

## EQUAL OPPORTUNITY EMPLOYMENT

**FILE: GBA**

**TITLE:** Nondiscrimination, Equal Employment and Affirmative Action

### **POLICY:**

(1) No person shall on the basis of race, color, religion, sex, national origin, disability, age, marital status, sexual orientation, gender identity or expression, genetic information, or any other reason prohibited by law, be excluded from participation in, be denied the benefits of, or be subjected to discrimination, ~~or sexual harassment with respect to such person's employment or application for employment or any other form of harassment in any education program or activity except as provided by law.~~

(a) The prohibition against sexual harassment herein shall include, but not be limited to, a prohibition against the following:-

1. Unwelcome sexual advances;

2. Requests for sexual favors; and

3. All other verbal, written, or physical conduct of a sexual or otherwise offensive nature where any of the following exists:

a. submission to such conduct is made either explicitly or implicitly a term or condition of employment;

b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or

c. such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment

(b) This practice shall apply to both employees and applicants for employment.

(2) Employees or applicants who feel ~~that~~ they have been discriminated against, sexually harassed or denied any rights as set forth herein may file a complaint with the district equal employment opportunity officer ("EEO") officer within 60 days of the initial incident(s). All complaints will be handled promptly and an efficient and timely investigation will take place, in accordance with the timelines prescribed in Orange County Public Schools ("OCPS") Employee/Student/Applicant Grievance/Complaint Procedures.

(3) The superintendent shall designate a district EEO officer who shall serve as the contact person in matters pertaining to this policy. The name, address and phone number of the district EEO officer shall appear in conjunction with all notices of nondiscrimination policies.

(4) The superintendent shall provide a Notice of Nondiscrimination at each site on a bulletin board which is available to students, employees, applicants and the

general public. The notice shall also be included in all district publications and shall include the name, address and phone number of the district EEO officer.

**SPECIFIC AUTHORITY:** Sections 760.01; 1000.05; 1001.41; 1001.43, Florida Statutes

20 U.S.C. Sections 1681-1688, as amended; 42 U.S.C. Sections 2000e-2000e-3, as amended.

**ADOPTED:** 03/09/04

**REVISED:**

**EQUAL OPPORTUNITY EMPLOYMENT**

**FILE: GBA**

**TITLE: Employee/ Applicant Grievance/Complaint Procedures**

### **EMPLOYEE/STUDENT/APPLICANT GRIEVANCE/COMPLAINT PROCEDURES**

Definition:

- a. Discrimination is conduct which deprives the victim of the opportunity to participate in employment, ~~educational programs or activities, school board or school sponsored activities, or in any other activities offered or provided by the School Board~~ on account of race, color, religion, sex, national origin, ~~language spoken, homelessness, sex~~, disability, age, marital status, sexual orientation, gender identity or expression, genetic information, ~~age, religion~~, or any other basis prohibited by law.
- b. Harassment is conduct directed by a person or persons against another person, ~~on or religion, or any other~~ basis prohibited by law or this policy which is severe, pervasive, and objectively offensive to the point that the prohibited conduct substantially impairs the victim's participation in his/her employment, ~~educational programs, school sponsored activities, or any other activities offered or provided by the school district.~~

Any employee, ~~student~~ or applicant who believes that he or she has been the victim of discrimination/harassment based upon any factor identified above, may and is encouraged to file an OCPS Educational Equity Grievance/Complaint Form ("Grievance Form") with the ~~EEO officer~~Equity Coordinator or any district office or school level administrator. All such complaints must be immediately forwarded to the EEO officer~~District Equity Coordinator or~~ other person who has been specifically designated to handle complaints of discrimination/harassment.

The ~~superintendent~~Superintendent may identify, upon request of a complainant, a designee for the ~~EEO officer~~Equity Coordinator when in his/her judgment it is warranted. The alternate first point of contact or designee shall be the OCPS Director of Employee Relations. Should an alternate be designated to investigate a complaint, the complainant may request a review by the superintendent~~Superintendent~~.

The following grievance/complaint procedure is established to receive complaints. However, when any district office or school level administrator learns of an alleged incident of discrimination/harassment, the District is obligated to investigate. All supervisors are required to report complaints in writing to the EEO officer~~on the Educational Equity Grievance/Complaint Form to the Equity Coordinator.~~

**Procedure for Employees/Applicants:**

1. The grievance/complaint may be made orally or may be filed in writing, or may be filed using the ~~Educational Equity~~-Grievance/~~Complaint~~ Form bearing the signature of the complainant. The complainant has sixty (60) days from the date of the incident for the initial filing of the Grievance/Complaint Form.
  - a. If the complaint is made orally, the ~~EEO officer~~~~Equity Coordinator~~ or other district ~~officer~~~~office~~ or school level administrator receiving the complaint shall record it in written form, which shall be reviewed and acknowledged by the complainant to verify its accuracy.
  - b. A ~~written~~ complaint may be amended to correct technical defects, omissions, or to clarify or amplify allegations made therein. A written~~An~~ amendment may be filed at any time before the investigation is completed.
  - c. The complainant may withdraw a complaint at any time.
  - d. The District, regardless of whether a complaint conforms to a certain format or whether or not it is committed to writing, will investigate all complaints of discrimination/harassment.
2. ~~Upon receipt of the complaint of discrimination by the Equity Coordinator, written acknowledgment of receipt of the complaint shall be forwarded to the complainant within five (5) working days.~~
  - a. ~~If the complaint has been received by a district or school level administrator, the administrator receiving the complaint shall provide the complainant with a written acknowledgment of receipt of the complaint and notice that the complaint has been forwarded to the Equity Coordinator.~~
  - b. ~~The acknowledgment by the Equity Coordinator shall identify the person responsible for investigation of the complaint if a designee has been assigned to conduct the investigation.~~
3. ~~The investigator~~ may~~will within five (5) working days after acknowledging receipt of the complaint,~~ interview the complainant to obtain any additional information needed to clarify the complaint.
34. When the complaint is received, the respondent shall be advised of the existence of the receipt of the complaint, provided with a copy of the complaint and advised that any interference in the investigation or any retaliation against the complainant will subject the respondent to disciplinary action.
  - a. The respondent shall be given an opportunity to respond to the complaint. Such response shall be made to the investigator either orally or in writing.

- b. Oral responses shall be ~~promptly~~immediately recorded by the investigator which shall be reviewed and ~~acknowledged~~signed by the ~~complainant~~respondent to verify its accuracy.

~~4.5.~~ The ~~EEO officer~~Equity Coordinator, at this point, may inquire of the complainant as to a possible resolution of the complaint. If the complainant is amenable to a resolution of the complaint prior to implementation of Step ~~5, below~~6, the ~~EEO officer~~Equity Coordinator shall begin discussion regarding a resolution. ~~—If an acceptable resolution cannot be reached within thirty (30) calendar days, the complaint shall be further investigated.~~

~~5.~~ ~~The~~6. ~~If the investigation may proceed further within thirty (30) calendar days after receipt of the initial complaint, the investigation shall include, but not be limited to,~~ investigating all allegations by the complainant and respondent, interviewing any witnesses, including co-workers and supervisors, and taking statements from witnesses and other persons who may be able to provide valid and relevant information. Upon completion of the investigation, the investigator shall provide a final written disposition of the complaint containing a summary of findings, ~~and an analysis and conclusion to the complainant and respondent.~~

~~6. 7.~~ ~~The complainant may request a review from an appropriate alternate of the final disposition from the Equity Coordinator by notifying the Superintendent within five (5) working days after receiving the final disposition.~~

~~8.~~ ~~Within fifteen (15) working days following receipt of the complainant's request for review, the alternate shall render a written decision to the complainant and the respondent either to dismiss the complaint or to initiate corrective action.~~

~~9.~~ A substantiated charge may~~shall~~ subject such ~~employee or other~~ violator to disciplinary action, including, but not limited to, warning, reprimand, suspension or termination, subject to applicable procedural requirements in ~~OCPS Orange County School Board Policy~~ Equal Opportunity Employment - Grievance Procedures for Personnel, Including Timelines ("Grievance Procedures").

~~7.~~

~~10.~~ ~~Retaliation against an individual for filing a complaint or against an individual providing information regarding the investigation of any complaint is prohibited.~~

~~11.~~ ~~The use of this grievance/complaint procedure shall not prohibit the complainant from seeking redress from other available state and/or federal sources.~~

~~12.~~ ~~To the extent permitted by law, confidentiality will be maintained to the highest degree possible since an effective investigation requires the discussion of certain information with certain individuals. The District must discharge its duty to prevent and correct discrimination/harassment.~~

#### **Procedure for Students:**

~~1.~~ ~~The grievance/complaint may be made orally or may be filed in writing, or may be filed using the Educational Equity Grievance/Complaint Form bearing the~~

~~signature of the complainant. The complainant has sixty (60) days from the date of the incident for the initial filing of the Grievance/Complaint Form.~~

- ~~a. If the complaint is made orally, the Equity Coordinator or other district office or school level administrator receiving the complaint shall record it in written form, which shall be reviewed and acknowledged by the complainant to verify its accuracy.~~
- ~~b. A written complaint may be amended to correct technical defects, omissions, or to clarify or amplify allegations made therein. An amendment may be filed at any time before the investigation is completed.~~
- ~~c. The complainant may withdraw a complaint at any time.~~
- ~~d. The District, regardless of whether a complaint conforms to a certain format or whether or not it is committed to writing, will investigate all complaints of discrimination/harassment.~~

~~2. Upon receipt of the complaint of discrimination by the Equity Coordinator, written acknowledgment of receipt of the complaint shall be forwarded to the complainant within five (5) working days.~~

- ~~a. If the complaint has been received by a district or school level administrator, the administrator receiving the complaint shall provide the complainant with a written acknowledgment of receipt of the complaint and notice that the complaint has been forwarded to the Equity Coordinator.~~
- ~~b. The acknowledgment by the Equity Coordinator shall identify the person responsible for investigation of the complaint if a designee has been assigned to conduct the investigation.~~

~~3. The investigator will within five (5) working days after acknowledging receipt of the complaint, interview the complainant to obtain any additional information needed to clarify the complaint.~~

~~4. When the complaint is received, the respondent shall be advised of the existence of the receipt of the complaint, provided with a copy of the complaint and advised that any interference in the investigation or any retaliation against the complainant will subject the respondent to disciplinary action.~~

- ~~a. The respondent shall be given an opportunity to respond to the complaint. Such response shall be made to the investigator either orally or in writing.~~
- ~~b. Oral responses shall be immediately recorded by the investigator and signed by the respondent to verify its accuracy.~~

~~5. The Equity Coordinator, at this point, may inquire of the complainant as to a possible resolution of the complaint. If the complainant is amenable to a resolution of the complaint prior to implementation of Step 6, the Equity Coordinator shall begin discussion regarding a resolution. If an acceptable resolution cannot be reached within thirty (30) calendar days, the complaint shall be further investigated.~~

~~6. If the investigation proceeds further within thirty (30) calendar days after receipt of the initial complaint, the investigation shall include but not be limited to investigating all allegations by the complainant and respondent, interviewing any witnesses, and taking statements from witnesses and other persons who may be able to provide valid and relevant information. Upon completion of the investigation, the investigator shall provide a final written disposition of the complaint containing a summary of findings, and an analysis and conclusion to the complainant and respondent.~~

~~7. The complainant may request a review from an appropriate alternate of the final disposition from the Equity Coordinator by notifying the Superintendent within five (5) working days after receiving the final disposition.~~

~~8. Within fifteen (15) working days following receipt of the complainant's request for review, the alternate shall render a written decision to the complainant and the respondent either to dismiss the complaint or to initiate corrective action.~~

~~9. A substantiated charge shall subject such employee or other violator to disciplinary action, including, but not limited to, warning, reprimand, suspension or termination, subject to applicable procedural requirements in Orange County School Board Policy Equal Opportunity Employment Grievance Procedures for Personnel, Including Timelines.~~

~~10. Retaliation against an individual for filing a complaint or against an individual providing information regarding the investigation of any complaint is prohibited.~~

~~8. 11.~~ The use of this grievance/~~complaint~~ procedure shall not prohibit the complainant from seeking redress from other available state and/or federal sources.

~~9. 12.~~ To the extent permitted by law, confidentiality will be maintained. ~~However, to the highest degree possible~~ since an effective investigation requires the discussion of certain information with certain individuals. The District must discharge its duty to prevent and correct discrimination/harassment.

**SPECIFIC AUTHORITY:** Sections 760.01; 1000.05; 1001.41; 1001.43; 1012.23, Florida Statutes

20 U.S.C. Sections 1681-1688, as amended; 42 U.S.C. Sections 2000e-2000e-3, as amended.

**ADOPTED:** 03/09/04

**REVISED:** \_\_\_\_\_



**The School Board of Orange County, Florida**  
**Non-Discrimination and Educational Equity Grievance/Complaint Form**

**(To be completed by the person who is filing the grievance/complaint)**

Name of Official Receiving Grievance/Complaint:

\_\_\_\_\_

Date Filed: \_\_\_\_\_ - School/Department Involved:

\_\_\_\_\_

Complainant's Name:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (\_\_\_\_\_ Last, \_\_\_\_\_ First, Middle)

I am a(n): ☐ ~~\_\_\_\_\_~~ ] Student ☐ ~~\_\_\_\_\_~~ ] Employee ☐ Applicant

Employee Number: \_\_\_\_\_ Student Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Complainant's Address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Street, \_\_\_\_\_ City, \_\_\_\_\_ Zip: \_\_\_\_\_

\_\_\_\_\_

Home Telephone: (\_\_\_\_) \_\_\_\_\_ - School/Department Telephone: (\_\_\_\_)

\_\_\_\_\_

Date alleged violation occurred: \_\_\_\_\_

From who have you sought assistance with this grievance/complaint? \_\_\_\_\_

\_\_\_\_\_



Is complaint related to: ☐ Bullying/Harassment ☐ Dating Violence/Abuse  
☐ Sexual Harassment/Sexual Violence ☐ Discrimination

Explain Grievance/Complaint:

(Please attach additional text, supporting information and supporting documentation)

Were there any witnesses? ☐ Yes ☐ No

If yes, please list direct witnesses below:

Copy of Witness Statement Enclosed? ☐ Yes ☐ No

Resolution Sought:

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Signature \_\_\_\_\_

Date \_\_\_\_\_

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