



### **POLICY 3.31**

**4-C** I recommend that the Board adopt the proposed revised Policy 3.31, entitled "Grievance Procedure for Employees."

[Contact: Darron Davis, PX 48953.]

#### **Adoption**

#### **CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on May 28, 2010.
- This policy provides revised guidelines for employee grievance procedures.
- Portions of this policy have been removed as they are addressed by other Board Policies.
- This revision also updates statutory references.

## POLICY 3.31

### GRIEVANCE PROCEDURE FOR EMPLOYEES

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2  
3 1. Purpose.-- The purpose of this procedure is to secure, at the lowest administrative  
4 level, equitable solutions to claim(s) arising from a violation, misapplication, or  
5 misinterpretation of School Board Policies or Administrative Directives, ~~which may~~  
6 ~~include discrimination or harassment prohibited by Policies 3.05 and 3.19~~ and to  
7 establish an orderly succession of procedures wherein these solutions may be  
8 pursued. The provisions of this policy do not apply to employees covered by a  
9 collective bargaining agreement. No employees, including probationary  
10 employees, may use the grievance procedure in any way to appeal:

11 a. A suspension or termination of employment;

12 b. A non-renewal of a contract and/or a nonreappointment;

13 c. The professional judgments and conclusions of the supervisor in conducting a  
14 performance evaluation; and/or

15 d. The procedures and decisions made pursuant to this Policy.

16 No grievance shall be processed anonymously.

17 2. Definitions.-- As used herein, the following terms have these meanings:

18 a. A "grievance" is a written complaint which alleges a violation,  
19 misinterpretation, or misapplication of School Board Policy or Administrative  
20 Directives, ~~including~~ excluding discrimination or harassment prohibited by and  
21 addressed in Policies 3.05 and 3.19.

22 b. The term "employee" includes every employee, instructional or non-  
23 instructional, of the School Board of Palm Beach County.

24 c. The terms "grievant" and "complainant" refer to an employee ~~(or an applicant~~  
25 ~~as defined in subsection(2)(c))~~ who alleges in writing that he/she has been  
26 subjected to a violation, misapplication, or misinterpretation of School Board  
27 Policies or Administrative Directives ~~discrimination or harassment as~~  
28 ~~prohibited by Policies 3.05 and 3.19.~~

29 d. "Accused/employee" refers to an employee who is alleged to have subjected  
30 another employee to a violation, misapplication, or misinterpretation of School  
31 Board Policies or Administrative Directives ~~discrimination or harassment as~~  
32 ~~prohibited by Policies 3.05 and 3.19.~~

33 e. ~~The term "applicant", as used herein, means any person applying for~~

34 ~~employment with the District, as well as a current District employee who~~  
35 ~~applies for another instructional or non-instructional position within the District.~~

36 f. The term "supervisor" means the principal, director, area superintendent,  
37 Assistant Superintendent, Superintendent of Schools or other department  
38 administrator who has the direct responsibility of supervising or managing the  
39 aggrieved employee and who has the authority to take action necessary to  
40 resolve the grievance. For purposes of this Policy, this term may also include a  
41 consultant retained by the Board to provide interim management assistance.

42 g. The term "superior" as used herein refers to the supervisor of the aggrieved  
43 employee's immediate supervisor.

44 h. A "chief officer" is the Chief of Staff, Chief Academic Officer or the Chief  
45 Operating Officer.

46 i. The term "days" in this Policy shall mean work days unless calendar days are  
47 specified.

48 3. Procedure for Grievances (~~Other than Alleged Harassment or Discrimination~~). --  
49 The following grievance procedure applies when the grievance is based on an  
50 allegation ~~other than discrimination or harassment under Policies 3.05 and 3.19.~~ (If  
51 ~~the grievance is based on allegations of discrimination or harassment as prohibited~~  
52 ~~by Policies 3.05 and 3.19, procedures of Section (4) shall apply, instead.) of a  
53 violation, misapplication, or misinterpretation of School Board Policies or  
54 Administrative Directives. Failure of the grievant to appeal the grievance to the next  
55 level within the timeline set forth herein shall be deemed to be acceptance of the  
56 decisions rendered at that level. Failure at any step of this procedure to  
57 communicate the decision on a grievance within the specified timelines shall permit  
58 the grievant to appeal to the next level. The timelines specified at each level shall  
59 be considered a maximum except when extended in writing by mutual consent.~~

60 a. Level One: Informal Conference

61 Within ten (10) work days after the employee first knows or reasonably should  
62 have known of the grievable incident, the employee shall initially discuss the  
63 matter with the immediate supervisor with the objective of informally resolving  
64 the matter. The grievant shall inform the supervisor that he/she is availing  
65 himself/herself of the grievance process. The supervisor shall summarize the  
66 conversation in writing within ten (10) work days of the discussion, and that  
67 writing must be signed by the employee making the informal complaint or  
68 marked as "refused to sign", if appropriate.

69 b. Level Two: Filing a Written Grievance

70 i. Within ~~ten~~ fifteen (~~10~~ 15) work days after the informal conference

71 described in Level One, if no satisfactory disposition is made, the  
72 employee may file a written grievance with the supervisor. The written  
73 grievance shall set forth specifically the event(s) upon which the  
74 grievance is based, citing the Policy and/or Directive alleged to be  
75 violated, the date the alleged infraction took place, and grounds upon  
76 which the grievance is made. The employee must sign and date the  
77 grievance.

78 ii. Within ~~ten~~ fifteen (40 15) work days after receiving the written grievance,  
79 the supervisor shall schedule another meeting with the employee. Within  
80 ~~ten~~ fifteen (40 15) work days of the second meeting, and after  
81 investigating the allegations, the supervisor shall issue a written decision  
82 to the employee.

83 c. Level Three: Review by the Supervisor's Superior or Chief Officer

84 i. Within ~~ten~~ fifteen (40 15) work days after the supervisor's decision, if the  
85 employee is not satisfied with the supervisor's decision or if no decision  
86 has been issued, the employee may forward the written grievance and  
87 the supervisor's decision to the supervisor's superior or to the applicable  
88 chief officer. The written grievance shall set forth specifically the event(s)  
89 upon which the grievance is based, citing the Policy and/or Directive  
90 alleged to be violated, the date the alleged infraction took place, and  
91 grounds upon which the grievance is made. The employee must sign and  
92 date the grievance. ~~The written grievance shall set forth the event(s)~~  
93 ~~upon which the grievance is based.~~ If the grievance is not forwarded to  
94 the superior or chief officer within the designated time, the grievance is  
95 considered withdrawn from the grievance process and shall be so noted  
96 in the grievance file.

97 ii. Within ~~ten~~ fifteen (40 15) work days after receiving the grievance, the  
98 superior or chief officer will schedule a meeting with the employee. Within  
99 ~~ten~~ fifteen (40 15) work days of that meeting, ~~meeting,~~ and after further  
100 investigating the allegations as appropriate, the superior or chief officer  
101 shall issue a written decision to the employee. A copy shall be provided to  
102 the supervisor.

103 d. Level Four: Appeal to the Applicable Chief Officer Superintendent

104 i. Within ~~ten~~ fifteen (40 15) work days after the superior issues a written  
105 decision, if the employee is not satisfied with the decision (or if no  
106 decision has been issued within ~~ten~~ fifteen (40 15) work days of the  
107 meeting), the employee may appeal the decision, in writing, to the  
108 Applicable Chief Officer Superintendent. If the grievance is not forwarded  
109 to the Applicable Chief Officer Superintendent within the designated time,

110 the grievance is considered withdrawn from the grievance process and  
111 shall be so noted in the grievance file.

112 ii. The Applicable Chief Officer Superintendent /designee shall may appoint  
113 an ad hoc grievance review committee. The chair of the committee will be  
114 the highest-ranking District official on the committee. The committee will  
115 consist of:

116 A. one (1) member from District management, selected by the  
117 Superintendent;

118 B. one (1) member selected by the grievant; and

119 C. a third member selected by agreement of the first two (2) members.  
120 If the third member is not selected by the other committee members  
121 within seven (7) calendar days, the Superintendent/designee shall  
122 appoint a third member to serve on the committee.

123 iii. In an effort to resolve the grievance, within ~~ten~~ fifteen (~~10~~ 15) work days  
124 after the committee is designated, the committee shall meet with the  
125 grievant and the supervisor or superior of the person alleged to have  
126 violated, misinterpreted, or misapplied a Policy or Directive. Other  
127 persons may be presented as witnesses at the meeting by either the  
128 grievant or the supervisor/superior. The committee shall issue a written  
129 recommendation within ~~ten~~ fifteen (~~10~~ 15) work days after the meeting,  
130 determining whether any violation has occurred, and if so, an appropriate  
131 remedy. A copy of the recommendation shall be provided to the grievant,  
132 supervisor or superior, the Director of Labor Relations, and the  
133 Superintendent.

134 iv. The recommendation of the committee shall be forwarded to the  
135 Superintendent for review. The Superintendent/designee shall review the  
136 recommendation of the committee and the record of the grievance. If the  
137 Superintendent/designee finds that a meeting with the grievant would  
138 assist in the final determination, the Superintendent/ designee may  
139 schedule a meeting for the purposes of this review. The Superintendent/  
140 designee's decision is the final and binding decision of the District.

141 4. ~~Reporting and Resolving Allegations of Harassment or Discrimination.--~~ When the  
142 cause for the grievance is an allegation of discrimination or harassment of an  
143 employee (or applicant, as defined in subsection (2)(e)), the following procedures  
144 shall apply:

145 a. ~~Level One: Reporting to the Supervisor or EEO Coordinator and Investigation~~  
146 ~~by the EEO Coordinator/Designee~~

- 147 i. ~~Reporting Discrimination or Harassment.~~ Any employee (or applicant as  
148 ~~defined in subsection (2)(e)) who believes he/she is a victim of~~  
149 ~~discrimination or harassment as prohibited by Policies 3.05 and 3.19, may~~  
150 ~~report the incident(s) in writing to the principal or other immediate~~  
151 ~~supervisor, as applicable. Due to the sensitive nature of sexual~~  
152 ~~harassment complaints, or in the event of an allegation of harassment or~~  
153 ~~discrimination by one's supervisor, the complaint may be filed in writing~~  
154 ~~directly with the District's Equal Employment Opportunity Coordinator~~  
155 ~~("EEO Coordinator"). The EEO Coordinator is located at: 3370 Forest Hill~~  
156 ~~Boulevard, Suite A-115, West Palm Beach, Florida, 33406; Telephone:~~  
157 ~~(561) 434-8637.~~
- 158 ii. ~~Complaints should be filed as soon as possible after the alleged incident,~~  
159 ~~but must be filed within sixty (60) calendar days after the employee (or~~  
160 ~~applicant as defined in subsection (2)(e)) first knows or should have~~  
161 ~~known of the grievable incident. Failure on the part of the complainant to~~  
162 ~~initiate and/or follow up on a complaint in a timely manner may result in~~  
163 ~~the complaint being deemed abandoned.~~
- 164 iii. ~~The principal/designee or other immediate supervisor (as applicable) or~~  
165 ~~EEO Coordinator may assist the individual in putting the complaint in~~  
166 ~~writing; reviewing it with the complainant; and obtaining the complainant's~~  
167 ~~signature. The complainant will be requested to provide signed, specific~~  
168 ~~information regarding the alleged discrimination or harassment, the~~  
169 ~~alleged offender(s), witnesses, and other relevant information. All~~  
170 ~~complaints filed with the principal/designee or other supervisor must be~~  
171 ~~reported to the area superintendent (if applicable) and the EEO~~  
172 ~~Coordinator.~~
- 173 iv. ~~It is the responsibility of the principal, or other supervisor as applicable, to~~  
174 ~~forward all harassment or discrimination complaints to the area~~  
175 ~~superintendent (if applicable) and EEO Coordinator within two (2) work~~  
176 ~~days.~~
- 177 b. ~~Investigation by EEO Coordinator/Designee.~~ The EEO Coordinator/designee  
178 ~~shall document and begin within two (2) work days to thoroughly investigate all~~  
179 ~~complaints of harassment or discrimination, including the following steps:~~
- 180 i. ~~promptly talk with the complainant. The complainant shall have an~~  
181 ~~opportunity to describe the incident, present any evidence, name~~  
182 ~~witnesses, and put his/her complaint in writing if he/she has not already~~  
183 ~~done so;~~
- 184 ii. ~~talk with any witnesses or others who may have relevant information; and~~
- 185 iii. ~~conduct an investigative meeting with the accused/employee, and the~~

186                    ~~accused/employee's representative, if applicable, to discuss the~~  
187                    ~~allegations and allow the accused/employee to respond to the allegations.~~

188                    ~~iv. During the investigation, the EEO Coordinator may recommend to the~~  
189                    ~~Chief Personnel Officer/designee any action deemed necessary to protect~~  
190                    ~~the complainant or other employees, consistent with the requirements of~~  
191                    ~~applicable laws.~~

192                    ~~v. When necessary to carry out the investigation or for other good reasons,~~  
193                    ~~and consistent with federal and state privacy laws, the EEO Coordinator~~  
194                    ~~should discuss the complaint with any of the following persons, as~~  
195                    ~~appropriate:~~

196                    A. Superintendent/designee;

197                    B. chief officer;

198                    C. area superintendent/designee;

199                    D. associate superintendents;

200                    E. Chief of School Police;

201                    F. Chief Personnel Officer;

202                    G. Director of Labor Relations;

203                    H. legal counsel for the Board;

204                    I. another employee whose knowledge of the persons involved may  
205                    help determine the truth;

206                    J. the exclusive bargaining representative(s) or their legal counsel, if  
207                    appropriate; and

208                    K. the accused/employee.

209                    ~~c. Decision of the EEO Coordinator/Designee. Upon completion of the~~  
210                    ~~investigation, the EEO Coordinator/designee shall make a decision, within~~  
211                    ~~thirty (30) calendar days of receiving the complaint if possible, about the~~  
212                    ~~validity of the allegations in the complaint. The EEO Coordinator shall discuss~~  
213                    ~~the determination and any recommended corrective action with the~~  
214                    ~~principal/designee or other immediate supervisor, as applicable. In reaching a~~  
215                    ~~decision about the complaint, the following should be taken into account:~~

216                    ~~i. written statements of witness, the complainant, and accused/employee~~  
217                    ~~(or representative thereof); and written or oral advice from District~~

- 218 administrators listed above in subparagraphs (4)(b)(v)A-H;
- 219 ii. ~~the details and consistency of each person's account;~~
- 220 iii. ~~evidence of how the complainant reacted to the incident;~~
- 221 iv. ~~evidence of past instances of harassment or discrimination by the~~  
222 ~~accused/employee (provided that, if evidence of past harassment/~~  
223 ~~discrimination is to be considered, the principal/designee must review in~~  
224 ~~their entirety the files regarding those past incidents);~~
- 225 v. ~~evidence of past harassment or discrimination complaints that were found~~  
226 ~~to be untrue (provided that, if evidence of past accusations or complaints~~  
227 ~~is to be considered, the principal/designee/supervisor must review in their~~  
228 ~~entirety the files regarding those past incidents); and~~
- 229 vi. ~~case law, state and federal laws and regulations, and Board Policies~~  
230 ~~prohibiting harassment and discrimination.~~
- 231 d. ~~To determine the severity of the harassment or discrimination, factors such as~~  
232 ~~the following may be considered:~~
- 233 i. ~~how the misconduct affected an employee's work;~~
- 234 ii. ~~the type, frequency, and duration of the misconduct;~~
- 235 iii. ~~the number of persons involved;~~
- 236 iv. ~~the subject(s) of harassment or discrimination;~~
- 237 v. ~~the place and situation where the incident occurred; and~~
- 238 vi. ~~other incidents at the site.~~
- 239 e. ~~The recommendations for action(s) to be taken, consistent with any applicable~~  
240 ~~collective bargaining agreement provisions, to resolve a complaint of~~  
241 ~~harassment or discrimination by an employee may include, but are not limited~~  
242 ~~to, the following:~~
- 243 i. ~~no action, if the complaint is unsubstantiated;~~
- 244 ii. ~~training requirements for the accused/employee;~~
- 245 iii. ~~oral reprimand of the accused/employee;~~
- 246 iv. ~~written reprimand of the accused/employee;~~



- 247 v. suspension of the accused/employee; or
- 248 vi. termination of the accused/employee.
- 249 f. ~~Level Two: Appeal to the Chief Operating Officer/Designee.-- If the~~  
250 ~~complainant or accused/employee wishes to appeal the action taken in~~  
251 ~~resolution of the complaint, such appeal shall be filed in accordance either with~~  
252 ~~this Policy or relevant collective bargaining agreement, as applicable. For~~  
253 ~~those employees not in a bargaining unit, the appeal shall be filed in~~  
254 ~~accordance with the following procedures:~~
- 255 i. ~~If the grievant or accused/employee desires to appeal the EEO~~  
256 ~~Coordinator's decision, it may be appealed in writing to the Chief~~  
257 ~~Operating Officer/designee within ten (10) work days after receipt of the~~  
258 ~~decision.~~
- 259 ii. ~~If the Chief Operating Officer is directly involved with a complaint or with~~  
260 ~~the parties to the complaint complainant or accused/employee, then the~~  
261 ~~Chief Academic Officer shall be asked to review the matter.~~
- 262 iii. ~~Notice of the appeal shall be given to the opposite party within two (2)~~  
263 ~~work days of receipt of appeal.~~
- 264 iv. ~~The Chief Operating Officer/designee shall review the written complaint,~~  
265 ~~the accused/employee's response to the complaint, and all~~  
266 ~~documentation pertaining to the alleged sexual harassment or~~  
267 ~~discrimination, including the EEO Coordinator's decision.~~
- 268 v. ~~The Chief Operating Officer/designee, in his/her discretion, may request~~  
269 ~~additional information. The Chief Operating Officer/designee shall issue a~~  
270 ~~written decision to the parties within twenty (20) calendar days of request~~  
271 ~~of the appeal.~~
- 272 g. ~~Level Three: Appeal to the Superintendent.-- Within ten (10) work days after~~  
273 ~~the Chief Operating Officer/designee issues a written decision, if a party is not~~  
274 ~~satisfied with the decision (or if no decision has been issued within ten (10)~~  
275 ~~work days of the meeting), the party may appeal the decision in writing to the~~  
276 ~~Superintendent. If the grievance is not forwarded to the Superintendent within~~  
277 ~~the designated time, the grievance is considered withdrawn from the grievance~~  
278 ~~process and shall be so noted in the grievance file.~~
- 279 i. ~~Notice of the appeal shall be given to the opposite party within two (2)~~  
280 ~~work days of receipt of appeal.~~
- 281 ii. ~~The Superintendent/designee shall appoint an ad hoc grievance review~~  
282 ~~committee as specified in paragraph (3)(d)(ii), above.~~

283           A. ~~In an effort to resolve the grievance, within ten (10) work days after~~  
284 ~~the committee is designated, the committee shall meet with the~~  
285 ~~appealing party and, if deemed appropriate, may also meet with the~~  
286 ~~opposite party. Other persons may be presented as witnesses at the~~  
287 ~~meeting by either the appealing party or the opposite party.~~

288           B. ~~The committee shall issue a written recommendation within ten (10)~~  
289 ~~work days after the meeting, determining whether any violation has~~  
290 ~~occurred, and if so, recommending an appropriate remedy. A copy of~~  
291 ~~the recommendation shall be provided to both parties, the grievant's~~  
292 ~~supervisor and the Director of Labor Relations (if appropriate), and~~  
293 ~~the Superintendent.~~

294           iii. ~~The Superintendent/designee shall review the recommendation of the~~  
295 ~~grievance review committee and the record of the grievance. If the~~  
296 ~~Superintendent/designee finds that a meeting with the grievant and/or~~  
297 ~~accused/employee would assist in the final determination, the~~  
298 ~~Superintendent/ designee may recommend scheduling a meeting for the~~  
299 ~~purposes of this review. The Superintendent/designee's decision is the~~  
300 ~~final and binding decision of the District.~~

301           h. ~~If the complainant is not satisfied with the results of the procedures contained~~  
302 ~~in this Section, he/or she may utilize other means for resolution as provided by~~  
303 ~~law, including seeking recourse through the federal Office for Civil Rights~~  
304 ~~("OCR") or Equal Employment Opportunity Commission ("EEOC").~~

305   5. Rights of Employees (and Applicants as Defined in Subsection (2)(e))

306           a. ~~During any of the grievance levels, the employee (or applicant as defined in~~  
307 ~~subsection(2)(e)) may be represented by a person of the~~  
308 ~~employee's/applicant's choice once the grievance is filed with the supervisor.~~  
309 ~~For grievances governed by Section (3) that are filed by employees/applicants~~  
310 ~~who choose to be represented by legal counsel, the process will begin at the~~  
311 ~~chief officer phase of Level 3 under subsection (3)(e) of the grievance process.~~

312           b. No retaliation or reprisals of any kind shall be taken by any member of the  
313 administration or other employee against the employee, representative, or any  
314 other participant in the grievance procedure by reason of such participation.

315   6. General Provisions

316           a. ~~Grievance report forms for filing a grievance (PBSC 0114) shall be available in~~  
317 ~~the Department of Labor Relations on the School Board website. Employees~~  
318 ~~are to be notified of the procedures in this Policy through the Policy's~~  
319 ~~distribution to schools and departments and its posting on the School Board~~  
320 ~~Policies website.~~

- 321 b. Failure of the employee to advance the grievance through the procedure  
322 within the time lines designated will result in immediate dismissal of the  
323 grievance.
- 324 c. If a preliminary investigation is begun regarding a complaint, the written  
325 complaint and documents relating to the investigation are confidential,  
326 pursuant to Fla. Stat. §§ 119.07(3)(p) & (u), ~~231.291(3)(a)~~ 1012.33, and  
327 ~~231.262(1)(a)~~ 1012.796, until the investigation is either concluded or ceases to  
328 be active.
- 329 d. All records pertaining to a grievance may be filed in a separate grievance file  
330 and may not be kept in the official "personnel file" of the employee/applicant,  
331 but this grievance file will be treated as provided by Fla. Stat. §§ 119.07 and  
332 ~~231.291(4)~~ 1012.31. All decisions of management are to be forwarded to the  
333 labor relations department, which ~~may~~ shall be designated as the custodian of  
334 those records for grievances involving a bargaining unit member. The  
335 grievance file is subject to disclosure pursuant to the Public Records law and  
336 Fla. Stat. § ~~231.291(4)~~ 1012.31.
- 337 e. If a grievance is filed under the grievance procedure in a collective bargaining  
338 agreement, the employee ~~may~~ shall not pursue the grievance under this  
339 procedure.
- 340 f. The filing of a grievance shall not interfere with the right of the School Board to  
341 carry out its responsibilities, subject to the final decision on a grievance.

342 7. Superintendent, Chief Counsel, and District Auditor

- 343 a. When the Grievant is a Direct Board Report.-- Employees who report directly  
344 to the Board (Superintendent, Chief Counsel, and District Auditor) shall file any  
345 grievance in writing with the Board Chair. The Chair should request  
346 appropriate District personnel to begin the investigation/ resolution process set  
347 forth in Section (3) ~~or (4) above~~, as applicable.
- 348 b. When the Grievant is an Employee in the Office of a Direct Board Report.--  
349 Employees of the Office of Superintendent, Office of District Auditor, and  
350 Office of Chief Counsel should file any initial grievance with their direct  
351 supervisor ~~(or the EEO Coordinator, if the allegation is based on harassment~~  
352 ~~or discrimination)~~ pursuant to Section (3) ~~or (4) above~~ *(unless the grievance is*  
353 *against a direct Board report, in which case subsection (c) below shall apply)*.  
354 If the grievance is not resolved at this level, the grievance may be appealed as  
355 set forth under Section (3) ~~or (4) above~~, as applicable.
- 356 c. When the Accused is a Direct Board Report.-- When a direct Board report (the  
357 Superintendent, Chief Counsel, or District Auditor) is the accused, the grievant  
358 shall file the complaint in writing with the Board Chair, who shall take prompt

359 action as specified below:

- 360 i. First, the Chair shall notify the accused of the complaint.
- 361 ii. Second, the Chair shall notify the Board of the complaint. The Board shall  
362 determine if the complaint appears to merit formal investigation.
- 363 iii. If the Board deems the complaint to merit formal investigation, the Board  
364 shall set the parameters for the investigation. The investigation should  
365 seek the accused/employee's response as well as the statements of the  
366 grievant and witnesses.
- 367 iv. If a preliminary investigation is begun, the written complaint and  
368 documents relating to the investigation are confidential, pursuant to Fla.  
369 Stat. §§ 119.07(3)(p) & (u), ~~231.291(3)(a)~~ 1012.31, and ~~231.262(1)(a)~~  
370 1012.796, until the investigation is either concluded or ceases to be  
371 active.
- 372 v. To conduct the investigation, the Board may consider:
- 373 A. retaining outside special counsel (which should be an attorney or law  
374 firm that is not currently retained by the Board and has not handled  
375 any matters for or against the Board within the past five years);
- 376 B. requesting the personnel-investigation department of another Florida  
377 school district to conduct the inquiry;
- 378 C. contracting with the DOE Office of Inspector General; or
- 379 D. if applicable, referring the matter to the State Attorney's Office, the  
380 Commission on Ethics, or other applicable state agency.
- 381 vi. The Board and the employee should receive the final investigative report  
382 at the same time.
- 383 vii. Upon receiving the report, the Board shall determine whether any action  
384 is required. The accused/employee and/or the employee's representative  
385 shall have a right to address the Board at the meeting where the decision  
386 will be made.
- 387 viii. Consistent with the employment contract, if informal action such as a  
388 reprimand is deemed necessary, such action may be reflected in the  
389 employee's evaluation and personnel file. In accordance with the  
390 employment contract, if formal action such as demotion, suspension, or  
391 termination is deemed necessary, the employee shall receive appropriate  
392 notice and opportunity for a hearing under Fla. Stat. §§ 120.569 and

393                   120.57, and the Board's final order may be appealable pursuant to Fla.  
394                   Stat. § 120.68.

395   STATUTORY AUTHORITY: Fla. Stat. §§ ~~230.22(2); 230.23(22); 230.23005(11);~~  
396   ~~231.004~~ 1001.41; 1001.42; 1001.43; 10012.23

397   LAWS IMPLEMENTED: Fla. Stat. §§ 119.07(3)(p) & (u); ~~228.2001; 230.22(1); 231.001;~~  
398   ~~231.291; 231.262(1)~~ 1001.41; 1012.23; 1012.31; 1012.796

399   HISTORY: 3/11/87; 9/22/99; 11/11/02; \_\_/\_\_\_2010

Legal Signoff:

The Legal Department has reviewed proposed Policy 3.31 and finds it legally sufficient for adoption by the Board.

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Attorney

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Date