

Related Entries: (1.27, 1.28, 5.32, 5.33)

**Commercial Anti-Discrimination  
in Business Operations and Practices**

The Board seeks to create an environment where all businesses may participate in business opportunities with the District and flourish without the impediments or barriers of discrimination.

(1) Discrimination Prohibited

Contractors, business entities, District-approved vendors, and consultants that contract with the District, as well as District staff involved in the procurement process must assure compliance with this policy and

(a) shall not discriminate against a business or individual based on 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 award or performance of contracts or modification of an agreement between a vendor or contractor and the Board which contract is paid for, in whole or in part, with Board appropriated funds; and

(b) must provide a full and fair opportunity for the participation of Small Business Enterprise in contracts and agreements under Board Policies 6.072.

(2) Applicability

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

(3) Definitions

(a) Business Entity/Contractor/District Approved Vendor – includes any person, firm, partnership, nonprofit corporation, for-profit corporation, limited liability company, or other legal entity that executes a contract or agreement with the Board.

(b) Complainant – means a person or business entity that makes a formal charge alleging wrongdoing.

(c) Discrimination – means the unfair or unequal treatment of an individual or group based on sex, race, color, ethnic or national origin, religion, marital status,

47 disability, genetic information, age, political beliefs, sexual orientation, gender,  
48 gender identification, social, and family background, linguistic preference,  
49 pregnancy, and any other legally prohibited basis, in connection with the  
50 solicitation, selection, award, or performance of contracts or modification of an  
51 agreement between a vendor or contractor and the Board which contract is paid  
52 for, in whole or in part, with Board appropriated funds.

53  
54 (d) Good Faith Belief – is a broad term encompassing a sincere belief or motive  
55 without malice or the desire to defraud others.

56  
57 (e) Probable Cause – means the conclusion of apparent facts discovered through  
58 logical inquiry that would lead a reasonably intelligent and prudent person to  
59 believe that an accused person or business entity has committed the alleged  
60 act(s).

61  
62 (f) Respondent – a person or business entity called on to respond to an allegation  
63 made by another; it refers to a proceeding commenced by an investigation.

64  
65 (g) Small Business Enterprises are defined in Board Policy 6.072.

66  
67 (4) Implementation

68  
69 (a) Articulation of the Policy

70  
71 The legal department will develop language to be included in bid solicitations,  
72 requests for proposals, requests for qualifications, agreements, and contracts that  
73 comply with the objectives of this policy (to include solicitation language). District  
74 staff shall include this required solicitation language in all bids, public solicitations,  
75 requests for proposals, requests for qualifications, contracts, agreements, and all  
76 communications to business entities or District-approved vendors, including those  
77 who wish to provide professional services to the District.

78  
79 (b) Certification of Compliance with the Policy

80  
81 The certification of compliance requires that the business entity or its authorized  
82 representative submit its written policies and/or procedures regarding adherence  
83 to Federal, State, and local laws, ordinances, and Board policy regarding non-  
84 discriminatory employment or procurement practices. The written policies and/or  
85 procedures along with the required District documentation must be submitted at the  
86 time the business entity registers to be a vendor with the District, responds to any  
87 solicitation published by the District, and/or at the time the business entity enters  
88 into any agreement or contract with the District.

89  
90 (c) Dissemination of Policy

91  
92 The policy shall be articulated to the public and to each business entity, vendor,  
93 contractor, assignee, lessee, or licensee doing or seeking to do business with the  
94 District.

95  
96

97 (5) Complaint Process  
98

99 Any person, business entity, or District-approved vendor, who has a good-faith belief that  
100 they have been subjected to prohibited discrimination under this policy, may seek  
101 resolution through the procedures outlined below:  
102

103 (a) Complaints Against District Employees  
104

105 An individual or business entity who has a good-faith belief that they have been  
106 the subject of discrimination by District staff based on the protected categories  
107 listed within this policy must submit the allegation(s) in writing to the  
108 Superintendent's Office and must comply with the District's anti-discrimination  
109 complaint process outlined in Board Policies 5.32 and 5.33. No anonymous  
110 complaints shall be accepted or processed.  
111

112 (b) Complaints Against Business Entities/District-Approved Vendors  
113

114 An individual or business entity that has a good-faith belief that it has been the  
115 subject of discrimination by a District-approved vendor based on the protected  
116 categories listed within this policy must submit the allegation in writing to the  
117 Superintendent's Office. No anonymous complaints shall be accepted or  
118 processed.  
119

120 The complaint will be thoroughly investigated by the Superintendent's designee, who  
121 will process its findings according to the following procedures:  
122

123 1. Investigative Process  
124

125 Complaints must be submitted within 180 days after the prohibited conduct  
126 occurred while the facts are still known and potential witnesses are available  
127 to promptly eliminate the behavior in question. Failure on the part of the  
128 person or business to initiate and/or follow up on a complaint in a timely  
129 manner may result in the claim being considered abandoned. A business  
130 entity or District-approved vendor that voluntarily fails to cooperate with the  
131 investigation will be subject to the available sanctions applicable to this  
132 policy and discipline per Board Policy 6.0713 and its contractual terms with  
133 the Board.  
134

135 All complaints must include the following information to the extent it is  
136 available:  
137

- 138 a. The identity of the individual or business believed to have engaged in or  
139 is engaging in prohibited discrimination under this policy;
- 140 b. A detailed description of the facts on which the complaint is based;
- 141 c. A list of potential witnesses; and
- 142 d. Identification of the resolution the complainant seeks.  
143  
144  
145  
146

147 Upon receiving a written complaint, the Superintendent's designee, in  
148 conjunction with the head of the division or department, shall determine  
149 whether any action should be taken in the initial inquiry phase to protect the  
150 complainant from further legally prohibited discrimination. The  
151 Superintendent's designee should consult with the complainant to assess  
152 their agreement to any appropriate action in making such a determination.  
153

154 Within five (5) business days of receiving the complaint, the Superintendent's  
155 designee will initiate a formal investigation to determine whether the  
156 complainant has been subjected to prohibited discrimination.  
157

158 Within five (5) business days of receiving the written complaint of legally  
159 prohibited discrimination, the Superintendent's designee will inform the  
160 individual or business entity alleged to have engaged in the prohibited  
161 conduct that a complaint has been received.  
162

163 The Superintendent's designee will conduct an oral interview and prepare a  
164 written summary of the interview, presented to the complainant for  
165 verification and signature.  
166

167 If the Superintendent's designee determines that the complaint alleges  
168 prohibited discrimination, an investigation will be conducted according to the  
169 procedures outlined within this policy. The Superintendent's designee will  
170 complete the investigation into the allegations(s) of discrimination within  
171 forty-five (45) business days of receiving the written complaint. The  
172 investigation will include:

- 173 a. Interviews with the complainant;  
174  
175 b. Interviews with the respondent;  
176  
177 c. Interviews with any other witnesses who may reasonably be expected  
178 to have any information relevant to the allegations; and  
179  
180 d. Consider any documentation or other evidence presented by the  
181 complainant, respondent, or any other witness reasonably believed to  
182 be relevant to the allegations.  
183  
184

185 After the investigation, the respondent and the complainant will be provided  
186 with a written report of the findings summarizing the evidence gathered  
187 during the investigation and the final determination of the case.  
188

189 If a finding of probable cause is determined, the Superintendent's designee  
190 will forward the completed investigative report to the Superintendent or  
191 designee to review the findings and recommend potential sanctions,  
192 recommend proceeding with discipline per School Board Policy 6.0713  
193 (Contractor Discipline) or recommend any other final disposition of the case.  
194  
195  
196

- 197                   2.    Compliance/Sanctions  
198  
199                    Substantiated violations of this policy or any of the provisions found in Policy  
200                    1.27 (Non-Discrimination) or 1.28 (Ethics in Education) will result in  
201                    sanctions, including suspension, vendor default, contract cancellation, or  
202                    debarment, as outlined in Board Policy 6.0713 (Contractor Discipline) and  
203                    6.071 (Debarment).  
204
- 205   (6)    Confidentiality  
206  
207            All investigations shall remain confidential or exempt pursuant to the requirements and  
208            limitations of F.S. Chapter 119.  
209
- 210   (7)    Alternative Enforcement  
211  
212            These procedures are not intended to interfere with any person’s right to pursue a  
213            complaint of legally prohibited discrimination with any local, State, or Federal  
214            enforcement agency.  
215
- 216   Adopted:  6/14/22  
217  
218   Statutory Authority: 1001.41, 1001.42, 1001.43, F.S.  
219   Office of Legal Services 2022