

Office of Superintendent of Schools  
Board Meeting of August 25, 1999

August 16, 1999

Management and Accountability  
Carol Cortes, Deputy Superintendent

**SUBJECT: PROPOSED AMENDMENT OF BOARD RULE: FINAL READING 6Gx13-  
4A-1.01, EQUAL OPPORTUNITY EMPLOYMENT AND ASSIGNMENT**

The School Board of Miami-Dade County, Florida, announced on July 14, 1999, its intention to amend School Board Rule 6Gx13- 4A-1.01, Equal Opportunity Employment and Assignment, at the meeting of August 25, 1999.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 19, 1999, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are copies of the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 4A-1.01, Equal Opportunity and Assignment, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective August 25, 1999.

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## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 14, 1999, its intention to amend Board Rule 6Gx13- 4A-1.01, Equal Opportunity Employment and Assignment, at its meeting of August 25, 1999.

**PURPOSE AND EFFECT:** To revise the Board Rule to reflect current applicable standards as delineated in federal/state enforcement regulations and court rulings in the area of discrimination/harassment.

**SUMMARY:** Board Rule 6Gx13- 4A-1.01, Equal Opportunity Employment and Assignment, contains the District's policy of nondiscrimination in employment.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:** 230.22(2); 230.23(17) F.S.

**LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC:** 112.042; 112.043; 230.23(5); 230.23005(6),(11); 230.33(7)(a),(b),(c), and (d); 231.02 F.S.; 6A-19.010 FAC; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; Florida Educational Equity Act F.S. 228.2001; the Americans with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 25, 1999, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 9, 1999, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Rafael E. Urrutia  
Supervisor: Ms. Carol Cortes  
Date: June 30, 1999

Permanent Personnel**EQUAL OPPORTUNITY EMPLOYMENT AND ASSIGNMENT**

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and strives affirmatively to provide equal opportunity for all as required by state and federal law. The Board attempts to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for its staff and applicants.

**Employment:** In recruiting applicants for School Board positions, the School Board encourages men and women to enter non-traditional occupational areas where their gender is under-represented.

The School Board continually develops and reviews job descriptions and entry qualifications in order to ensure that the tasks and duties required are reasonable and do not impose artificial barriers to qualified applicants.

It is the policy of the School Board that no person will be denied access, employment, training, or promotion on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability, and that merit principles will be followed.

The School Board offers inservice training programs designed to assist employees in achieving new competencies and/or promotion.

Job advertising will be conducted in a manner designed to apprise persons of diverse backgrounds relative to gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, or disability, or who may be pregnant or experiencing pregnancy-related medical conditions, of the job advertised.

**Assignment:** Acceptance of a work location assignment is a condition of employment. *Pate v. Dade County School Board*, Case No. 69-1020-Civ-CA., order signed by Judge C. Clyde Atkins on 12/10/69. Failure of an employee to accept the assignment is grounds for termination.

**Employee  
Relations:**

The Board does not believe that democracy can be taught in the Miami-Dade County Public Schools without demonstrating its belief in democracy in the way the schools are operated.

All employees are hereby notified that they are expected to teach or work with other employees, to teach students, and to supervise or be supervised in their work by other employees without regard for the gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability of the individual. This is a unitary school system and should be understood as such by all persons connected with it.

It is understood that harassment or discrimination based on an employee's gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability is a violation of state and federal laws and a breach of the School Board's Equal Opportunity Employment and Assignment Policy, which shall be grounds for disciplinary action including but not limited to a discharge.

**Sexual harassment, including same sex harassment**, is a violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. It is defined as a A pattern of behavior that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Such conduct needs to be severe or pervasive.

**Complaints:** Complaints alleging employment harassment or discrimination on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, pregnancy, or disability should be referred to the Division of School Board's Equal Educational and Employment Opportunity office. ~~and Advocacy.~~

Specific Authority: 230.22(2); 230.23(17) F.S.

Law Implemented, Interpreted, or Made Specific: 112.042; 112.043; 230.23(5); 230.23005(6),(11); 230.33(7)(a),(b),(c),and(d); 231.02 F.S.; 6A-19.010 FAC; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967, as amended; Equal Pay Act of 1963; Florida Educational Equity Act, F.S. 228.2001; and the Americans ~~W~~with Disabilities Act of 1990; the Pregnancy Discrimination Act of 1978; the Florida Civil Rights Act of 1992; and the Family and Medical Leave Act of 1993.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 8-19-81; 6-8-94