

The School Board of Gadsden County

Bylaws & Policies

Unless a specific policy has been amended and the date of the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Gadsden County were adopted on June 25, 2013, and were in effect beginning June 26, 2013.

1122.04 - COMPLAINT PROCEDURES RELATED TO ALLEGED DISCRIMINATION IN EMPLOYMENT

If a person has a good-faith, reasonable belief that s/he has been discriminated against on the basis of his/her race, color, national origin, sex, disability (including HIV, Aids, or sickle cell trait), marital status, age, religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (Protected Classes), 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 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, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1973, the Family Medical Leave Act of 1993, the Genetic Information Nondiscrimination Act of 2008, and their implementing regulations, the Florida Civil Rights Act of 1992, and/or the Florida Educational Equity Act, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of the aforementioned Federal and State laws.

The following persons are designated as the District's Compliance Officers ("DCO"):

Name/Title: Dr. Pink Hightower, Director of Human Resources and Staff Development and Equity Officer

Address: 35 Martin Luther King Jr. Boulevard
Quincy, Florida 32351

Phone: 850-627-1535

E-mail: hightowerp@mail.gcps.k12.fl.us

Internal complaints must be 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. Anonymous complaints will not be accepted. The complaint must be filed with a DCO, or with the Superintendent if the alleged harasser is one of the DCOs, within the time limits specified below. A DCO, or the Superintendent if the alleged harasser is one of the DCOs, 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 in employment based upon protected classes.

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, and/or any other State or Federal agencies responsible for investigating complaints of discrimination. An employee who files a complaint must continue to perform his/her duties in a competent manner during the time his/her complaint is pending. Employees who knowingly submit false complaints may be subject to disciplinary action.

- A. An employee with a complaint based on alleged discrimination in employment may first discuss the problem with the DCO or his/her designee. If the alleged discrimination was committed by one of the DCOs, the employee may first

discuss the matter with the Superintendent.

- 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 a DCO, or with the Superintendent if the alleged harasser is the DCO. 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 DCO, or Superintendent if the alleged harasser is the DCO, 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 DCO, or the Superintendent if the alleged harasser is one of the DCOs, for good cause.
- C. The DCO or his/her designee, or the Superintendent if the alleged harasser is one of the DCOs, will conduct an independent investigation of the matter, which may or may not include a hearing. This complaint procedure contemplates an informal, thorough investigation that affords all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The DCO, or Superintendent if the alleged harasser is the DCO, will provide the complainant with a written disposition of the complaint within ten (10) workdays.
- If no decision is rendered by the DCO within ten (10) workdays, or the decision of the DCO is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The DCO, or Superintendent if the alleged harasser is the DCO, shall maintain the District's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) workdays 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) workdays 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, any other State or Federal agencies responsible for investigating complaints of discrimination, or the filing of a case in a court of competent jurisdiction. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.
- G. In accordance with F.S. Chapter 119, complaints and other records created in relation to any internal complaint of discrimination will remain confidential until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.

Federal and/or State Complaint

At any time, if an employee believes that s/he has been subjected to discrimination with regard to the terms or conditions of his or her employment, 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), and/or any other State or Federal agencies responsible for investigating complaints of discrimination.

The OCR can be reached at:

U.S. Department of Education
 Office for Civil Rights
 U.S. Department of Health and Human Services
 Sam Nunn Atlanta Federal Center, Suite 19T70
 61 Forsyth Street S.W.
 Atlanta, Georgia 30303-8909
 FAX: (404) 562-7881
 TDD: (404) 562-7884
 E-mail: OCR@ed.gov
 Web: <http://www.ed.gov/ocr>

The FCHR can be reached at:

Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
Phone: (850) 488-7082
Toll-Free: (800) 342-8170
Fax: (850) 488-5291
The Florida Relay Service Voice (statewide) 711
TDD ASCII: (800) 955-1339
TDD Baudot: (800) 955-8771
E-mail: fchrinfo@fchr.myflorida.com
Website: <http://fchr.state.fl.us>

Prohibition Against Retaliation

The School Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by 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, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1973, the Family Medical Leave Act of 1993, the Genetic Information Nondiscrimination Act of 2008, and their implementing regulations, the Florida Civil Rights Act of 1992, and/or the Florida Educational Equity Act, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under the aforementioned laws or implementing regulations, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by the aforementioned laws or their implementing regulations.

F.S. 760.01 through 760.11 (and 509.092), Florida Civil Rights Act of 1992
F.S. 448.07
F.S. 448.075, 760.50
F.S. 553.501 et seq., Florida Americans With Disabilities Accessibility Implementation Act
F.S. 553.514
F.S. 1000.05, Florida Educational Equity Act
F.S. 1001.41, 1001.43
F.A.C. 6A-19
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C. 2000a, Title II of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000d, Title VI of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000e, Title VII of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000ff, the Genetic Information Nondiscrimination Act of 2008
42 U.S.C. 12101, et seq., the Americans with Disabilities Act of 1990, as amended
29 U.S.C. 2601, et seq., the Family Medical Leave Act of 1993, as amended
29 U.S.C. 621, et seq., the Age Discrimination in Employment Act of 1967, as amended
29 U.S.C. 206(d), the Equal Pay Act of 1963, as amended
20 U.S.C. 1681-1688, Title IX of the Education Amendment Act of 1972

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