



## STATE EQUITY LAWS

Due Process Procedures  
Employee/Applicant  
Complaint Procedures

2017/2018

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

An Equal Opportunity Agency

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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); the Boy Scouts of America Equal Access Act of 2002 and the Americans with Disabilities Act of 1990.

**Equity Coordinator**

Name: Al Harayda  
Title: Employee Relations Administrator and Equity Coordinator  
Address: 1960 Landings Boulevard  
Sarasota, FL 34231  
Phone: (941) 927-9000, ext. 31217

**Superintendent**

Name: Todd Bowden  
Title: Superintendent  
Address: 1960 Landings Boulevard  
Sarasota, Florida 34231  
Phone: (941) 927-9000, ext. 31131

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35 **SCHOOL BOARD POLICY**

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37 **2.72 -- Policy Against Discrimination – Employees/Applicants**

38  
39 I. The School Board seeks to provide a work environment free of discrimination and harassment  
40 on the basis of race, color, religion, gender, ethnic or national origin, genetic information,  
41 age, disability, marital status, or sexual orientation. No employee/applicant must tolerate  
42 such discrimination or harassment. The following are examples of prohibited harassment:

43  
44 A. Harassment includes

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46 Any slurs, innuendoes or other verbal or physical conduct reflecting on an individual's  
47 race, color, religion, gender, ethnic or national origin, genetic information, age,  
48 disability, marital status, or sexual orientation which has the purpose or effect of creating  
49 an intimidating, hostile or offensive work environment; has the purpose or effect of  
50 unreasonably interfering with the individual's job performance or participation; or  
51 otherwise adversely affects an individual's job opportunities.

52  
53 B. Sexual Harassment includes

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55 1. Sexual advances, requests for sexual favors, and other verbal or physical conduct  
56 of a sexual nature when submission to such conduct is made either explicitly or  
57 implicitly a term or condition of an employee's job opportunities; submission to or  
58 rejection of such conduct is used as a basis for employment decisions affecting the  
59 individual; or such conduct has the purpose or effect of substantially interfering with  
60 an individual's job performance or creating an intimidating, hostile or offensive work  
61 environment.

62  
63 2. The denial of or the provision of aid, benefits, promotions, rewards, employment,  
64 faculty assistance, services, or treatment, on the basis of sexual advances or requests  
65 for sexual favors.

66  
67 II. Any employee/applicant who experiences discrimination or any such harassment should  
68 report it immediately pursuant to the Board's procedures.

69  
70 III. Equal Opportunity Employment Policy Statement

71  
72 A. The policies and administrative regulations of The School Board of Sarasota County,  
73 Florida, have traditionally sought to attain ideal conditions of Equal Employment  
74 Opportunity. These policies and regulations shall be amended where necessary to ensure  
75 full compliance with the letter and the spirit of the law, and apply to both sexes in all  
76 instructional and non-instructional positions. The policy is to select  
77 employees/applicants as needed on the basis of merit, training, and experience. There  
78 shall be no discrimination against any applicant or employee on the basis of race, color,  
79 religion, gender, ethnic or national origin, genetic information, age, disability, marital  
80 status, or sexual orientation except when it is necessary to meet a bona fide occupational

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81 requirement. The School Board of Sarasota County, Florida, shall take all necessary  
82 action to comply with State and Federal laws prohibiting discrimination in employment.  
83 We do this to reaffirm our commitment to Equal Employment Opportunity and to refine  
84 our implementation of existing policies as they apply to recruitment, hiring, training,  
85 promotion, personnel management practices, and collective bargaining agreements.  
86

87 B. The specific purpose of the Equal Opportunity Employment Policy statement is:

- 88 1. To ensure Equal Opportunity in all personnel policies, practices and collective  
89 bargaining agreements through the identification and elimination of any existing  
90 discriminatory policies and/or practices.  
91
- 92 2. To design and implement continuing internal assessment, reporting and modification  
93 procedures for evaluating the effectiveness of the Equal Opportunity Employment  
94 Plan.  
95
- 96 3. To develop employee/applicant training programs to assist employees/applicants in  
97 complying with the plan and in achieving new competencies.  
98
- 99 4. To establish procedures within a complaint process for prompt processing of  
100 individual or group charges.  
101
- 102 5. To provide for the publication and dissemination, internally and externally, of the  
103 Equal Opportunity Employment Plan.  
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106 IV. It is understood that harassment or discrimination based on an employee's/applicant's race,  
107 color, religion, gender, ethnic or national origin, genetic information, age, disability, marital  
108 status, or sexual orientation is a violation of state and federal laws and a breach of the School  
109 Board's Equal Opportunity Employment Policy, which shall be grounds for disciplinary  
110 action including but not limited to discharge.  
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128 **EMPLOYEE/APPLICANT COMPLAINT PROCEDURE**

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130 It is the aim of these procedures to handle discrimination or harassment complaints without  
131 extraneous administrative barriers. A record or log will be maintained on each discrimination  
132 or harassment complaint to include the final disposition of each by the District’s Equity  
133 Coordinator. The initiation of any discrimination or harassment complaint made in good faith  
134 by an employee/applicant, or the involvement of any parties who assist in good faith with an  
135 investigation, will not be used as a basis for retaliation or actions that adversely affect the parties’  
136 standing in the school district. Consequences may result from a complaint made in bad faith.  
137

138 Complaint about School Board Member

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140 ~~Any equity or harassment complaint filed in writing against a School Board member, or any~~  
141 ~~complaint filed that implies any involvement of a School Board member, shall be shared with the~~  
142 ~~School Board Chair. If the equity or harassment complaint involves the School Board Chair, it~~  
143 ~~will be shared with the School Board Vice Chair.~~

144  
145 Complaint about Equity Coordinator

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147 Any equity or harassment complaint filed in writing against the Equity Coordinator, or any  
148 complaint filed that implies any involvement of the Equity Coordinator, shall be shared with the  
149 Superintendent of Schools.

150  
151 Complaint about Superintendent of Schools

152  
153 Any equity or harassment complaint filed in writing against the Superintendent of Schools, or any  
154 complaint filed that implies any involvement of the Superintendent of Schools, shall be shared  
155 with the School Board members. The School Board members will work with the School Board  
156 attorney to determine who will conduct the investigation. The School Board members may decide  
157 to employ an outside, independent attorney to conduct the investigation of the complaint, or  
158 designate someone internally.

159  
160 The District’s Equity Coordinator will be responsible for maintaining a log of all complaints  
161 received, all files and documents related to the investigation, and all written responses to the  
162 complainant.

163  
164 A. Definitions

165  
166 Applicant..... A person who is applying for employment with the School Board of  
167 Sarasota County, Florida.

168  
169 Employee .....An individual who is employed by School District of Sarasota  
170 County, Florida.

171  
172 Complaint.....A written allegation by the employee/applicant that there has been a  
173 discriminatory action or inaction on the basis of race, color, religion,  
174 sex, national origin, age, disability, marital status, or sexual  
175 orientation against the employee/applicant by a specified individual

176 or individuals, situations, circumstances, conditions, or other factors  
177 within the School District's scope of responsibility.

178  
179 Respondent .....The individual(s) charged with or having responsibility for the  
180 alleged discriminatory action.

181  
182 Equity Coordinator.....The individual who is responsible for monitoring the  
183 district's compliance with Federal and State regulations relating to  
184 civil rights, discrimination and harassment. The "Equity  
185 Coordinator" is also responsible for coordinating responses to  
186 complaints.

187  
188 Committee.....The committee will consist of three individuals: one central office  
189 administrator, and two members of the trained investigation  
190 team, one being a School Based Administrator (SBA), and one  
191 being a School District Administrator (SDA) representative.

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193 B. Procedures for Complaints

194  
195 Discrimination Complaint Forms shall be available in the main office of each school or  
196 cost center and on the district's Human Resources' website. Any complaint must be filed  
197 within six (6) months of the date on which the alleged discrimination occurred.

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199  
200 The employee/applicant shall communicate in writing to the Equity Coordinator that there  
201 has been a discriminatory or harassing action or inaction against the employee by a specified  
202 individual(s) within the school district's scope of responsibility. The Equity Coordinator  
203 will be responsible for reviewing the complaint form to ensure the complainant has  
204 indicated a legitimate basis of discrimination based on the district's current equity policy.  
205 If no legitimate basis of discrimination is indicated on the complaint form, the Equity  
206 Coordinator will contact the complainant in writing to request clarification of the complaint.  
207 If no response is received within ten (10) business days, the complaint will be considered  
208 abandoned.

209  
210 If an oral complaint is given to any administrator by an employee they will encourage the  
211 employee to fill out the complaint form, if the employee refuses then the administrator will  
212 reduce the complaint to writing ~~and then ask the employee to verify for accuracy by signing~~  
213 ~~the document. The document will then be forwarded to the Equity Coordinator who will follow~~  
214 ~~up with the complainant to ensure they did not wish to formally file the complaint. However,~~  
215 ~~regardless of the complainants wishes to formally file the complaint, an investigation shall be~~  
216 ~~conducted if the circumstances described by the complaint provide a factual basis, which~~  
217 ~~indicates harassment or discrimination may have occurred.~~

218  
219 Initial Investigation

220  
221 The Equity Coordinator will assemble the committee within five (5) business days of  
222 receipt of the formal complaint from the complainant. The committee will consist of three  
223 individuals: one central office administrator, and two members of the trained investigation team,

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224 one being a School Based Administrator (SBA), and one being a School District Administrator  
225 (SDA) representative. The committee will meet with the complainant to secure additional  
226 information or clarify existing information, as well as any witnesses.

227  
228 After reviewing all relevant information, the committee, by majority vote, will render a  
229 decision. The committee, will respond in writing to the complainant no later than ten (10)  
230 business days following the conclusion of the investigation of the complaint. The written  
231 response will indicate whether a determination of reasonable cause was made.

232  
233 Unresolved Outcome of Initial Investigation

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235 If the complaint is not satisfactorily resolved, as determined by the complainant, he/she may  
236 file an appeal in writing to the Equity Coordinator within five (5) business days of receipt  
237 of the written response from the Appeals Committee. The Equity Coordinator, acting as  
238 the Superintendent's designee, will schedule a discussion with the complainant within five  
239 (5) business days following receipt of the communication. The Equity Coordinator will  
240 make a determination of reasonable cause no later than ten (10) business days following the  
241 discussion of the complaint with the complainant.

242  
243 Conciliation - If a determination of reasonable cause is made, the Equity Coordinator will  
244 seek to conciliate the complaint with the respondent and the employee/applicant within ten  
245 (10) business days of said determination.

246  
247 Resolution of the complaint through this procedure by agreement of all participants (the  
248 employee/applicant, the respondent, and the Equity Coordinator) will close the issue. The  
249 Equity Coordinator will complete a written summary within five (5) business days of said  
250 resolution of the complaint.

251  
252 Corrective Action - If a determination of reasonable cause is made and the issue cannot be  
253 resolved by conciliation, the Equity Coordinator will present the issue to the district's  
254 Superintendent, or his/her designee, in writing within ten (10) business days of said  
255 determination for formal corrective action. The district's Superintendent, or his/her designee,  
256 shall submit a written response to the Equity Coordinator determining the corrective action  
257 within ten (10) business days from date of receipt of the determination of the Equity  
258 Coordinator. If the Equity Coordinator does not decide there is reasonable cause, the case  
259 will be considered closed.

260  
261 In addition, the employee/applicant has the right to seek recourse through the U.S. Equal  
262 Employment Opportunity Commission (EEOC).

263  
264 1. Failure on the part of the employee/applicant to initiate and/or to follow-up on a  
265 complaint within the prescribed time limits may result in the complaint being  
266 considered abandoned.

267  
268 2. In general, employees are obligated to perform their duties as directed while  
269 complaints are pending resolution.

270

271 3. Copies of all communications pertaining to a complaint shall be provided to the  
272 employee/applicant, unless classified as privileged or confidential according to statute.