



## STATE EQUITY LAWS

Due Process Procedures  
Employee/Applicant  
Complaint Procedures

2017/2018

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

**Equity Coordinator**

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**Superintendent**

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## **SCHOOL BOARD POLICY**

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

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

B. Sexual Harassment includes

1. 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.
2. 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.

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

III. Equal Opportunity Employment Policy Statement

A. 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/applicants 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, gender, ethnic or national origin, genetic information, 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.

B. The specific purpose of the Equal Opportunity Employment 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/applicant training programs to assist employees/applicants 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.

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

## **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/applicant, 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.

### Complaint about Equity Coordinator

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

### Complaint about Superintendent of Schools

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

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.

#### A. Definitions

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

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

Complaint.....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.

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

Equity Coordinator.....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.

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

## 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. Any complaint must be filed within six (6) months of the date on which the alleged discrimination occurred.

The employee/applicant 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 an oral complaint is given to any administrator by an employee they will encourage the employee to fill out the complaint form, if the employee refuses then the administrator will reduce the complaint to writing. The document will then be forwarded to the Equity Coordinator who will follow up with the complainant to ensure they did not wish to formally file the complaint. However, regardless of the complainants wishes to formally file the complaint, an investigation shall be conducted if the circumstances described by the complaint provide a factual basis, which indicates harassment or discrimination may have occurred.

### Initial Investigation

The Equity Coordinator will assemble the committee within five (5) business days of receipt of the formal complaint from the complainant. The committee will consist of three individuals: one central office administrator, and two members of the trained investigation team, one being a School Based Administrator (SBA), and one being a School District Administrator (SDA) representative. The committee will meet with the complainant to secure additional information or clarify existing information, as well as any witnesses.

After reviewing all relevant information, the committee, by majority vote, will render a decision. The committee will respond in writing to the complainant no later than ten (10)

business days following the conclusion of the investigation into the complaint. The written response will indicate whether a determination of reasonable cause was made.

#### Unresolved Outcome of Initial Investigation

If the complaint is not satisfactorily resolved, 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 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 decide there is 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).

1. 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.
2. In general, employees are obligated to perform their duties as directed while complaints are pending resolution.
3. Copies of all communications pertaining to a complaint shall be provided to the employee/applicant, unless classified as privileged or confidential according to statute.