



POLICY 3.05

5-A I recommend that the Board approve development of the proposed **revised** Policy 3.05, entitled "Equal Employment Opportunity Policy."

[Contact: Elizabeth McBride, PX 47673.]

Development

CONSENT ITEM

- This policy has been revised to expand its antidiscrimination statement to add terms of ethnicity, genetic information and disability. See Sec. 3.
- The contact information for the EEO/ADA Coordinator has been provided in Section 6(b).

POLICY 3.05

EQUAL EMPLOYMENT OPPORTUNITY POLICY

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3 1. **Purpose.** The School Board recognizes that eliminating all forms of unlawful
4 discrimination, harassment and retaliation in the workplace will create a better work
5 and learning environment for employees and students. Thus, the purpose of this
6 policy is to:
 - 7 a. Reaffirm the School Board's commitment to equal employment opportunities
8 for all persons in conformity with applicable law and related board policies,
9 including in particular, the policy on nondiscrimination.
 - 10 b. Assure the recruitment, employment, training, promotion and retention of
11 qualified staff without discrimination, while making efforts to provide diversity
12 based on race, ethnicity and gender.
 - 13 c. Establish procedures for the reporting, the investigation, and the resolution of
14 equal employment complaints in the School District.
- 15 2. **Scope.** This policy is applicable to all applicants and employees of the School
16 District.
- 17 3. **Policy.** It is the policy of the School Board of Palm Beach County to prohibit
18 discrimination on the basis of race, color, religion, sex, ethnicity, national origin,
19 age, sexual orientation, gender identity or expression, genetic information, marital
20 status, parental status, disability, religion, race, ethnicity, national origin, color, sex,
21 ~~marital status, age, parental status, disability, sexual orientation or gender identity~~
22 ~~or expression~~ or any other characteristic protected by federal and state law in all
23 employment practices of the district. Such employment practices include, but are
24 not limited to, the recruitment, hiring, compensation, assignment, training,
25 promotion, transfers, retention, demotion, discipline or dismissal of employees. As
26 used in this policy, discrimination means treating an individual adversely in
27 employment decisions based on race, color, religion, sex, ethnicity, national origin,
28 age, sexual orientation, gender identity or expression, genetic information, marital
29 status, parental status, disability, religion, race, ethnicity, national origin, color, sex,
30 ~~marital status, age, parental status, disability, sexual orientation or gender identity~~
31 ~~or expression~~ or any other characteristic protected by federal and state law.
 - 32 a. The board is committed to the principle of fostering diversity in order to enrich
33 the educational experiences of all students through exposure to adults from
34 many backgrounds, thereby providing educational settings that promote an
35 understanding of diversity and contribute to the quality exchange of ideas
36 inherent in the educational setting.

37 b. The board is also committed to re-mediating any significant under-
38 representation on the basis of a particular race, ethnicity, national origin or
39 sex, within appropriate district job categories, if it exists and where there have
40 been past employment practices that adversely affected current opportunities
41 of individuals based on race, ethnicity, national origin or sex.

42 **4. Annual Notification to the Board.**

43 a. *Content of Report.* To assist the board in monitoring implementation of this
44 policy, the superintendent/designee shall maintain records by race, ethnicity,
45 color, national origin, sex, ~~race and ethnicity~~ and such other data of employees
46 as required by law. Annually, the superintendent/designee shall provide
47 diversity data based on the composition of the workforce in accordance with
48 EEOC guidelines.

49 b. *Maintenance of Records.* States are required to report aggregated data to the
50 U. S. Department of Education based on the following categories:
51 Hispanic/Latino of any race, American Indian or Alaskan Native, Asian, Black
52 or African-American, native Hawaiian or other Pacific Islanders, White, and
53 two or more races. The Superintendent/designee shall maintain District
54 records consistent with the requirements of the U. S. Department of
55 Education.

56 5. **Disparity Study.** Upon receipt of the above data in section 4 herein, the board
57 may authorize an outside consultant to conduct a disparity study to determine if
58 there is any statistically significant under- representation in specific job categories
59 on the basis of race, ethnicity, national origin or sex that may suggest that
60 employment practices adversely affect the current employment opportunities of
61 these individuals and, further, to identify any job opportunity barriers that may exist.
62 Based on this study, the superintendent may develop strategies necessary for
63 improving district diversity.

64 **6. Complaints of Discrimination.**

65 a. Supervisors and managers are responsible for assuring that no employee is
66 subjected to conduct that constitutes discrimination as defined in Section 3
67 herein.

68 b. The Board has designated the EEOC/ADA Coordinator to receive complaints
69 of disrdrimination. Any complaints shall be filed with the:

70 EEO/ADA Coordinator
71 Safe Schools Institute
72 1790 N.W. Spanish River Blvd.
73 Boca Raton, FL 33431
74 Or via fax: 561-982-0944

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76 c. Any employee, who believes that he/she has been the subject of
77 discrimination as defined in Section 3 herein by anyone at the district or by
78 anyone who does business with the district, should, and is encouraged to,
79 bring the matter to the attention of his/her supervisor except when the
80 supervisor is the offending party or to the Equal Employment Opportunity
81 Coordinator.

82 d. Any employee who is aware of behavior toward another employee which they
83 feel may constitute discrimination as defined in Section 3 herein shall also
84 report the matter to their supervisor or the to the Equal Employment
85 Opportunity Coordinator.

86 e. If warranted, a prompt and thorough investigation of the alleged discrimination
87 will be conducted and appropriate corrective action will be taken. Complaints
88 of discrimination will be treated as confidential throughout the investigation.
89 Once the investigation is completed, confidentiality shall be determined by the
90 applicable state and federal laws.

91 f. Any individual found to have engaged in discrimination as defined in Section 3
92 herein will be disciplined up to and including termination.

93 g. Retaliation against an employee, potential employee, or former employee who,
94 in good faith, makes a complaint or report of discrimination as defined in
95 Section 3 herein or participates in the investigation of such a complaint or
96 report is strictly prohibited. Incidents of retaliation shall be reported in the
97 manner discussed above. Acts of retaliation shall subject an employee to
98 discipline up to and including dismissal.

99 h. All employees must file the complaint pursuant to Section 6 of this policy. The
100 exception is the superintendent, internal auditor or chief counsel to the school
101 board, who must file the complaint with the board chair.

102 7. Limitations. Nothing in this policy is intended nor shall be construed to create a
103 private right of action against the Board or any of its employees. The provisions
104 herein do not affect the right of any person to file a charge of discrimination with
105 any agency having jurisdiction over such claims.

106 STATUTORY AUTHORITY: Fla. Stat. §§ [1001.41](#); [1001.42](#)
107 LAWS IMPLEMENTED: Fla. Stat. §§ [29 U.S.C. §621, et. seq.](#) (Age Discrimination in
108 Employment Act of 1967, as amended).; [42 U.S.C. § 12101, et. seq.](#) (Americans with
109 Disabilities Act Amendments Act of 2008); [Title VII, 42 U.S.C. § 2000e, et. seq.](#) (Title VII
110 of the Civil Rights Act); [29 U.S.C. § 201, et. seq.](#) (Fair Labor Standards
111 Act) [§760.02, et. seq.](#)

112 HISTORY: 3/3/76; 8/17/77; 6/16/82; 1/8/86; 9/22/99; 02/25/02; 7/7/2010; ___/___2011

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.05 and finds it legally sufficient for development by the Board.

Attorney

Date