

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

PROHIBITING DISCRIMINATION, INCLUDING SEXUAL AND OTHER FORMS OF HARASSMENT

2.70+

Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment are as follows:

A. Complaints. Procedures for filing.

1. Any person who believes that he or she has been discriminated against, or placed in a hostile environment based on race, color, gender, age, ethnic or national origin, genetic information, marital status, sexual orientation, disability, political or religious beliefs by an employee, volunteer, agent or student of the School District should immediately file a written complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint.
2. The complaint should be filed with the School Principal or Site Administrator. Complaints filed with the Principal or Site administrator must be forwarded to the District's EEO Officer within five (5) days of the filing of the complaint. If the complaint is against the principal or site administrator, the complaint may be filed directly with the EEO Officer.
3. If the complaint is against the District's EEO Officer, the Superintendent, or other member of the School Board, the complaint may be filed with the School Board Attorney.

B. Procedure for Processing Complaints

1. Complaints filed against persons other than the Superintendent or member of the School Board:
 - a. Upon receipt of the written complaint by the District EEO Officer, the District EEO Officer shall conduct an investigation of the allegations in the complaint. The District EEO Officer shall interview the complainant and the

accused; interview any witnesses identified by the complainant, accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the District EEO Officer shall prepare a written summary of the investigation, and make a recommendation as to whether there is reasonable cause to believe a violation of the District's anti-discrimination policy has occurred. Copies of documents, evidence and witness statements which were considered in the investigation along with the summary and recommendation will be kept on file at the District Office.

- b. If the complaint is against the EEO officer, the School Board Attorney shall appoint an investigator, who shall conduct an investigation in the manner set forth in Section 2.
- c. The investigation, summary, relevant documents, witnesses' statements and recommendation should be completed and forwarded to the EEO Officer within 30 days, or to the School Board Attorney within 30 days, if the complaint is against the EEO Officer. The EEO Officer, or School Board Attorney, respectively, shall review the investigation summary, evidence and recommendation, and determine whether there is reasonable cause to believe a discriminatory practice occurred.
- d. If the EEO Officer or School Board Attorney determines there is reasonable cause to believe a violation of the nondiscriminatory policy occurred, he or she shall provide notice of the reasonable cause finding to the complainant and the accused. The EEO Officer or School Board Attorney shall then forward the investigatory file, reasonable cause determination, and all related documents and evidence, to the Superintendent.
- e. If the EEO Officer or School Board Attorney determines, after a review of the investigation, summary, recommendation and other evidence, that there is no reasonable cause to believe a discriminatory practice occurred, he or she shall provide notice of the finding of no reasonable cause to the complainant and accused.

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

- f. The complainant may request a no reasonable cause finding by the EEO Officer or School Board Attorney be reviewed by the Superintendent within ten (10) days of receipt of this notice. The complainant shall provide a written statement detailing facts in support of his or her disagreement with the determination. The complainant will also be given an opportunity to meet with the Superintendent and EEO Officer/School Board Attorney to present his or her position. The Superintendent and EEO Officer/School Board Attorney shall prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall then make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.
- g. If review by the Superintendent is not timely requested, the EEO Officer or School Board Attorney's determination of no reasonable cause shall be final.
- h. The accused may request, within ten (10) days of receipt of a notice of a finding of reasonable cause, that the determination be reviewed by the Superintendent. The request must include a written statement expressing the accused's position on the complaint and findings, and address any facts, statements or evidence which he or she submits are inaccurate. The accused will be given an opportunity to meet with the Superintendent and the EEO Officer/School Board Attorney to present his or her position. The Superintendent and EEO Officer/School Board Attorney must prepare a memorandum summarizing the content of the meeting to be included in the complaint file.
- i. After providing the opportunity for an informal hearing as referenced in section (h) above, the Superintendent shall evaluate all the evidence, the investigation summary, recommendations and findings, along with any input by the accused and complainant, and make a final determination as to whether there is reasonable cause to support the complainant's allegations. He or she shall then determine any necessary disciplinary, remedial, or other action. Notice of the final disposition of the complaint and any disciplinary and/or remedial action shall be forwarded to the accused and the complainant, and a copy of the notice will be filed

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

with and maintained in the office of the District EEO Officer and the Personnel Director.

2. Complaints against School Board Members or against the Superintendent.
 - a. Complaints against School Board Members or the Superintendent shall be filed with the School Board Attorney. The School Board Attorney will appoint an outside, independent investigator to conduct an investigation and make a recommendation as to whether a discriminatory practice has occurred. It is recommended, but not mandatory, that the investigator be an attorney familiar with federal and state law prohibiting discrimination on the basis of a protected status.
 - b. The complainant and accused shall be interviewed by the outside investigator. Both shall provide written lists of witnesses to be interviewed, and documents or other evidence to be reviewed as relevant to the complaint. The investigator shall interview all witnesses identified by the complainant or accused, in addition to witnesses with relevant knowledge which the investigator may discover from other sources. The investigator shall also review relevant documents and other evidence. The investigator shall then prepare a written summary of his or her investigation, and a recommendation to the School Board Attorney as to whether there is reasonable cause to believe that a discriminatory practice may have occurred.
 - c. If reasonable cause is recommended by the investigator against a School Board Member or an elected Superintendent, the recommendation shall be forwarded to the Governor's office to determine if there is evidence that a misfeasance or malfeasance of office occurred. The Governor's Office will be responsible for taking any necessary action in accordance with applicable law with reference to an elected official. The School Board shall receive and make the final determination if the Superintendent is appointed by the Board.
 - d. A finding of no reasonable cause by the outside investigator, which is reviewed and confirmed by the School Board

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

Attorney shall be final. In compliance with Florida Statute, the investigation file shall become public record and the Superintendent or School Board Member shall answer to their constituency.

- C. Penalties for confirmed Discrimination or Harassment
 - 1. Student. A substantiated allegation of discrimination or harassment against a student shall subject that student to disciplinary action consistent with the Code of Student Conduct.
 - 2. Employee or Volunteer. A substantiated allegation of discrimination or harassment against an employee may result in disciplinary actions including termination and referral to appropriate law enforcement authorities. A volunteer shall be removed from service and a referral may be made to appropriate law enforcement authorities.
- D. Limited Exemption from Public Records Act and Notification of Parents of Minors
 - 1. To the extent possible, complaints will be treated as confidential and in accordance with Florida Statutes and the Family Educational Rights and Privacy Act ("FERPA"). Limited disclosure may be necessary to complete a thorough investigation as described above. The district's obligation to investigate and take corrective action may supersede an individual's right to privacy
 - 2. The parents of a person under the age of 18 who has filed a complaint of discrimination and/or harassment shall be notified within three (3) days of receipt of a complaint.

REVISION DATE: 02/14/05; 01/08/07 (EDITORIAL);
04/16/07 (EDITORIAL); 11/18/08 (EDITORIAL); 04/12/2010 (EDITORIAL)