

The School Board
Of
Sarasota County, Florida



STATE EQUITY LAWS

POLICY
AGAINST
DISCRIMINATION
FOR EMPLOYEES
& APPLICANTS

Due Process Procedures
Employee/Applicant
Complaint Procedures

2013/2014

<http://www.sarasota.k12.fl.us/humres/>

An Equal Opportunity Agency

Note:

This handbook is intended to effect compliance with federal/state regulations, i.e., Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; the Florida Education Equity Act (F.S. 228.2001); and the Americans with Disabilities Act of 1990.

EQUITY COORDINATOR

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SUPERINTENDENT

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POLICY AGAINST DISCRIMINATION

The School Board seeks to provide a work environment free of discrimination and harassment on the basis of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation. No Employee must tolerate such discrimination or harassment. The following are examples of prohibited harassment:

(1) Harassment includes:

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 an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with the individual's job performance or participation; or otherwise adversely affects an individual's job opportunities.

(2) Sexual Harassment 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 Employee's job opportunities; submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; 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, faculty assistance, services, or treatment, on the basis of sexual advances or requests for sexual favors.

An employee who experiences discrimination or any such harassment should report it immediately pursuant to the following procedures.

EQUAL OPPORTUNITY EMPLOYMENT POLICY STATEMENT

The policies and administrative regulations of The School Board of Sarasota County, Florida, have traditionally sought to attain ideal conditions of Equal Employment Opportunity. These policies and regulations shall be amended where necessary to ensure full compliance with the letter and the spirit of the law, and apply to both sexes in all instructional and non-instructional positions. The policy is to select Employees as needed on the basis of merit, training, and experience. There shall be no discrimination against any Applicant or Employee on the basis of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation except when it is necessary to meet a bona fide occupational requirement. The School Board of Sarasota County, Florida, shall take all necessary action to comply with State and Federal laws prohibiting discrimination in employment. We do this to reaffirm our commitment to Equal Employment Opportunity and to refine our implementation of existing policies as they apply to recruitment, hiring, training, promotion, personnel management practices, and collective bargaining agreements.

The specific purpose of the Equal Opportunity Policy statement is:

1. To ensure Equal Opportunity in all personnel policies, practices and collective bargaining agreements through the identification and elimination of any existing discriminatory policies and/or practices.
2. To design and implement continuing internal assessment, reporting and modification procedures for evaluating the effectiveness of the Equal Opportunity Employment Plan.
3. To develop Employee training programs to assist Employees in complying with the plan and in achieving new competencies.
4. To establish procedures within a Complaint process for prompt processing of individual or group charges.
5. To provide for the publication and dissemination, internally and externally, of the Equal Opportunity Employment Plan.

It is understood that harassment or discrimination based on an Employee's/Applicant's race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation is a violation of state and federal laws and a breach of the School Board's Equal Employment Policy, which shall be grounds for disciplinary action including but not limited to discharge.

DISCRIMINATION COMPLAINT PROCEDURE FOR EMPLOYEES AND EMPLOYMENT APPLICANTS

EMPLOYEES: The School Board of Sarasota County, Florida, desires to eliminate discrimination within the School District and encourages any person who believes that discrimination on the basis of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation has occurred to file a Complaint as early as possible. The Complaint procedure outlined in this handbook should be used.

EMPLOYMENT APPLICANTS: The School Board of Sarasota County, Florida, desires to eliminate discrimination and encourages any applicant for employment who believes that discrimination has occurred to file a Complaint as early as possible. Any applicant for employment who believes that he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation should use the Complaint procedure outlined on the following pages.

EMPLOYEE/APPLICANT COMPLAINT PROCEDURE

It is the aim of these procedures to handle discrimination or harassment Complaints without extraneous administrative barriers. A record or log will be maintained on each discrimination or harassment Complaint to include the final disposition of each by the District's Equity Coordinator. The initiation of any discrimination or harassment Complaint made in good faith by an Employee, or the involvement of any parties who assist in good faith with an investigation, will not be used as a basis for retaliation or actions that adversely affect the parties' standing in the School District. Consequences may result from a complaint made in bad faith.

A. Definitions

- **"Applicant"** is a person who is applying for employment with The School Board of Sarasota County, Florida.
- **"Employee"** is an employee of the School Board of Sarasota County, Florida.
- A **"Complaint"** is a written allegation by the Employee/Applicant that there has been a discriminatory action or inaction on the basis of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation against the Employee/Applicant by a specified individual or individuals, situations, circumstances, conditions, or other factors within the School District's scope of responsibility.

A. Definitions (Continued)

- **"Respondent"** is the individual(s) charged with or having responsibility for the alleged discriminatory action.
- The **"Equity Coordinator"** is the individual who is responsible for monitoring the District's compliance with Federal and State regulations relating to civil rights, discrimination and harassment. The "Equity Coordinator" is also responsible for coordinating responses to Complaints.
- The **"Appeals Committee"** will consist of three individuals: one Central Office Administrator, a School Based Administrator (SBA) representative, and a School District Administrator (SDA) representative. The Central Office Administrator will be at the Executive Director or Chief level or higher.

B. Procedures for Complaints

Discrimination Complaint Forms shall be available in the main office of each school or cost center and on the District's Human Resources' website.

Note: Any Complaint must be filed within six (6) months of the date on which the alleged discrimination occurred.

The District's Equity Coordinator will be responsible for maintaining a log of all complaints received, all files and documents related to the investigation, and all written responses to the Complainant.

Step #1

The Employee 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 the Complainant has indicated a legitimate basis of discrimination, the Equity Coordinator will forward the complaint to the Cost Center Head for review/investigation. The Cost Center Head will be responsible for scheduling a discussion of the Complaint with the Employee within five (5) business days following receipt of the communication.

If the Cost Center Head determines reasonable cause after a thorough review and investigation of the Complaint, he/she will forward the Complaint to the Equity Coordinator as outlined in Step #3.

The Cost Center Head will respond in writing to the Complainant no later than ten (10) business days following the discussion of the Complaint with the Complainant. The written response will indicate whether or not a determination of reasonable cause was made.

In the event the Complaint involves the Employee's Cost Center Head, the Equity Coordinator will forward the complaint directly to the immediate supervisor of the Employee's Cost Center Head, or his/her designee. The immediate supervisor of the Employee's Cost Center Head, or his/her designee, will be responsible for scheduling a discussion of the Complaint with the Employee within five (5) business days following receipt of the communication.

If the immediate supervisor of the Employee's Cost Center Head determines reasonable cause after a thorough review and investigation of the Complaint, he/she will forward the Complaint to the Equity Coordinator as outlined in Step #3.

The immediate supervisor of the Employee's Cost Center Head will respond in writing to the Complainant no later than ten (10) business days following the discussion of the Complaint with the Complainant. The written response will indicate whether or not a determination of reasonable cause was made.

In the event the Complaint is that of an Applicant, the Applicant may file his/her written Complaint directly with the Equity Coordinator as indicated below.

Step #2

If the Complaint is not satisfactorily resolved in Step #1, 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 Cost Center Head or the immediate supervisor of the Cost Center Head.

The Equity Coordinator will assemble an Appeals Committee within five (5) business days of receipt of the appeal from the Complainant. The Appeals Committee will consist of one Central Office Administrator, who shall serve as Chairperson, a School Based Administrator (SBA) representative, and a School District Administrator (SDA) representative. The Central Office Administrator will be at the Executive Director or Chief level or higher.

The Committee Chairperson may designate one or more members to meet with the Complainant to secure additional information or clarify existing information. The Appeals Committee may also meet with any/all witnesses from the initial investigation and may choose to meet with other individuals who may have knowledge of the situation.

After reviewing all relevant information, the Appeals Committee, by majority vote, will render a decision. If the Appeals Committee determines reasonable cause, the Chairperson will forward the Complaint to the Equity Coordinator as outlined in Step #3.

The Chairperson of the Appeals Committee, or his/her designee, will respond in writing to the Complainant no later than ten (10) business days following the review of the initial investigation of the Complaint. The written response will indicate whether or not a determination of reasonable cause was made.

Step #3

If the Complaint is not satisfactorily resolved in Step #2, as determined by the Complainant, he/she may file a second 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.

Resolution of the Complaint through this procedure by agreement of all participants (the Employee/Applicant, the Respondent, and the Equity Coordinator) will close the issue. The Equity Coordinator will complete a written summary within five (5) business days of said resolution of the Complaint.

Corrective Action - If a determination of reasonable cause is made and the issue cannot be resolved by conciliation, the Equity Coordinator will present the issue to the District's Superintendent, or his/her designee, in writing within ten (10) business days of said determination for formal corrective action. The District's Superintendent, or his/her designee, shall submit a written response to the Equity Coordinator determining the corrective action within ten (10) business days from date of receipt of the determination of the Equity Coordinator.

If the Equity Coordinator does not make a determination of reasonable cause, the case will be considered closed.

In addition, the Employee/Applicant has the right to seek recourse through the U.S. Equal Employment Opportunity Commission (EEOC).

SPECIAL PROVISIONS

- A. Failure on the part of the Employee/Applicant to initiate and/or to follow-up on a Complaint within the prescribed time limits may result in the Complaint being considered abandoned.
- B. Failure by a Cost Center Head to respond to a Complaint within the prescribed time limits will automatically move the Complaint to the next step.
- C. In general, Employees are obligated to perform their duties as directed while Complaints are pending resolution.
- D. Copies of all communications pertaining to a Complaint shall be provided to the Employee/Applicant, unless classified as privileged or confidential according to statute.