceived to be, lesbian, gay, bisexual, or heterosexual.

**SOCIAL AND FAMILY BACKGROUND** - This category prevents denial of employment and/or educational opportunities because of a person's socio-economic, family and/or educational background.

## Sexual Harassment will NOT be tolerated.

**TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 PROHIBITS SEXUAL HARASSMENT WHICH INCLUDES: UNWELCOME 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 employment or participation in an educational program;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment. Unwelcome verbal or physical sexual conduct must be either severe or pervasive.

## RETALIATION AGAINST A STUDENT OR EMPLOYEE WHO FILES A COMPLAINT IS PROHIBITED BY LAW

Retaliation occurs when an employer takes an adverse action against an employee because he or she engaged in a protected activity, such as complaining about discrimination or threatening to file a charge of discrimination. An employee cannot file a complaint of retaliation unless he/she has filed a charge of discrimination, participated in an investigation or opposed an unlawful employment practice.

**For additional information about Title IX or any other discrimination/harassment concerns contact:**

### Office of Civil Rights Compliance (CRC)

Executive Director/Title IX Coordinator  
155 N.E. 15th Street, Suite P104E  
Miami, Florida 33132

Phone: (305) 995-1580 TDD: (305) 995-2400

Email: [crc@dadeschools.net](mailto:crc@dadeschools.net)

Website: <http://crc.dadeschools.net>

**For information on Section 504 of the Rehabilitation Act of 1973 or any other student disability concerns contact:**

### Division of Exceptional Student Education

504 Coordinator

1501 N.E. 2nd Avenue, Suite 409  
Miami, Florida 33132

Phone: (305) 995-2037 TDD: (305) 995-2400

Email: [ese@dadeschools.net](mailto:ese@dadeschools.net)

Website: <http://ese.dadeschools.net>

## Anti-Discrimination Policy

### Federal and State Laws

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

**Title VI of the Civil Rights Act of 1964** - prohibits discrimination on the basis of race, color, religion, or national origin.

**Title VII of the Civil Rights Act of 1964 as amended** - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

**Title IX of the Education Amendments of 1972** - prohibits discrimination on the basis of gender.

**Age Discrimination in Employment Act of 1967 (ADEA) as amended** - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

**The Equal Pay Act of 1963 as amended** - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

**Section 504 of the Rehabilitation Act of 1973** - prohibits discrimination against the disabled.

**Americans with Disabilities Act of 1990 (ADA)** - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

**The Family and Medical Leave Act of 1993 (FMLA)** - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

**The Pregnancy Discrimination Act of 1978** - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

**Florida Educational Equity Act (FEEA)** - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

**Florida Civil Rights Act of 1992** - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

**Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)** - prohibits discrimination against employees or applicants because of genetic information.

**Boy Scouts of America Equal Access Act of 2002** – no public school shall deny equal access to, or a fair opportunity for groups to meet on school premises or in school facilities before or after school hours, or discriminate against any group officially affiliated with Boy Scouts of America or any other youth or community group listed in Title 36 (as a patriotic society).

*Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.*

#### **In Addition:**

**School Board Policies 1362, 3362, 4362, and 5517** - Prohibit harassment and/or discrimination against students, employees, or applicants on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.