

Permanent Personnel**DISCRIMINATION/HARASSMENT: COMPLAINT PROCEDURES FOR EMPLOYEES****PROCEDURES FOR ASSURANCE OF COMPLIANCE
WITH FEDERAL/STATE REGULATIONS/SCHOOL BOARD POLICIES
OF NONDISCRIMINATION/HARASSMENT IN EMPLOYMENT****I. Purpose**

The School Board of Miami-Dade County, Florida, has established procedures to assure nondiscrimination in employment, and the elimination of harassment, including sexual harassment. It is the policy of the School Board that all employees will be treated with respect. Hostile treatment or violence against an employee because of his/her gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy or disability, will not be tolerated.

It is recognized that discrimination or harassment complaints by employees may arise from actual or perceived situations and circumstances related to the prohibition of discrimination. It is the intent of these procedures to assure that discrimination or harassment complaints are resolved in an expeditious, orderly, and equitable manner that serves to fulfill the letter and intent of the law. All administrators and principals are required to make a conscientious effort to fully consider and understand the nature and basis of the discrimination or harassment complaint of an employee and resolve it, to the satisfaction of the complainant, without delay or refer it, without delay, to the appropriate office for resolution. The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainant's standing in his/her work location. Additionally, participation in or assistance in the investigation of a complaint shall not be used as the basis for any adverse employment action on an employee.

Discrimination or harassment complaints made under the provisions of this rule will be handled using federal enforcement agencies' procedures and standards in the processing and investigation of discrimination/harassment charges and without extraneous administrative barriers. No anonymous complaints shall be accepted or processed. The complaint must be signed attesting that it is true to the best of the complainant's knowledge, information and belief. Any complainant who knowingly submits false information will be subject to disciplinary action. A record will be maintained of each discrimination or harassment complaint investigation to include the final disposition of each.

II. Procedure for Filing Complaints

A School Board employee who has a reasonable and good-faith belief that he/she has been the subject of discrimination or harassment because of his/her gender, race, color, religion, ethnic or national origin, political beliefs marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, shall communicate in writing the allegation(s) to his/her principal or supervising administrator.

If the employee does not feel comfortable discussing his/her complaint at the work site or next administrative level, the employee may file the complaint directly with the School Board's Civil Rights and Diversity Compliance (CRDC) office.

Due to the sensitive nature of sexual harassment complaints, employees may file such a complaint directly with the School Board's CRDC office.

If the complaint is submitted to the principal or administrator, the principal or administrator will be responsible for scheduling a meeting with the complainant to discuss the complaint. In the event the complaint involves the employee's principal or supervising administrator, the employee may go directly to the next level of administration, such as an Assistant/Associate/Deputy Superintendent. If the employee does not feel comfortable discussing his/her complaint at his/her work location, the employee may file the complaint with the next administrative level.

If the complaint is not resolved to the complainant's satisfaction after discussion with the principal or supervising administrator, or cannot be resolved at that level, the employee may appeal at the next level of administration, i.e., Assistant/Associate/Deputy Superintendent.

If the complaint is not satisfactorily resolved at the second level of administration, as determined by the employee, he/she may file a complaint with the School Board's CRDC office. The employee will be requested to provide to the School Board's CRDC office signed, specific information regarding the discriminatory or harassing action(s) or inaction(s), the basis (e.g., age, race, disability, etc.) for the action(s) or inaction(s), the alleged offender(s), witnesses, etc.

III. Appeals

If the employee does not agree with the final determination made by the School Board's CRDC office, he/she may appeal the determination to the Superintendent's designee to hear such appeals by submitting a letter of appeal within 15 workdays of the date of the final determination.

IV. Special Provisions

- A. Failure on the part of the employee to initiate and/or follow-up on a complaint in a timely manner may result in the complaint being considered abandoned. A complaint must be filed within 300 days of the alleged discriminatory act(s).
- B. Failure by a principal or appropriate administrator to address a complaint, within ten (10) workdays will automatically allow the complainant to move the complaint to the next level of administration.
- C. In general, School Board employees are obligated to perform their duties, as directed, while complaints are pending resolution.
- D. Records of an ongoing investigation shall remain confidential and not subject to disclosure pursuant to Chapter 119, Florida Statutes, until a final determination is made on the case.
- E. Suspensions, dismissals, and reductions in pay grade are not subject to federal/state regulations in the absence of discrimination.

This rule 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 Educational Equity Act, F.S. 1000.05; the Americans with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

Law Implemented, Interpreted, or Made Specific: 1001.43(11) F.S.; 6A-19.009 FAC; 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 Educational Equity Act, F.S. 1000.05; the Americans with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

History:**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA**

New: 6-4-86

Amended: 9-17-86; 3-4-92; 6-8-94; 8-25-99; 10-22-03