



Book	Policy Manual
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Title	REVISED POLICY - VOL. 18, NO. 2 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
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### **REVISED POLICY - VOL. 18, NO. 2**

#### **3122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The School Board does not discriminate on the basis of race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its programs and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

The Superintendent shall appoint compliance officer(s) whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. The Superintendent shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

#### **Compliance Officer(s)**

☐ The following person is designated as the Compliance Officer (CO):

☒ The following persons are designated as the Compliance Officer(s) (COs):

**[NOTE: School districts may want to consider appointing both a male and a female compliance officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) compliance officers, there should always be a compliance officer available to investigate a claim that pertains to the other compliance officer.]**

Compliance  
(Name)

District Compliance Officer  
(School District Title)

(850) 973-5022  
(Telephone Number)

210 NE Duval Ave, Madison, FL 32340  
(Office Address)

district.compliance@mcsbfl.us  
(E-mail Address)

Equity  
(Name)

district.equity@mcsbfl.us  
(School District Title)

(850) 973-5022  
(Telephone Number)

210 NE Duval Ave, Madison, FL 32340

(Office Address)

[district.equity@mcsbfl.us](mailto:district.equity@mcsbfl.us)

(E-mail Address)

The name(s), title(s), and contact information of this/these individual(s) will be published annually:

- A. ( ) in the staff handbooks.
- B. ( ) in the School District Annual Report to the public.
- C. (x) on the School District's web site.
- D. ( ) on each individual school's web site.
- E. ( ) in the School District's calendar.
- F. ( ) \_\_\_\_\_.

### **Complaint Procedures**

If a person believes that s/he has been subjected to unlawful discrimination, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Federal and State law, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Federal and/or State law. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a compliance officer within the time limits specified below. The compliance officer is available to assist individuals in filing a complaint.

### **Internal Complaint Procedure**

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the compliance officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the compliance officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the compliance officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the compliance officer for good cause.
- C. The compliance officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The compliance officer will provide the complainant with a written disposition of the complaint within ten (10) work days. If no decision is rendered within ten (10) work days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. ~~The compliance officer shall maintain the District's files and records relating to the complaint.~~
- D. The Superintendent will, within ten (10) work days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.  
  
The Superintendent will render his/her decision within ten (10) work days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

### **Filing a Complaint with OCR/Florida Commission on Human Relations/EEOC**

At any time, if an employee believes that s/he has been subjected to unlawful discrimination, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), or the Equal Employment Opportunity Commission ("EEOC").

### **Appealing to OCR/Florida Commission on Human Relations/EEOC**

If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional [x] sixty (60) x] \_\_\_\_\_ ( ) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.



**Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

**Training**

The compliance officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Federal and State law, and are informed of the Board's policies and practices with respect to fully implementing and complying with the requirements of Federal and State law.

**Notice**

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the compliance officers will be posted throughout the District, and published in the District's recruitment statements or general information publications as required by Federal and State law and this policy.

**Retention of Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by District personnel;
- D. any written documentation of actions taken by District personnel;
- E. (x) written witness statements;
- F. (x) narratives of, notes from, or audio, video, or digital recordings of witness statements;
- G. (x) all documentary evidence;
- H. (x) e-mails, texts, or social media posts pertaining to the investigation;
- I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- K. dated written determinations to the parties;
- L. dated written descriptions of verbal notifications to the parties;
- M. written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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## Legal

[F.S. 110.1221](#)[F.S. 250.481](#)[F.S. 760.01](#)[F.S. 760.10](#)[F.S. 1000.05](#)[20 U.S.C. 1681 et seq., Title IX](#)[42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act](#)[29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967](#)[29 U.S.C. 701 et seq., Rehabilitation Act of 1973](#)[42 U.S.C. 2000e et seq., Civil Rights Act of 1964](#)[42 U.S.C. 12112, Americans with Disabilities Act of 1990](#)[29 C.F.R. Part 1635](#)[38 U.S.C. 4301 et seq., The Uniformed Services Employment and Reemployment Rights Act](#)

## Cross References

[ap3122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY](#)[ap3122A - FEDERAL REGULATIONS FOR SECTION 504 34 C.F.R. CH. 1 \(7-1-88 EDITION\) SUBPART B - EMPLOYMENT PRACTICES](#)[ap3122B - COMPLAINT PROCEDURES FOR NONDISCRIMINATION AND EQUAL OPPORTUNITY/ACCESS](#)[ap3122C - COMPARATIVE ANALYSIS OF EMPLOYMENT RELATED PROVISIONS OF ADA AND SECTION 504](#)

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Last Modified by Sam Stalnaker on October 22, 2018