

THE FLORIDA SCHOOL BOARDS ASSOCIATION

PROPOSED BYLAW CHANGE:

ARTICLE VI - BOARD OF DIRECTORS

Section 1. - The Board of Directors shall be the Executive Officers, a Director from each FSBA district as described herein, and any active member of the Florida School Boards Association serving as an officer or on the Board of Directors of the National School Boards Association or the Southern Region School Boards Association. The Chair of each Standing Committee and subcommittee shall serve, in an ex-officio capacity, and attend all Board of Directors' Meetings.

- A. A Director and Alternate shall be elected from the following FSBA districts by the board members in those districts:
 - 1. Escambia, Santa Rosa
 - 2. Duval
 - 3. Miami-Dade
 - 4. Holmes, Jackson, Okaloosa, Walton, Washington
 - 5. Flagler, Putnam, St. Johns
 - 6. Collier, Glades, Hendry, Monroe
 - 7. Polk
 - 8. Alachua, Bradford, Clay, Union
 - 9. Bay, Calhoun, Franklin, Gulf, Liberty
 - 10. Hillsborough
 - 11. Orange
 - 12. Pinellas
 - 13. Baker, Columbia, Hamilton, Nassau, Suwannee
 - 14. Dixie, Gilchrist, Lafayette, Levy, Taylor
 - 15. DeSoto, Hardee, Manatee
 - 16. Pasco, Sumter

17. Broward
18. Palm Beach
19. Brevard
20. Gadsden, Jefferson, Leon, Madison, Wakulla
21. Highlands, Indian River, Martin, Okeechobee, St. Lucie
22. Lake, Osceola
23. Citrus, Hernando, Marion
24. Charlotte, Sarasota
25. Seminole
26. Lee
27. Volusia

B. The position of director and alternate shall only be held by board members whose school board retains a majority of membership in FSBA.

- C. Directors and Alternates will serve for two (2) years. Directors and Alternates from even numbered districts shall be elected in even numbered years, and those from odd numbered districts shall be elected in odd numbered years. Their term of office shall begin at the fiscal year following their election.
- D. In single county districts, the Director and Alternate shall be elected by majority vote of the district school board, in accordance with the time schedule as outlined.
- E. In multi-county FSBA districts, the Director and Alternate shall be elected by majority vote of the members of the FSBA district at the Annual Meeting or in a manner determined by the districts prior to the Annual Meeting. FSBA encourages equitable rotation among counties.
- F. Should no Director and Alternate be elected by July 1, the President shall appoint a Director and Alternate from within the FSBA district.

Section 2. - The Board of Directors shall meet at least four (4) times a year. Special meetings shall be held on call of the President or a majority of the membership of the Board of Directors.

Section 3. - Each newly elected Director and Alternate shall sign a written agreement acknowledging the requirements for meeting attendance and resignation from office as described in Section 4. herein, and shall file the agreement with the Secretary.

Section 4. - Each Director who is unable to attend a Board of Directors' Meeting shall notify the Alternate to sit and act on his/her behalf. Each member who is unable to attend a Board of Directors' Meeting shall submit written verification to the Secretary two (2) weeks prior to the scheduled meeting unless extenuating circumstances exist. The President shall declare vacant the office of any Director who misses two (2) consecutive meetings without sufficient reason as determined by the Executive Officers. When the President declares a vacancy on the Board of Directors, the Alternate for that FSBA district shall be advanced automatically to the Director's position and a new election shall be conducted in the FSBA district within thirty (30) days to fill the Alternate vacancy created by the succession.

Section 5. - The Board of Directors shall elect from the general membership two (2) individuals to serve as at-large members with the Executive Officers on the Long Range Planning Committee. At-large members shall be elected during the Board of Directors' Meeting at the Annual Meeting and shall serve for a two-year term. Prior to electing the at-large members, the FSBA President, or the presiding officer, shall encourage the Board of Directors to examine the current composition of the Executive Officers and to consider issues of diversity, equity, equality, and demographics when casting votes for the at-large members. Nominations to fill the at-large positions shall be accepted from any Director who serves on the Board of Directors or by self-nomination. Each Director may cast two (2) votes during the election of at-large members; each vote shall be cast for a different candidate. In the case of a resignation or vacancy during the term of an at-large member, the Executive Officers shall appoint a member of the Board of Directors to complete the unexpired term of the individual who vacated the position.

Section 6. - The business and the corporate powers of the Association shall be managed and directed by the Board of Directors, to wit:

- A. To transact business of the Association and report such transactions;
- B. To make recommendations of policy and resolutions to the regular meetings of the Association;
- C. To establish and staff an Association office;
- D. To execute such documents as are necessary or appropriate for facilitating the financing of school sites, facilities, buses, equipment, or such other items necessary for school boards, including, but not limited to notes, mortgages, leases, and underwriters' agreements; and,
- E. To engage in a strategic planning process to establish long range goals in order to achieve the mission of the Association; approve, monitor, and evaluate the annual operational plan developed by the Executive Director to reach the long range goals.

Section 7. - The members of the Board of Directors are responsible for communicating with the other members of the district which they represent. The District Director shall establish a liaison with the Chair of each school board in his/her district.

Section 8. - The Board of Directors shall act as the final authority for acceptance or rejection of all committee reports. If a revision to the Policies or Bylaws is proposed by the Board of Directors, it will be noted as its recommendation to the membership.

Section 9. - The Executive Director shall have the power and responsibility to execute such documents approved by the Board of Directors as are necessary to facilitate the financing for school boards of school sites, facilities, buses, equipment, or such other necessary items, including but not limited to bonds, notes, certificates, mortgages, leases, and purchase contracts relating thereto.

THE FLORIDA SCHOOL BOARDS ASSOCIATION

PROPOSED REVISION TO POLICY 1040 - STANDING COMMITTEES

- (1) The FSBA Bylaws shall establish standing committees for ongoing action. The FSBA Executive Officers shall meet and collaborate prior to FSBA Annual Meeting, as described in Article IX, Section 3., of the FSBA Bylaws to make appointments for Chair and Vice Chair or co-Chairs to serve a one-year term except as provided herein. In making the selections, the Executive Officers shall take into consideration the time commitment that is required for chairing a committee.
 - (a) The FSBA Treasurer shall serve as the Finance Committee Chair.
 - (b) The FSBA Vice President shall serve as the Policy Committee Chair and shall monitor the attendance of the Board of Directors at each scheduled meeting.
 - (c) The FSBA President Elect shall serve as the Chair of the Long Range Planning Committee.
- (2) The Executive Officers shall review annual goals and objectives for each standing committee. These goals and objectives shall align with FSBA's mission and vision or the FSBA President's focus area.
- (3) These membership provisions shall apply for standing committees:
 - (a) The FSBA Vice President shall serve on the Finance Committee.
 - (b) Membership and selection of the Legislative Committee shall be pursuant to Article XI of the FSBA Bylaws.
 - (c) Past presidents who are active with FSBA shall compose and serve continuously on the Past Presidents' Committee.

- (d) The Executive Officers and the two (2) at-large members pursuant to Article VI, Section 5, of the FSBA Bylaws shall serve on the Long Range Planning Committee.
- (4) Responsibilities of standing committees shall include, but not be limited to, the following:
- (a) The Finance Committee shall monitor the financial operation and budgetary process of FSBA.
 - (b) The Legislative Committee shall coordinate a systematic process to develop equitable and responsive legislative platform for FSBA and shall pursue legislative changes consistent with the adopted FSBA legislative platform. Two (2) subcommittees shall be permanently established for the Legislative Committee:
 - 1. The Advocacy Subcommittee shall explore strategies and ways of strengthening FSBA's advocacy role in public education and shall keep advocacy in the forefront of public education. The responsibilities of the Advocacy Subcommittee shall include the development of a comprehensive public relations and communications strategy.
 - 2. The Federal Relations Subcommittee shall explore and coordinate programs, legislation, and activities between FSBA and federal agencies and elected officials. The FSBA President shall appoint the Chair of this Subcommittee after consultation with the Chair of the Legislative Committee.
 - (c) The Professional Development Committee shall plan, guide, and monitor the implementation of the Professional Development Programs for school board members.
 - (d) The Policy Committee shall assist in the review, development, and revision of the FSBA Policies and Bylaws and facilitate the adoption process of any proposed changes.
 - (e) The Multicultural and Diversity Committee shall sensitize and cultivate positive images and attitudes among school board members on multicultural education issues and recommend to the Board of Directors program topics for workshops and conferences.
 - (f) The Past Presidents' Committee shall serve in an advisory capacity to the Executive Officers on issues of governance, seek ways and strategies to advance the FSBA President's focus area, recruit leaders for FSBA, and perform other duties as assigned by the FSBA President.

- (g) The Long Range Planning Committee shall engage in long range and strategic planning to ensure that FSBA's vision, mission, and strategic directions are pursued and to encourage the smooth transition of leadership within the Association.
- (5) Responsibilities of each committee Chair or co-Chairs shall include:
- (a) Chairing all committee meetings;
 - (b) Establishing an action plan and time line for accomplishing annual goals and objectives;
 - (c) Convening the committee to accomplish annual goals and objectives;
 - (d) Attending the Board of Directors' meetings as an ex-officio member;
 - (e) Writing and presenting committee reports/minutes to the Board of Directors and general membership, as appropriate;
 - (f) Preparing an annual written report to be provided to the Board of Directors' and general membership at the Annual Spring Conference.
- (6) The FSBA President may designate a Committee Day(s) during the fiscal year to convene all or certain standing committees.
- (7) Legislative Subcommittee Chairs shall attend Board of Directors' meetings as ex-officio members.

Adopted: 6/91

Revised: 12/91; 6/93; 6/96; 6/98; 6/00; 6/02; 6/03; 6/04; 6/06; 6/07; 6/08; 6/09; 6/10; 6/11; 6/14; 6/15

THE FLORIDA SCHOOL BOARDS ASSOCIATION

2052 - FLORIDA SCHOOL BOARDS INSURANCE TRUST PROGRAM

The FSBA Board of Directors shall establish the Florida School Boards Insurance Trust (FSBIT) to provide school districts an opportunity to participate in an insurance program which allows self-insuring of property/casualty exposures and which offers other services as deemed appropriate by the FSBA Board of Directors and the FSBIT Board of Trustees. A Board of Trustees for program administration shall be selected annually pursuant to the FSBIT Bylaws. Trustees shall include a school board member from each participating school district, one (1) school district superintendent, one (1) risk manager, the FSBA President Elect as an ex-officio Trustee, and a school board member appointed by the FSBA Board of Directors to serve a three (3) year term. The FSBA Risk Manager shall serve as an ex-officio member of the FSBIT Board of Trustees. The Chair of the Trustees shall be elected annually by the FSBIT Trustees and shall attend the FSBA Board of Directors' meetings as an ex-officio member.

Adopted: 6/91

Revised: 6/09; 6/15

THE FLORIDA SCHOOL BOARDS ASSOCIATION

4135 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the Florida School Boards Association (Association) to maintain a work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all Association operations, programs, and activities. All staff share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on Association property, or at another location if such conduct occurs during an activity sponsored by the Association.

The Association will vigorously enforce its prohibition against discriminatory harassment based on sex (including transgender status, change of sex, sexual orientation, or gender identity), race, color, ethnicity, national origin, religion, marital status, disability, or genetic information that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages staff, members of the Association, vendors, and third parties, who feel aggrieved to seek assistance to rectify such problems. The Association will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Association will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors at the Association office or at activities sponsored by the Association (e.g., speakers or other guests), vendors doing business with, or seeking to do business with, the Association, and other individuals who come in contact with members of the Association at events/activities.

Other Violations of the Anti-Harassment Policy

The Association will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students-members, employees or third parties and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by any individual an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation. This unlawful harassment may include, but not be limited to, the following:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student member, or school employee, or third party that:

- A. places an employee in reasonable fear of harm to his/her person or

damage to his/her property;

- B. has the effect of substantially interfering with an individual's work performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of the Association.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. 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.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. 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.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

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:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. 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.
- D. 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.

- E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature placed in the work ~~or educational~~ environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. 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.
- H. Remarks speculating about a person's sexual activities or sexual history, transgender status, change of sex, sexual orientation, or gender identity. or remarks about one's own sexual activities or sexual history transgender status, change of sex, sexual orientation, or gender identity.
- I. 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.
- J. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based and gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment, or such that it creates a hostile or abusive employment environment.

Race/Color Harassment

Prohibited racial 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 performance; of creating an intimidating, hostile, or offensive work environment; or of interfering with one's ability to participate in or benefit from a work opportunity. 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.

Religious (Creed) Harassment

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 performance; of creating an intimidating, hostile, or offensive work environment; or of interfering with one's ability to participate in or benefit from a work opportunity. 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.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work performance; of creating an intimidating, hostile, or offensive work environment; or of interfering with one's ability to participate in or benefit from a work opportunity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability 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 work performance; of creating an intimidating, hostile, or offensive work environment; or of interfering with one's ability to participate in or benefit from a work opportunity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members and/or employees of the Association and third parties, as defined herein, are encouraged to promptly report incidents of unlawful harassing conduct to the Executive Director, his/her supervisor, or other Association official so that the conduct may be addressed before it becomes severe, pervasive, or persistent. Any Association official who receives such a complaint shall file it with the Association's Anti-Harassment Compliance Officer within ~~one (1)~~ three (3) business days.

Members and employees of the Association or third parties who believe they have been unlawfully harassed by an employee of the Association, another member of the Association, or a third party are entitled to utilize the Association's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in

Association programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

Anti-Harassment Compliance Officers

"Anti-Harassment Compliance Officers" for the Association shall be identified each time policy updates are published in accordance with Policy [1065](#). They are hereinafter referred to as the "Compliance Officers".

The names, titles, and contact information of these individuals will be published annually on the Association's web site.

A Compliance Officer will be available during regular work hours to discuss concerns related to unlawful harassment, to assist employees, members of the Association, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the individual.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any employee, Association member, or third party, or to receive complaints which are initially filed with another Association official. Upon receipt of a complaint either directly or through another Association official, the Compliance Officer will begin either an informal or formal process (depending on the request of the individual alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Executive Director or will oversee the preparation of such recommendations by a designee. All employees, members of the Association, or third parties must report incidents of unlawful harassment that are reported to them to a Compliance Officer within ~~five (5)~~ **three (3)** calendar days of learning of the incident.

Investigation and Complaint Procedure

Any employee, member of the Association, or third party who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment with the Equal Employment Opportunity Commission, or the Florida Civil Rights Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a **an employee, member of the Association or third party student**—who believes s/he has been unlawfully harassed. This informal procedure is not required as a precursor to the filing of a formal complaint.

Employees, members of Association, or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Employees, members of Association, or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

As an initial course of action, if an individual feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

An individual who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to an Association official; (2) to the Executive Director; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The Association's informal complaint procedure is designed to provide employees, members of the Association, or third parties who believe they are being unlawfully harassed by another individual with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the individual claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the individual about how to communicate the unwelcome nature of the behavior to the alleged harasser.

- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the office where the individual whose behavior is being questioned works.
- C. If both parties agree, the Compliance Officers may arrange and facilitate a meeting between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officers or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the Compliance Officers or designee.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the individual elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of an employee, member of the Association, or third party to pursue a complaint of unlawful harassment with the Florida Civil Rights Commission or the Equal Employment Opportunity Commission.

An individual who believes s/he has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with the Compliance Officer, Executive Director, or other Association official. Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs the Executive Director or other Association official, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within ~~one (1)~~ three (3) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Executive Director will determine whether the complaint contains an allegation of unlawful harassment. If the complaint does not contain an allegation of unlawful harassment, the matter shall be referred back to the immediate supervisor for appropriate disposition. If the complaint is found to contain an allegation of unlawful harassment, it shall be returned to the Compliance Officer who will proceed with the formal investigation of the complaint.

The Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of work assignment or schedule for the complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deem appropriate. ~~in consultation with the Superintendent and/or Board Attorney.~~

Within two (2) business days of receiving a formal complaint, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Association's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;

- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee should consult with the Association's Attorney. A written report shall then be prepared and delivered to the Executive Director which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in ~~Board~~ the Association's policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, ~~including the ages and maturity levels of those involved. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.~~

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Executive Director must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Executive Director's final decision will be delivered to both the complainant and the respondent.

If the Executive Director requests additional investigation, the Executive Director must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Executive Director must issue a final written decision as described above.

The decision of the Executive Director shall be final.

If either the complainant or the respondent is not satisfied with the Executive Director's decision, either party will have an additional sixty (60) days to appeal the decision to the Florida Commission on Human Relations, the Equal Educational Opportunity Commission.

Confidentiality

The Association will make reasonable efforts to maintain the confidentiality of the parties involved in an investigation of unlawful harassment. The Association will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the Association's legal obligations under State and Federal law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all employees, members of the Association, and third parties

who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer.

Sanctions and Monitoring

The Association shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. ~~or the suspension/expulsion of a student.~~ All disciplinary action will be taken in accordance with applicable Federal and State law. When imposing discipline, the Executive Director shall consider the totality of the circumstances involved in the matter, ~~including the ages and maturity levels of those involved.~~ In those cases where unlawful harassment is not substantiated, the Executive Director may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Association policies.

Where the Executive Director becomes aware that a prior remedial action has been taken against an employee, a member of the Association, or a third party, all subsequent sanctions imposed by the Association and/or Executive Director shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

Education and Training

In support of this policy, the Association promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Executive Director or designee shall provide appropriate information to all employees of the Association related to the implementation of this policy and shall provide training for Association staff where appropriate.

F.S. 110.1221, 760.01, 760.10, 1000.05, 1006.07

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973

29 C.F.R. Part 1635

29 U.S.C. 6101, The Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
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