

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, harassment, including sexual harassment, or retaliation with respect to such person's employment or application for employment.
- (2) Definitions. For the purposes of this policy, the following definitions shall apply:
 - (a) Race/Color Discrimination and Harassment. Race discrimination involves treating an applicant or employee unfavorably because she or he is of a certain race or because of personal characteristics associated with race such as hair texture, skin color, or certain facial features. Color discrimination involves treating someone unfavorably because of skin color complexion. Prohibited racial or color harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.
 - (b) Religious Discrimination and Harassment. Religious discrimination involves treating an applicant or employee unfavorably because of her or his religious beliefs. This includes not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but also others who have sincerely held religious, ethical or moral beliefs. Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.
 - (c) Sex, Sexual Orientation, and Gender Identity or Expression Discrimination and Harassment. Sex discrimination involves treating an applicant or employee unfavorably because of that person's sex. Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is also considered sex discrimination. Sex, Sexual Orientation, and Gender Identity or Expression harassment can include sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. However, such harassment does not

have to be of a sexual nature and can include offensive remarks about a person's sex.

- (d) National Origin Discrimination and Harassment. National origin discrimination involves treating applicants or employees unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background. National Origin Harassment includes, but is not limited to, offensive or derogatory remarks about a person's national origin, accent or ethnicity.
- (e) Disability Discrimination and Harassment. Disability discrimination involves treating an applicant or employee less favorably because she or he has a history of a disability or because she or he is believed to have a physical or mental impairment. Disability harassment includes, but is not limited to, offensive remarks about a person's disability.
- (f) Age Discrimination and Harassment. Age discrimination involves treating an applicant or employee less favorably because of her or his age. Age harassment includes, but is not limited to, offensive or derogatory remarks about a person's age.
- (g) Sexual Harassment. Sexual harassment involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - (i) Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;
 - (ii) Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
 - (iii) Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to;

- (i) Unwelcome sexual propositions, invitations, solicitations, and flirtations;
- (ii) Physical assault;
- (iii) Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances;
- (iv) Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or

sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;

- (v) Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals;
- (vi) Unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- (vii) A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- (viii) Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history; or
- (ix) Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

(h) Genetic Information Discrimination and Harassment. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members. Genetic information harassment can include, for example, making offensive or derogatory remarks about an applicant or employee's genetic information, or about the genetic information of a relative of the applicant or employee. (i) Retaliation. Retaliation includes punishing job applicants or employees for asserting their rights to be free from employment discrimination including harassment. An employer is not allowed to do anything that would discourage an employee or applicant from resisting or complaining about future discrimination. For example, depending on the facts, it could be retaliation if an employer acts because of the employee's opposition to prohibited discrimination to reprimand the employee or give a performance evaluation lower than it should be, transfer the employee to less desirable position, increase scrutiny, or make the person's work more difficult.

- (3) The Superintendent shall designate an Orange County Public Schools ("OCPS") Equal Employment Opportunity ("EEO") Officer and Americans with Disabilities Act ("ADA") Compliance Officer who shall serve as the contact person(s) in matters pertaining to this policy.
- (4) The Superintendent shall provide a Notice of Nondiscrimination which will be readily accessible to students, employees, applicants, and the general public on district and school websites. The Notice of Nondiscrimination shall also be included in all district publications and shall include the name, address, and phone number of the OCPS EEO and ADA officers.

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

42 U.S.C. Sections 2000e-2000e-3, as amended, Americans with Disabilities Act of 1990, as amended by the ADA Amendments of 2008; and Section 504 of the Rehabilitation Act of 1973, as amended.

TITLE: **Equal Employment Opportunity Complaint Procedures**

POLICY:

- (1) An employee or applicant who believes that she or he has been the victim of discrimination, harassment, or retaliation based upon any factor identified in this policy may file an EEO complaint with the EEO officer within sixty (60) days of the initial incident(s). All complaints will be handled promptly and a timely investigation will take place.
- (2) The Superintendent may identify a designee for the EEO Officer. Should an alternate be designated to investigate a complaint, the complainant may request a review by the Superintendent.

Procedure for Employees/Applicants:

- (1) The EEO complaint must be filed using the EEO Complaint Form bearing the signature of the complainant. The EEO Complaint Form must be submitted to the EEO Officer in person or via fax, scan, or email.
 - (a) If the complaint is made orally, the EEO Officer, school or site administrator, or supervisor receiving the complaint shall record it on the EEO Complaint Form, which shall be reviewed and acknowledged by the complainant to verify its accuracy.
 - (b) A complaint may be amended to correct technical defects, omissions, or to clarify or amplify allegations made therein. A written amendment may be filed with the EEO Officer at any time before the investigation is completed.
 - (c) The complainant may withdraw a complaint at any time by submitting such request, in writing, to the EEO Officer.
- (2) The investigation may 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 able to provide valid and relevant information. Upon completion of the investigation, the EEO Officer shall provide a final written disposition of the EEO complaint containing a summary of findings to the complainant, respondent, and Superintendent/designee.
- (3) Violation of this policy may result in disciplinary action, including, but not limited to reprimand, suspension, or termination as determined by OCPs Employee Relations.
- (4) Retaliation against an individual for filing a complaint or participating in an investigation of a complaint is prohibited and should be reported to the EEO Officer immediately.

- (5) Filing an EEO complaint with OCPS shall not prohibit the complainant from seeking redress from other available state or federal agencies.

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

42 U.S.C. Sections 2000e-2000e-3, as amended.

TITLE: Reasonable Accommodations

POLICY:

- (1) Definitions. For purposes of this policy, the following definitions shall apply:
- (a) "Reasonable Accommodation" is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability or sincerely held religious belief.
 - (b) "Undue Hardship" is any accommodation that is substantial or disruptive or would be unduly costly to OCPS or be operationally infeasible.
- (2) Disability Accommodations.
- (a) Any individual who believes that he or she requires a reasonable accommodation on the basis of an ADA-defined disability is encouraged to contact the ADA Compliance Officer.
 - (b) If an individual has an apparent disability or makes their disability or potential need for accommodation known to any OCPS school or site administrator or supervisor, such administrator must immediately forward such request to the ADA Compliance Officer who has been specifically designated to handle such matters.
 - (c) All medical related information, including but not limited to medical correspondence, medical notes and physician's reports must be provided to the ADA Compliance Officer and shall otherwise be kept confidential in a secure location, separate from an individual's personnel file. Any OCPS employee who obtains or receives medical information is bound by these confidentiality rules.
- (3) Religious Accommodations.
- (a) Any individual who believes that he or she requires a reasonable accommodation on the basis of a sincerely held religious belief is encouraged to contact the ADA Compliance Officer.
 - (b) If an individual makes their request or potential need for religious accommodation known to any OCPS school or site administrator or supervisor, such administrator must immediately forward such request to the ADA Compliance Officer who has been specifically designated to handle such

matters.

- (4) Reasonable Accommodation Process.
- (a) The Reasonable Accommodation Process shall begin as soon as the request for accommodation is made to the ADA Compliance Officer.
 - (b) The determination of what accommodation is reasonable in a particular situation involves a process in which the ADA Compliance Officer works with the employee and his/her supervisor to identify the precise limitations imposed by the disability or sincerely held religious belief and explore potential accommodations that would overcome those limitations.
 - (c) Accommodations may require reasonable modifications to policies, practices, and procedures when necessary to provide equal opportunity to qualified individuals, including applicants, participants, members of the public, and companions, unless making the modification would be an undue hardship or fundamentally alter the nature of the program, service, or activity.
 - (d) No accommodation for a disability or sincerely held religious belief as defined in this policy in accordance with the Americans with Disabilities Act (ADA), shall be provided without the approval of the ADA Compliance Officer.

SPECIFIC AUTHORITY: Sections 413.08; 553.501; 760.01; 1000.05; 1001.41; 1001.43; 1004.02; 1007.02; 1012.23, Florida Statutes

Americans with Disabilities Act of 1990, as amended by the ADA Amendments of 2008; and Section 504 of the Rehabilitation Act of 1973, as amended.

ADOPTED: 03/09/04

REVISED: 12/11/12; 04/10/18



The School Board of Orange County, Florida

Equal Employment Opportunity Complaint Form

Date Filed: _____

I am a(n): Current Employee Former Employee Applicant

I. Personal Information

First Name: _____ Last Name: _____ MI: _____

Street/Mailing Address: _____ Apt/Unit #: _____

City: _____ County: _____ State: _____ Zip: _____

Home Number: _____ Cell Number: _____ Work Number: _____

Email Address: _____

Current Workplace/Department/School: _____

Title: _____ Employee Number: _____ Date of Birth: _____

Sex: Male Female

Race:

American Indian or Alaska Native

Asian

Black or African American

Hispanic or Latino

Native Hawaiian or Other Pacific Islander

White

Other

Do you have a Disability? Yes No

II. Grievance/Complaint

Date Alleged Violation/Incident Occurred: _____

What is the basis (reason) for your Discrimination Claim/Complaint (please check all that applies)?

- Race Sex Age Disability National Origin Religion Retaliation
- Pregnancy Genetic Equal Pay Workplace Harassment Bullying/Harassment
- Sexual Harassment/Sexual Violence Dating Violence/Abuse Other

Please explain the situation you believe was discriminatory based on your protected class? You may include additional date(s), actions, name(s) and title(s) of the person(s) you believe subjected you to discrimination, harassment or retaliation. Please attach additional pages if needed:

Example: I have been discriminated against because of my race, age, religion, etc.

If Job Applicant please provide date you applied for the Job: _____

Job Title Applied For _____ School/Department _____

Name and Title of Person(s) Responsible for this discriminatory action(s):

Were there any witnesses to the alleged discriminatory incidents? Yes No

Please list names, title and contact information:

Resolution Sought:

Have you previously filed an EEO complaint with OCPS? { } Yes { } No

What was the nature of this complaint and the outcome?

III. Acknowledgement

I acknowledge that these statements are true and written to the best of my knowledge.

Signature

Date