The School Board Of Sarasota County, Florida	Formatted: Indent: Left: 1.95", Right: 1.92", Space Before: 2.05 pt, Line spacing: single
OF SARASON FOUNT	
SARASOTA County Schools	
STATE EQUITY LAWS	
POLICY	Formatted: Indent: Left: 1.72", First line: 0", Right:
AGAINST-	1.69", Space Before: 0 pt, Line spacing: At least 48 pt
DISCRIMINATION	
FOR EMPLOYEES	

& APPLICANTS

Due Process Procedures Employee/Applicant Complaint Procedures

> 201<u>57</u>/201 <u>68</u>

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

An Equal Opportunity Agency

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1 2		Note:	*		
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4 5	This handbook is intended to effect compliance with federal/state regulations,				
6	i.e., Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of				
7		1964, as amended; Title IX of the Education Amendments of 1972; Section 504			
8	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.				
9		the Boy Scouts of America Equal Access Act of 2002 and the American			
10	•	ities Act of 1990.	,		
10					
12		EQUITY COORDINATOR			
13					
14	Name:	Al Harayda			
15		5			
16	Title:	Employee Relations Administrator and Equity Coordinator			
17		(The "Equity Coordinator")			
18					
19	Address:	1960 Landings Boulevard			
20		Sarasota, FL 34231			
21					
22 23 24	Phone:	(941) 927-9000, ext. 31217			
25					
26		<u>SUPERINTENDENT</u>			
27	Nome	Levi Mikite Tedd Dewden			
28	Name:	Lori WhiteTodd Bowden			
29	Title:	Superintendent			
30	The:	Superintendent			
31	Address:	1060 Landings Boulovard			
32	AUULESS.	1960 Landings Boulevard Sarasota, Florida 34231			
33 34		Jai asula, fiui iua 3423 i			
35	Phone:	(941) 927-9000, ext. 311 <u>0531</u>			

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION POLICY AGAINST DISCRIMINATION-Employees/Applicants 2.72

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:

44 (1) Harassment includes:

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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.

53 (2) <u>Sexual Harassment includes</u>: 54

- (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.

71I.The School Board seeks to provide a work environment free of discrimination and72harassment on the basis of race, color, religion, gender, ethnic or national origin,73genetic information, age, disability, marital status, or sexual orientation.74employee/applicant must tolerate such discrimination or harassment.75following are examples of prohibited harassment:

A. Harassment includes

Any slurs, innuendoes or other verbal or physical conduct reflecting on an individual's race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation which has the purpose or effect of creating an intimidating, hostile or offensive work

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SARASOTA 2.72

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		CHAP	TER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION
83			environment; has the purpose or effect of unreasonably interfering with the
84			individual's job performance or participation; or otherwise adversely affects
85			an individual's job opportunities.
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87		В.	Sexual Harassment includes
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89			1. Sexual advances, requests for sexual favors, and other verbal or
90			physical conduct of a sexual nature when submission to such conduct
91			is made either explicitly or implicitly a term or condition of an
92			employee's job opportunities; submission to or rejection of such
93			conduct is used as a basis for employment decisions affecting the
94			individual; or such conduct has the purpose or effect of substantially
95			interfering with an individual's job performance or creating an
96			intimidating, hostile or offensive work environment.
97			
98			2. The denial of or the provision of aid, benefits, promotions, rewards,
99			employment, faculty assistance, services, or treatment, on the basis
100			of sexual advances or requests for sexual favors.
101			
102	II		employee/applicant who experiences discrimination or any such harassment
103		<u>shoul</u>	Id report it immediately pursuant to the Board's procedures.
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	Ш.	Equa	I Opportunity Employment Policy Statement
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107		<u>A.</u>	The policies and administrative regulations of The School Board of Sarasota
108			County, Florida, have traditionally sought to attain ideal conditions of Equal
109			Employment Opportunity. These policies and regulations shall be amended
110			where necessary to ensure full compliance with the letter and the spirit of
111			the law, and apply to both sexes in all instructional and non-instructional
112			positions. The policy is to select employees/applicants as needed on the
113			basis of merit, training, and experience. There shall be no discrimination
114			against any applicant or employee on the basis of race, color, religion,
115			gender, ethnic or national origin, genetic information, age, disability, marital

Page 2 of 2

116 117 status, or sexual orientation except when it is necessary to meet a bona fide occupational requirement. The School Board of Sarasota 118 County, Florida, shall take all necessary action to comply with State 119 120 and Federal laws prohibiting discrimination in employment. We do 121 this to reaffirm our commitment to Equal Employment Opportunity and 122 to refine our implementation of existing policies as they apply to 123 recruitment, hiring, training, promotion, personnel management 124 practices, and collective bargaining agreements. 125 126 The specific purpose of the Equal Opportunity Β. 127 Employment Policy statement is 128 129 To ensure Equal Opportunity in all personnel policies, practices 130 and collective bargaining agreements through the identification and elimination of any existing discriminatory policies and/or 131 132 practices. 133 To design and implement continuing internal assessment, reporting and modification procedures for evaluating the 134 effectiveness of the Equal Opportunity Employment Plan. 135 develop employee/applicant training programs 136 То assist employees/applicants in complying with the plan and 137 in achieving new competencies. 138 To establish procedures within a complaint process for 139 4. 140 prompt processing of individual or group charges. 141 To provide for the publication and dissemination, internally 5. and externally, of the Equal Opportunity Employment Plan. 142 143 It is understood that harassment or discrimination based on an 144 IV. 145 employee's/applicant's race, color, religion, gender, ethnic or national origin, genetic information, age, disability, marital status, or sexual orientation is a 146 147 violation of state and federal laws and a breach of the School Board's Equal Opportunity Employment Policy, which shall be grounds for disciplinary 148 149 action including but not limited to discharge. 150

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	EQUAL OPPORTUNITY EMPLOYMENT POLICY STATEMENT
Coun Emple where law, - The p exper on th status occup take discri Emple	policies and administrative regulations of The School Board of Sarase y, Florida, have traditionally sought to attain ideal conditions of Equi- pyment Opportunity. These policies and regulations shall be amend a necessary to ensure full compliance with the letter and the spirit of the and apply to both sexes in all instructional and non-instructional position policy is to select Employees as needed on the basis of merit, training, a ience. There shall be no discrimination against any Applicant or Employ e basis of race, color, religion, sex, national origin, age, disability, mari- is, or sexual orientation except when it is necessary to meet a bona fil vational requirement. The School Board of Sarasota County, Florida, shall necessary action to comply with State and Federal laws prohibititin mination in employment. We do this to reaffirm our commitment to Equi- pyment Opportunity and to refine our implementation of existing policies apply to recruitment, hiring, training, promotion, personnel managements
practi	ces, and collective bargaining agreements.
The s	pecific purpose of the Equal Opportunity Policy statement is:
1	To ensure Equal Opportunity in all personnel policies, practices a collective bargaining agreements through the identification and eliminati of any existing discriminatory policies and/or practices.
2	To design and implement continuing internal assessment, reporting a modification procedures for evaluating the effectiveness of the Equencies 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 process of individual or group charges.
5.	To provide for the publication and dissemination, internally and externa of the Equal Opportunity Employment Plan.
Emple marit breac	s understood that harassment or discrimination based on byee's/Applicant's race, color, religion, sex, national origin, age, disabil al status, or sexual orientation is a violation of state and federal laws and h of the School Board's Equal Employment Policy, which shall be grour sciplinary action including but not limited to discharge.

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DISCRIMINATION COMPLAINT PROCEDURE FOR EMPLOYEES AND EMPLOYMENT APPLICANTS

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EMPLOYEES: The School Board of Sarasota County, Florida, desires to 197 198 eliminate discrimination within the School District and encourages any person who believes that discrimination on the basis of race, color, religion, sex, national 199 origin, age, disability, marital status, or sexual orientation has occurred to file a 200 The Complaint procedure outlined in this 201 Complaint as early as possible. handbook should be used. 202 203 EMPLOYMENT APPLICANTS: The School Board of Sarasota County, Florida, 204

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 214 Complaints without extraneous administrative barriers. A record or log will be 215 maintained on each discrimination or harassment Complaint to include the final 216 disposition of each by the District's Equity Coordinator. The initiation of any 217 discrimination or harassment Complaint made in good faith by an 218 Employee/Applicant, or the involvement of any parties who assist in good faith with 219 an investigation, will not be used as a basis for retaliation or actions that adversely 220 affect the parties' standing in the School District. Consequences may result from 221 222 a complaint made in bad faith. 223

Formatted: Indent: Left: 0" 224 **Complaint about Equity Coordinator:** 225 Any Equity/Harassment Complaint filed in writing against the Equity 226 Coordinator or any complaint filed that implies any involvement of the Equity 227 Coordinator shall be shared with the Superintendent of Schools. 228 229 Complaint about Superintendent of Schools: 230 Any Equity/Harassment Complaint filed in writing against the Superintendent 231 of Schools or any complaint filed that implies any involvement of the 232 Superintendent of Schools shall be shared with the School Board Members. 233 The School Board Members will work with School Board Attorney to 234 determine who will conduct the investigation. The School Board Members 235 may decide to employ an outside, independent investigator to conduct the 236 investigation of the complaint, or designate someone internally. 237 238 The District's Equity Coordinator will be responsible for maintaining a log of all 239 Formatted: Indent: Left: 0" Page 5 of 2 SARASOTA 2.72

240	comp	laints received, all files and documents related to the investigation, and all
241	writte	n responses to the Complainant.
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244	Α.	Definitions
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246	•	"Applicant" is a person who is applying for employment with The School
247		Board of Sarasota County, Florida.
248		
249	•	
250		BoardDistrict of Sarasota County, Florida.
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252	•	A "Complaint" is a written allegation by the Employee/Applicant that
253		there has been a discriminatory action or inaction on the basis of race,
254		color, religion, sex, national origin, age, disability, marital status, or sexual
255		orientation against the Employeethe Employee/Applicant by a specified
256		individual or individuals, situations, circumstances, conditions, or other
257		factors within the School District's scope of responsibility.

258 Α. **Definitions (Continued)** 259 "Respondent" is the individual(s) charged with or having responsibility 260 261 for the alleged discriminatory action. 262 The "The "Equity CoordinatorEquity "isCoordinator" theis 263 individualthe whoindividual is who responsible is for responsible 264 for monitoring the District's compliance with Federal and State regulations 265 relating to civil rights, discrimination and harassment. The "Equity 266 Coordinator" is also responsible for coordinating responses to Complaints. 267 268 The "Appeals Committee" will consist of three individuals: one Central 269 270 Office Administrator, and two members of the trained investigation team, one 271 being a School Based Administrator (SBA) representative, and a one being a School District Administrator (SDA) representative. The Central Office-272 Administrator will be at the Executive Director or Chief level or higher. 273 274 Β. 275 Procedures for Complaints 276 277 Discrimination Complaint Forms shall be available in the main office of 278 each schooleach orschool costor centercost and center on and the on District'sthe HumanDistrict's ResourcesHuman Resources' website. 279 280 Note: Any Complaint must be filed within six (6) months of the date on 281 which the alleged discrimination occurred. 383 284 The District's Equity Coordinator will be responsible for maintaining a log 285 286 of all complaints received, all files and documents related to the investigation, and all written responses to the Complainant. 287 288 289 290 291 Step #1 292

The Employee/Applicant shall communicate in writing to the Equity 293 Coordinator that there has been a discriminatory or harassing action or 294 inaction against the Employee by a specified individual(s) within the School 295 296 District's scope of responsibility. The Equity Coordinator will be 297 responsible for reviewing the complaint form to ensure the Complainant has indicated a legitimate basis of discrimination based on the District's 298 current Equity Policy. If no legitimate basis of discrimination is indicated 299 on the complaint form, the Equity Coordinator will contact the Complainant 300 in writing to request clarification of the complaint. If no response is 301 received within ten (10) business days, the complaint will be considered 302 abandoned. 303

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305Equity Coordinator will forward the review/investigation.The Co 307306review/investigation.The Co 308307scheduling a discussion of the Corr 308308business days following receipt of the 309310If the Cost Center Head determine 311311review and investigation of the Complaint to the Equity Coordinato 313313The Cost Center Head will responsion 315314The Cost Center Head will responsion and the Complainant.315than ten (10) business days follow 316316the Complainant.317determination of reasonable cause 318318In the event the Complaint involve 320320Equity Coordinator will forward the supervisor of the Employee's Cost 321321supervisor of the Employee's Cost 322322immediate supervisor of the Employee's Cost 323323designee, will be responsible for s 324324with the Employee within five (5) 325325communication.326If the immediate supervisor of the 330331The immediate supervisor of the 331332The immediate supervisor of the 333333respond in writing to the Complain 334334following the discussion of the 335338In the event the Complaint directly 340341below.	
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 339 his/her written Complaint directly- 340 below. 341 	at of an Applicant, the Applicant may file
340 below. 341	with the Equity Coordinator as indicated
341	the second
342	
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345	Step #2		
346			
347	If an oral complaint is given to any administrator by an employee they_ +		Formatted: Indent: Left: 0.5"
348	will encourage the employee to fill out the complaint form, if the		
349	employee refuses then the administrator will reduce the complaint to		
350	writing. The document will then be forwarded to the Equity		
351	Coordinator who will follow up with the complainant to ensure that		
352	they did not wish to formally file the complaint. However, regardless of		
353	the complainants wishes to formally file the complaint, an investigation		
354	shall be conducted if the circumstances described by the complaint		
355	provide a factual basis, which indicates that harassment or		
356	discrimination may have occurred.		
357			
358	If the Complaint is not satisfactorily resolved in Step #1, as determined by		
359	the Complainant, he/she may file an appeal in writing to the Equity		
360	Coordinator within five (5) business days of receipt of the written		
361	response from the Cost Center Head or the immediate supervisor of the		
362	Cost Center Head.		
363	to the Line of the Maria		
364	Initial Investigation		
365	The Equity Coordinator will assemble anthe Appeals Committee within five (E) buyings days of require a the appeal formal complaint from the		
366	five (5) business days of receipt of the appeal formal complaint from the	4	
367	Complainant. The committee will consist of three individuals: one Central Office Administrator, and two members of the trained investigation team, one being a	!	Formatted: Font: Not Bold
368	School Based Administrator (SBA), and one being a School District		
369	Administrator (SDA) representative. he Appeals Committee will consist of		
370 371	one Central Office Administrator, who shall serve as Chairperson, a School		
371	Based Administrator (SBA) representative, and a School District		
372	Administrator (SDA) representative. The Central Office Administrator will be		
373	at the Executive Director or Chief level or higher.		
375	at the Executive Director of other level of higher.		
376	The Ecommittee Chairperson may designate one or more members to will		
377	meet with the Complainant to secure additional information or clarify		
378	existing information, as well as . The Appeals Committee may also		
379	meet with any/all_ witnesses from the initial investigation and may choose		
380	to meet with other individuals who may have knowledge of the situation.		
381			
382	After reviewing all relevant information, the Appeals Committee, by majority		
383	vote, willvote, renderwill arender decision decision. If the		
384	Appeals Committee determines reasonable cause, the Chairperson will		
385	forward the Complaint to the Equity Coordinator as outlined in Step #3.		
386	• • • • • • • • • • • • • • • • • • •		Formatted: Justified, Indent: Left: 0.56", Right: 0.04",
387	The Chairperson of the Appeals C<u>c</u>ommittee, or his/her designee, will		Space Before: 0 pt, Line spacing: single
388	respond in writing to the Complainant no later than ten (10) business days		
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389	following the review conclusion of the of the initial investigation of the
390	Complaint. The written response written will response indicate will
391	whetherindicate <u>orwhether</u> not <u>or</u> anot determinationa
392	ofdetermination of reasonable cause was made.

393 Step #3

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- If the Complaint is not satisfactorily resolved in Step #2, as determined by 395 the Complainant, he/she may file aan second appeal in writing to the Equity 396 397 Coordinator daysbusiness days of receipt of the written response from the Appeals 398 Ecommittee. The Equity Coordinator, acting as the Superintendent's 399 designee, will schedule a discussion with the Complainant within five (5) 400 business days following receipt of the communication. The Equity 401 Coordinator will make a determination of reasonable cause no later than ten 402 (10) business days following the discussion of the Complaint with the 403 Complainant. 404
- Conciliation If a determination of reasonable cause is made, the Equity
 Coordinator will seek to conciliate the Complaint with the Respondent and
 the Employee the Employee / Applicant within ten (ten (10) business days
 ofdays saidof 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.
- 417 Corrective Action - If a determination of reasonable cause is made and the 418 issue cannotissue becannot resolved be by resolved conciliation by theconciliation, the Equity Coordinator will present the issue to the 419 420 District's Superintendent, or his/her designee, in writing within ten (10) business days of said determination for formal corrective action. The 421 District's Superintendent, or his/her designee, shall submit a written 422 response to the Equity Coordinator determining the corrective action within 423 424 ten (10) business days from date of receipt of the determination of the Equity Coordinator.
- If the Equity Coordinator does not make a determination<u>decide</u> there
 <u>is of</u>-reasonable cause, the case will be considered closed.
- 431In additionIn, theaddition,EmployeeEmployeeApplicant432hasApplicantthehasrighttorightseektorecourseseek433recoursethrough the U.S. Equal Employment Opportunity Commission434(EEOC).

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435	SPEC	CIAL PROVISIONS
436 437	Α.	Failure on the part of the Employee/Applicant to initiate and/or to
437	А.	follow-up on a Complaint within the prescribed time limits may
439		result in the Complaint being considered abandoned.
440		
441	B.	Failure by a Cost Center Head to respond to a Complaint within the
442		prescribed time limits will automatically move the Complaint to the
443		next step.
444		
445	<u>ӘВ</u> .	In general, Employees are obligated are obligated to perform
446		theirperform their duties as directed while Complaints are pending
447		resolution.
448	DC	Contra of all communications containing to a Complete to ball be
449	<u>ӘС</u> .	Copies of all communications pertaining to a Complaint shall be
450 451		provided to the Employee/Applicant, unless classified as privileged or confidential according to statute.
451		