

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: INITIAL READING: PROPOSED PROMULGATION OF NEW BOARD POLICY 6320.06, DIVERSITY, EQUITY AND INCLUSION IN BUSINESS OPERATIONS AND PRACTICES, AND TO AMEND POLICY 6465, COMMERCIAL ANTI-DISCRIMINATION, DIVERSITY AND INCLUSION

COMMITTEE: INNOVATION, GOVERNMENTAL RELATIONS AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY

The School Board has a long history of promoting anti-discrimination efforts in employment, student body, educational programming and business operations. On November 19, 2014, the Board adopted Policy 6320.02, which established the *Small/Micro and Minority/Women-Owned Business Enterprise* program (SMBE/WMBE). On the same day, in an effort to strengthen its efforts to prohibit discrimination against minority and women-owned businesses, the Board also adopted Policy 6465, *Commercial Anti-Discrimination, Diversity and Inclusion*, which provided generally that District employees and contractors are prohibited from discriminating against businesses wishing to do business with the School Board or to obtain work on School Board projects based on a variety of protected bases. Pursuant to the policy, all bid solicitations, requests for proposals and contracts must include language reflecting this policy and contractors must certify that they will comply. The policy allows complaints from any person or business who believes they may have been subjected to prohibited discrimination to be investigated by the Civil Rights Compliance Office (CRC).

Since the adoption of these policies, the Superintendent, School Board Attorney's Office, and community stakeholders have been engaged in extensive discussion and research to develop processes that might assist the Board in taking a more proactive approach to increasing diversity, equity and inclusion by minority and women-owned businesses in the Board's procurement process. In order to further the Board's ongoing commitment to anti-discrimination in its business operations and practices and to highlight its commitment to diversity, equity and inclusion, this item requests that the Board authorize the Superintendent to initiate rulemaking to promulgate a new policy, 6320.06, *Diversity, Equity and Inclusion in Business Operations and Practices*, that emphasizes the Board's desire to eliminate perceived, artificial, or actual barriers to business engagement with Miami-Dade County Public Schools (MDCPS or District).

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The new policy requires that relevant data be gathered to support the development and implementation of additional administrative directives, procedures, processes, and programs to address any artificial, perceived or actual barriers that may prevent vendors or firms from engaging in business opportunities with the Board, and includes the authority to provide preferences and incentives in the District's contractor and vendor selection processes. The policy also requires an annual report to the Board on the effect of these actions in creating and maintaining greater capacity of business opportunities for minority and women owned businesses and to promote diversity, equity, transparency, and inclusion in all aspects of MDCPS business operations and practices.

In addition, Policy 6465 is proposed to be amended to (1) change the name from *Commercial Anti-Discrimination, Diversity and Inclusion* to *Commercial Anti-Discrimination in Business Operations and Practices*, (2) rearrange the sections of the policy more appropriately, (3) add definitions and other provisions to provide more clarity and direction, (4) specify that complaints under this policy must be submitted within 180 days after the alleged prohibited conduct occurred, (5) provide that anonymous complaints will not be processed under this policy, (6) make technical changes to conform to the new policy, and (7) move the required staff training on anti-discrimination, diversity, equity and inclusion from this policy to the new Policy 6320.06, in order to be more comprehensive.

Pursuant to the direction of the Board, the Superintendent and School Board Attorney's Office have included community stakeholders in drafting the new policy and proposed amendments.

Attached is the Notice of Intended Action and the proposed new and amended policy. Changes are indicated by underscoring words to be added and ~~striking through~~-words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new Policy 6320.06, *Diversity, Equity and Inclusion in Business Operations and Practices*, and amend Policy 6465, *Commercial Anti-Discrimination, Diversity and Inclusion*.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new Policy 6320.06, *Diversity, Equity and Inclusion in Business Operations and Practices*, and amend Policy 6465, *Commercial Anti-Discrimination, Diversity and Inclusion*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 5, 2015, its intention to promulgate new Board Policy 6320.06, *Diversity, Equity and Inclusion in Business Operations and Practices* and amend Board Policy 6465, *Commercial Anti-Discrimination, Diversity and Inclusion*, at its meeting of September 9, 2015.

PURPOSE AND EFFECT: In order to further the Board's commitment to anti-discrimination in its business operations and practices and to highlight its commitment to diversity, equity and inclusion, the proposed new policy, 6320.06, *Diversity, Equity and Inclusion in Business Operations and Practices*, emphasizes and furthers the Board's desire to eliminate perceived, artificial, or actual barriers to business engagement with Miami-Dade County Public Schools (MDCPS or District). The new policy requires the Superintendent, or designee, to gather relevant data to support the development and implementation of additional administrative directives, procedures, processes, and programs to address any artificial, perceived or actual barriers that may prevent vendors or firms from engaging in business opportunities with the Board, and may include providing preferences and incentives in the District's contractor and vendor selection processes. The policy also requires the Superintendent, or designee, to annually report to the Board on the effect of these actions in creating and maintaining greater capacity of business opportunities for minority and women owned businesses and to promote diversity, equity, transparency, and inclusion in all aspects of MDCPS business operations and practices. This policy would require mandatory staff training to all District staff involved in any and all District procurement process, business operations and practices.

Policy 6465 is proposed to be amended to (1) change the name from *Commercial Anti-Discrimination, Diversity and Inclusion* to *Commercial Anti-Discrimination in Business Operations and Practices*, (2) rearrange the sections of the policy more appropriately; (3) add definitions and other provisions to provide more clarity and direction; (4) specify that complaints under this policy must be submitted within 180 days after the alleged prohibited conduct occurred; (5) provide that anonymous complaints will not be processed; (6) make other technical changes to conform to the new policy, and (7) move the required staff training on anti-discrimination, diversity, equity and inclusion to the new Policy 6320.06 in order to be more comprehensive.

SUMMARY: The School Board has a long history of promoting anti-discrimination efforts in employment, student body, educational programming and business operations. The proposed new policy and amendments to the existing commercial anti-discrimination policy clarify and emphasize the Board's commitment to prohibiting discrimination by employees and contractors in its procurement processes, business operations and practices and to highlight its commitment to diversity, equity and inclusion in these processes, operations and practices.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 120.74, 1001.41 (1), (2), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.42(6), 1001.43 (2), (4), and (10), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF September 9, 2015, 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 in Section 120.54(1), F.S., must do so in writing by August 31, 2015, to the Superintendent, 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, F. S.

COPIES OF THE PROPOSED NEW AND AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

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NEW POLICY

6320.06 DIVERSITY, EQUITY AND INCLUSION IN BUSINESS OPERATIONS AND PRACTICES

The School Board of Miami-Dade County, Florida, encourages and fosters an environment of diversity, equity, and inclusion in all of its business operations and practices. Inherent in this policy is the Board's commitment to ensuring that the rich tapestry of diversity, inclusion of varying ideas, backgrounds, and perspectives, if collectively recognized, creates cultural value and endorses the Board's obligation to eliminating perceived, artificial, or actual barriers to business engagement with Miami-Dade County Public Schools. The Board is committed to fostering an environment in which all businesses are free to participate in business opportunities with Miami-Dade County Public Schools and flourish without the impediments or barriers of discrimination.

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Definitions

Discrimination: the unfair or unequal treatment of an individual or group on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis, in connection with the solicitation, selection, award and/or performance of contracts or modification of a contract between a vendor or contractor and the Board which contract is paid for, in whole or in part, with Board appropriated funds.

Diversity: a set of conscious practices that involve understanding and appreciating interdependence of humanity, cultures, and the natural environment; practicing mutual respect for qualities and experiences that are different; understanding that diversity includes not only ways of being but also ways of knowing; recognizing that personal, cultural and institutionalized discrimination creates and sustains privileges for some while creating and sustaining disadvantages for others; and building alliances across differences to eradicate all forms of discrimination.

Equity: the guarantee of fair treatment, access, opportunity, and advancement for all, while striving to identify and eliminate barriers that prevent the full participation of some groups. The principle of equity acknowledges that there are historically underserved and underrepresented populations and that fairness regarding these unbalanced conditions is needed to assist equality in the provision of effective opportunities to all groups.

Inclusion: the process of enabling the full participation and contribution of all human resources in support of the Board's mission by eliminating implicit and explicit barriers.

Implementation

In an effort to create greater business opportunities that advance the principles of diversity, equity, and inclusion, the Superintendent, or designee, shall:

- A. develop additional administrative directives, processes, programs, best practices and procedures, based on compilation and analysis of relevant data, to address any artificial, perceived or actual barrier that may prevent vendors or firms from engaging in business opportunities with the Board, and may include providing preferences and incentives in the contractor and vendor selection processes to the extent allowed by law and Policy 6320.02, *Small/Micro and Minority/Women-Owned business enterprise Programs*; and
- B. annually report on the progress of the administrative directives, processes, programs, best practices, and procedures developed and implemented to create and maintain greater capacity of business opportunities and to promote diversity, equity, transparency, and inclusion in all aspects of the District's business operations and practices. This report may be included in the annual report required to be submitted to the Board by the Office of Economic Opportunity (OEO) pursuant to Policy 6320.02.

Mandatory Staff Training

The Superintendent or designee shall provide mandatory anti-discrimination, diversity, and inclusion training to all District staff involved in any and all District procurement processes, business operations and practices.

1 COMMERCIAL ANTI-DISCRIMINATION IN BUSINESS OPERATIONS AND
2 PRACTICES, DIVERSITY, AND INCLUSION

3
4 The School Board of Miami--Dade County, Florida, encourages and fosters an
5 environment of diversity, equity, and inclusion in all of its business
6 operations and practices. Inherent in this policy is the Board's commitment
7 to ensuring that the rich tapestry of diversity, inclusion of varying ideas,
8 backgrounds, and perspectives, if collectively recognized, creates cultural
9 value and endorses the Board's obligation to eliminating perceived, artificial,
10 or actual barriers to business engagement with Miami-Dade County Public
11 Schools (District).

12
13 The Board is committed to creating an environment in which all businesses
14 are free to participate in business opportunities with Miami-Dade County
15 Public Schools and flourish without the impediments or barriers of
16 discrimination.

17
18 **Discrimination Prohibited**

19
20 Contractors, business entities, District-approved vendors, and consultants
21 that contract with the District, as well as School Board employees involved in
22 the procurement process:

- 23
24 1. shall not discriminate against a business or individual based on sex,
25 race, color, ethnic or national origin, religion, marital status, disability,
26 genetic information, age, political beliefs, sexual orientation, gender,
27 gender identification, social and family background, linguistic
28 preference, pregnancy, and any other legally prohibited basis, in
29 connection with the award and/or performance of contracts or
30 modification of a contract between a vendor or contractor and the
31 Board which contract is paid for, in whole or in part, with Board
32 appropriated funds; and
- 33
34 2. shall provide a full and fair opportunity for the participation of
35 Small/Micro (S/MBE), Minority and Women-Owned Business
36 Enterprises (M/WBE) in contracts and agreements pursuant to Board
37 Policies 6320, Purchasing, Board Policy 6320.02, Small/Micro and
38 Minority/ Women-Owned Business Enterprise Programs and 6320.06,
39 Diversity, Equity and Inclusion in Business Operations and Practices.
40

1
2 **Applicability**
3

4 This policy is applicable to all contracts and agreements, including but not
5 limited to: contracts or agreements for the design, development, construction,
6 operation and maintenance of school facilities and other buildings and
7 structures owned, leased or used by the District or its contractors, assignees,
8 lessees and licensees; contracts or agreements for professional services and
9 for purchase of goods, services, supplies and equipment.

10
11 **Definitions**
12

13 **Business Entity/Contractor/District Approved Vendor:** includes any
14 person, firm, partnership, non-profit corporation, for-profit corporation,
15 limited liability company or other legal entity that enters into a contract or
16 agreement with the District.

17
18 **Complainant:** a person or business entity that makes a formal charge
19 alleging wrongdoing.
20

21 **Discrimination:** the unfair or unequal treatment of an individual or group
22 on the basis of sex, race, color, ethnic or national origin, religion, marital
23 status, disability, genetic information, age, political beliefs, sexual
24 orientation, gender, gender identification, social and family background,
25 linguistic preference, pregnancy, and any other legally prohibited basis, in
26 connection with the solicitation, selection, award and/or performance of
27 contracts or modification of a contract between a vendor or contractor
28 and the Board which contract is paid for, in whole or in part, with Board
29 appropriated funds.
30

31 **Good Faith Belief:** a comprehensive term that encompasses a sincere belief
32 or motive without any malice or the desire to defraud others.
33

34 **Probable Cause:** the conclusion of a set of apparent facts discovered
35 through logical inquiry that would lead a reasonably intelligent and prudent
36 person to believe that an accused person or business entity has committed
37 the alleged act(s).
38

39 **Respondent:** a person or business entity who is called upon to issue a
40 response to an allegation made by another; specifically refers to a
41 proceeding commenced by an investigation.
42

43 **Small/Micro, Minority and Women-Owned Business Enterprises:**
44 defined in School Board Policy 6320.02.

1
2 **Implementation**

3
4 **A. Articulation of the Policy**

5
6 The Office of Economic Opportunity (OEO), in conjunction with
7 the School Board Attorney's Office, will develop language to be
8 included in bid solicitations, requests for proposals, agreements
9 and contracts that clearly sets forth the objectives of this policy
10 (solicitation language). District employees shall include this
11 required solicitation language in all bids, public solicitations,
12 requests for proposals, contracts, agreements and all
13 communications to business entities or district-approved vendors,
14 including those who wish to provide professional services to the
15 District.

16
17 **B. Certification of Compliance with the Policy**

18
19 The Certification of Compliance requires that the business
20 entity or its authorized representative submit its written policies
21 and/or procedures regarding adherence to federal, state, local
22 laws, ordinances and School Board Rules, regarding non-
23 discriminatory employment or procurement practices. The
24 written policies and/or procedures along with the required
25 District documentation must be submitted at the time the
26 business entity registers to be a vendor with the District, responds
27 to any solicitation published by the District, and/or at the time
28 the business entity enters into any type of agreement or contract
29 with Miami-Dade County Public Schools.

30
31 **C. Dissemination of Policy**

32
33 The policy shall be articulated to the public in general, and to each
34 business entity, vendor, contractor, assignee, lessee or licensee
35 doing or seeking to do business with the District.

36
37 **Complaint Process**

38
39 Any person, business entity or District-approved vendor, who has a good-
40 faith belief that they have been subjected to prohibited discrimination under
41 this policy, may seek resolution through the procedures outlined below:
42
43
44

1 **A. Complaints Against a District Employee(s)**

2
3 An individual or business entity who has a good-faith belief that
4 s/he /(it) has been the subject of discrimination by a District
5 employee based on the protected categories listed within this policy,
6 must submit the allegation(s) in writing to the Civil Rights
7 Compliance Office (CRC) in accordance with the District's Anti-
8 Discrimination Complaint Process outlined in School Board Policy
9 1362.02. No anonymous complaints shall be accepted or processed.

10
11 The CRC will thoroughly investigate the allegations and process its
12 findings in accordance with the procedures in Policy 1362.02.

13
14 **B. Complaints Against Business Entity/District-Approved Vendor**

15
16 An individual or business entity that has a good-faith belief that it
17 has been the subject of discrimination by a District-approved vendor
18 based on the protected categories listed within this policy, must
19 submit the allegations in writing to the Civil Rights Compliance
20 Office (CRC).

21
22 No anonymous complaints shall be accepted or processed. The CRC
23 will thoroughly investigate the allegation(s) and process its findings
24 pursuant to the following procedures:

25
26 **1. Investigative Process**

27
28 Complaints must be submitted within 180 days after the
29 prohibited conduct occurred while the facts are still known and
30 potential witnesses are available, and to ensure the prompt
31 elimination of the conduct in question. Failure on the part of the
32 person or business to initiate and/or follow-up on a complaint in
33 a timely manner may result in the claim being considered
34 abandoned. A business entity or District-approved vendor that
35 fails to voluntarily cooperate with the investigation will be subject
36 to the available sanctions applicable to this policy.

37
38 All complaints must include the following information to the
39 extent it is available:

- 40
41 (a) The identity of the individual or business believed to have
42 engaged in, or is engaging in, prohibited discrimination
43 under this policy,

1 (b) A detailed description of the facts upon which the
2 complaint is based upon,

3 (c) A list of potential witnesses, and

4 (d) Identification of the resolution the complainant seeks.

5 Upon receiving a written complaint, the Compliance Officer will
6 consider, in conjunction with the head of the division or
7 department, whether any action should be taken in the initial
8 investigatory phase to protect the complainant from further
9 legally prohibited discrimination. In making such a
10 determination, the Compliance Officer should consult the
11 complainant to assess his/her agreement to any action deemed
12 appropriate.

13
14 Within five (5) business days of receiving the complaint, the
15 compliance officer or designee will initiate a formal investigation
16 to determine whether the complainant has been subjected to
17 prohibited discrimination.

18
19 Within five (5) business days of receiving the written complaint of
20 legally prohibited discrimination, the compliance officer will
21 inform the individual or business entity alleged to have engaged
22 in the prohibited conduct that a complaint has been received.

23
24 The CRC compliance officer or designee will conduct an oral
25 interview and prepare a written summary of the oral interview,
26 which will be presented to the complainant for verification and
27 signature.

28
29 If the CRC determines that the complaint alleges prohibited
30 discrimination, an investigation will be conducted according to
31 its procedures outlined within this policy. The compliance officer
32 or designee will complete the investigation into the allegations(s)
33 of discrimination within forty-five (45) business days of receiving
34 the written complaint. The investigation will include:

35
36 (a) interviews with the complainant;

37 (b) interviews with the respondent;

38 (c) interviews with any other witnesses who may reasonably
39 be expected to have any information relevant to the
40 allegations; and

1 (d) consideration of any documentation or other evidence
2 presented by the complainant, respondent, or any other
3 witness which is reasonably believed to be relevant to the
4 allegations
5

6 At the conclusion of the investigation, the respondent and the
7 complainant will be provided with a written report of the findings
8 summarizing the evidence gathered during the investigation and
9 the final determination of the case.

10
11 If a finding of probable cause is determined, the CRC will forward
12 the completed investigative report, to the Superintendent or his
13 designee, to review the findings and make a recommendation for
14 sanctions and a final disposition of the case.

15 16 **2. Compliance/Sanctions**

17
18 Substantiated violations of this policy and/or the provisions found
19 in Policy 6320 will result in sanctions which may include
20 suspension, vendor default, cancellation of the contract and/or
21 debarment, pursuant to Policy 6320.04, Contractor Debarment
22 Procedures. Non-adherence to School Board Policy 6320.02 and
23 6230.06 may also be a violation of this policy.
24

25 **Confidentiality**

26
27 All investigations shall remain confidential and not subject to disclosure
28 under F.S. Chapter 119 until a final determination is made. When a final
29 determination is made, the complaint and any records created or obtained
30 during the investigation will be subject to disclosure as public records under
31 F.S. Chapter 119.
32

33 **Alternative Enforcement**

34
35 These procedures are not intended to interfere with any person's right to
36 pursue a complaint of legally prohibited discrimination with any local, state
37 or federal enforcement agency.
38

39 ~~The School Board shall strive to ensure an equal opportunity for all businesses to~~
40 ~~participate in all District contracts (contracts) and that District funds are not used~~
41 ~~to promote, reinforce or perpetuate discriminatory practices. The Board is~~
42 ~~committed to fostering an environment in which all businesses are free to participate~~
43 ~~in business opportunities and to flourish without the impediments of discrimination.~~

**THE SCHOOL BOARD OF
MIAMI-DADE COUNTY**

FINANCES
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1 **Applicability**

2 ~~This policy is applicable to all contracts, including but not limited to: contracts for~~
3 ~~the design, development, construction, operation and maintenance of school~~
4 ~~buildings and other buildings and structures owned, leased or used by the District~~
5 ~~or its contractors, assignees, lessees and licensees (facilities); contracts for~~
6 ~~professional services and contracts for the purchase of goods, services, supplies and~~
7 ~~equipment for the District and facilities.~~

8 **Discrimination Prohibited**

9 ~~Contractors, vendors and consultants that contract with the District (contractors),~~
10 ~~as well as Board employees involved in the procurement process, (1) shall not~~
11 ~~discriminate against businesses based on sex, race, color, ethnic or national origin,~~
12 ~~religion, marital status, disability, genetic information, age, political beliefs, sexual~~
13 ~~orientation, gender, gender identification, social and family background, linguistic~~
14 ~~preference, pregnancy, and any other legally prohibited basis, in connection with the~~
15 ~~award and/or performance of contracts or modification of a contract between a~~
16 ~~vendor or contractor and the Board which contract is paid for, in whole or in part,~~
17 ~~with Board appropriated funds, and (2) shall provide a full and fair opportunity for~~
18 ~~the participation of small/micro (SMBE), minority and women owned business~~
19 ~~enterprises (M/WBE) in contracts pursuant to Policy 6320 and Policy 6320.02.~~

20 **Definitions**

21 ~~“Contractors” includes any person, firm, partnership, non profit corporation,~~
22 ~~for profit corporation, limited liability company or other legal entity that contracts~~
23 ~~with the District.~~

24 ~~“Small/Micro, minority and women owned business enterprises” are defined in~~
25 ~~Policy 6320.02.~~

1 **Implementation**

2 A. ~~Articulation, Certification and Dissemination of the Policy~~

3 ~~The Office of Economic Opportunity (OEO), in conjunction with the~~
4 ~~Board Attorney's office, will develop language to be included in bid~~
5 ~~solicitations, requests for proposals, and contracts that clearly sets~~
6 ~~forth the objective of the policy (solicitation language). District~~
7 ~~employees shall include the solicitation language in all bids, public~~
8 ~~solicitations, requests for proposals, contracts and all~~
9 ~~communications to potential contractors, including those who wish~~
10 ~~to provide professional services to the District. For every bid or~~
11 ~~proposal submitted, contractors must certify that they will comply~~
12 ~~with this policy.~~

13 ~~The policy shall be articulated to the public in general, and to each~~
14 ~~contractor, assignee, lessee or licensee doing or seeking to do~~
15 ~~business with the District.~~

16 B. ~~Compliance~~

17 ~~Substantiated violations of this policy and the commercial~~
18 ~~anti discrimination provisions in Policy 6320 will result in~~
19 ~~sanctions. A violation of SDBE or M/WBE participation~~
20 ~~requirements under Policy 6320.02 may also be a violation of this~~
21 ~~policy.~~

22 **Sanctions**

23 ~~Sanctions for violation of this policy may include suspension, cancellation of the~~
24 ~~contract and/or debarment from future contracting opportunities with the District~~
25 ~~pursuant to Policy 6320.04.~~

26 **Investigation and Complaint Procedure**

27 ~~Any person or business who has a good faith belief that they have been subjected to~~
28 ~~prohibited discrimination under this policy may seek resolution through these~~
29 ~~procedures.~~

30 A. ~~Complaints Against Employees~~

31 ~~Complaints must be submitted in writing to the Civil Rights~~
32 ~~Compliance Office (CRC) pursuant to Policy 1362.02.~~

1 B. ~~Complaints Against Contractors~~

2 ~~Complaints against businesses must also be submitted in writing to~~
3 ~~the CRC. All complaints must include the following information to~~
4 ~~the extent it is available: (1) the identity of the individual or business~~
5 ~~believed to have engaged in, or is engaging in, prohibited~~
6 ~~discrimination under this policy, (2) a detailed description of the~~
7 ~~facts upon which the complaint is based; (3) a list of potential~~
8 ~~witnesses; and (4) identification of the resolution the complainant~~
9 ~~seeks. If the CRC determines that the complaint alleges prohibited~~
10 ~~discrimination, an investigation will be conducted according to its~~
11 ~~procedures.~~

12 ~~The compliance officer or designee will conduct an oral interview~~
13 ~~and prepare a written summary of the oral interview which will be~~
14 ~~presented to the complainant for verification by signature.~~

15 ~~Upon receiving a written complaint, the compliance officer will~~
16 ~~consider, in conjunction with the head of the division or department,~~
17 ~~whether any action should be taken in the investigatory phase to~~
18 ~~protect the complainant from further legally prohibited~~
19 ~~discrimination. In making such a determination, the compliance~~
20 ~~officer should consult the complainant to assess his/her agreement~~
21 ~~to any action deemed appropriate.~~

22 ~~Within three (3) business days of receiving the written complaint of~~
23 ~~legally prohibited discrimination, the compliance officer will inform~~
24 ~~the individual or company alleged to have engaged in the prohibited~~
25 ~~conduct that a complaint has been received.~~

26 ~~Within five (5) business days of receiving the complaint, the~~
27 ~~compliance officer or a designee will initiate a formal investigation to~~
28 ~~determine whether the complainant has been subject to prohibited~~
29 ~~discrimination.~~

30 ~~The compliance officer or designee will complete an investigation~~
31 ~~into the allegations of discrimination within forty five (45) calendar~~
32 ~~days of receiving the written complaint. The investigation will~~
33 ~~include:~~

- 34 1. ~~interviews with the complainant;~~

1 2. ~~interviews with the respondent;~~

2 3. ~~interviews with any other witnesses who may reasonably be~~
3 ~~expected to have any information relevant to the allegations;~~

4 4. ~~consideration of any documentation or other evidence~~
5 ~~presented by the complainant, respondent, or any other~~
6 ~~witness which is reasonably believed to be relevant to the~~
7 ~~allegations.~~

8 ~~At the conclusion of the investigation, the respondent and the~~
9 ~~complainant will be provided a written report of the findings~~
10 ~~summarizing the evidence gathered during the investigation and the~~
11 ~~final determination of the case. If a finding of probable cause~~
12 ~~occurs, the CRC will forward the completed investigative report,~~
13 ~~including the determination of probable cause, to the~~
14 ~~Superintendent to review the findings and make a recommendation~~
15 ~~for sanctions and final disposition of the case.~~

16 ~~Complaints should be submitted as soon as possible after the~~
17 ~~prohibited conduct occurred while the facts are known and potential~~
18 ~~witnesses are available, and to ensure the prompt elimination of the~~
19 ~~conduct in question. Failure on the part of the person or business~~
20 ~~to initiate and/or follow up on a complaint in a timely manner may~~
21 ~~result in the claim being considered abandoned. A contractor who~~
22 ~~fails to cooperate with the investigation will be subject to the~~
23 ~~sanctions for violation of this policy.~~

24 ~~The complaint and any investigation shall remain confidential and~~
25 ~~not subject to disclosure under F.S. Chapter 119 until a final~~
26 ~~determination is made. When a final determination is made, the~~
27 ~~complaint and any records created or obtained during the~~
28 ~~investigation will be subject to disclosure as public records under~~
29 ~~F.S. Chapter 119.~~

30 ~~These procedures are not intended to interfere with any person's~~
31 ~~right to pursue a complaint of legally prohibited discrimination with~~
32 ~~any State or Federal enforcement agency.~~

1 **Staff Training**

2 ~~In all aspects of procurement throughout the District, the Board shall promote~~
3 ~~transparency, accountability, and diversity and inclusion of all businesses. Because~~
4 ~~of the multi racial, multi ethnic and culturally diverse District staff, the~~
5 ~~Superintendent shall provide mandatory anti discrimination, diversity, and~~
6 ~~inclusion training to all District staff involved in any and all District procurement~~
7 ~~processes.~~

8 Adopted 11/19/14

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