

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 1-18.0

**RE: POLICY STATEMENT AND CIVIL RIGHTS COMPLAINT PROCEDURES**

**WHEREAS**, Article V of the Florida Constitution and the Florida Rules of Judicial Administration give the Chief Judge responsibility for the proper administration of the courts and;

**WHEREAS**, the Florida Supreme Court has directed that all courts adopt a procedure for resolving complaints of discrimination by and against officers and employees of the court;

Effective immediately, it will be the policy of this court to provide a workplace free from any and all forms of illegal discrimination and to provide equal employment opportunity to every employee and applicant for employment based solely on his or her qualifications to perform the job, and without discrimination on account of race, ethnicity, sex, religion, natural origin, disability, marital status, sexual orientation, or age except as provided by law, with respect to recruitment, appointment, training, promotion, retention, separation, or any other employment practice.

Additionally, in accordance with Title I of the American Disabilities Act (ADA) of 1990, the courts of the Tenth Judicial Circuit will not discriminate in any employment practice against qualified individuals with a disability, individuals regarded as having a disability, or individuals with an association with a person with a known disability. It will be the policy of the Tenth Circuit to provide a reasonable accommodation, if necessary, to all qualified individuals with a disability in order to assure equal opportunity in the application process, to enable a qualified individual with a disability to perform the essential functions of a job, and to enable an employee with a disability to enjoy equal benefits and privileges of employment. A reasonable accommodation will be made, on a case by case basis, if it does not impose an undue hardship on court operations.

It will also be the policy of the courts in the Tenth Judicial circuit to make the workplace free of sexual harassment. Sexual harassment occurs if there are unwelcome sexual advances; unwelcome requests for sexual favors; or unwelcome verbal or physical conduct of a sexual nature from or involving an employee's supervisors, peers, subordinates or other persons in contact with an employee during the course of the conduct of the employee's business when:

1. Submission to such conduct is either explicitly or implicitly a term or condition of employment; or
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 interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

It is the policy of the Tenth Circuit that all complaints of discrimination shall be treated seriously and acted upon promptly in accordance with the procedures attached hereto.

Failure to comply with this policy may result in discipline up to and including dismissal, and/or referral to appropriate enforcement and disciplinary bodies. No individual shall be discriminated against, harassed, threatened, or intimidated for filing a complaint under these policies. Any employee who knowingly files a false complaint may be subject to discipline up to and including dismissal.

**DONE and ORDERED** in Chambers, at Bartow, Polk County, Florida, this 27th day of June, 1995.

RANDALL G. MCDONALD,

Chief Judge

## TENTH JUDICIAL CIRCUIT CIVIL RIGHTS COMPLAINT PROCEDURES

This procedure is adopted pursuant to Administrative Order in Re: Personnel Rules and Regulations issued by the Chief Justice of the Supreme Court on September 23, 1993 and sets forth the steps to be taken to investigate and provide for a prompt and equitable resolution to complaints of discrimination in employment decisions.

Only complaints of discrimination, by and against officers and employees of the Tenth Judicial Circuit, because of race, religion, sex, including sexual harassment, national origin, age, disability, marital status, or sexual orientation should be filed using the procedures described herein.

### A. Intake Officer

The Court shall designate an intake officer who shall be responsible for receiving and documenting complaints of discrimination by and against Tenth Judicial officers and employees. The name, office location, and phone number of the intake officer shall be posted in a prominent place with the Administrative Order and this procedure. The intake officer for the Tenth Judicial Circuit shall be the Court Administrator or the Chief Judge.

### B. Procedure

1. All complaints of discrimination shall be treated seriously and acted upon promptly. Any officer, employee, or applicant for employment, who believes that he or she is a victim of discrimination, should report the matter either orally or in writing, to one of the intake officers or the employee's supervisor, within ninety (90) days of the date of the alleged violation. If reported to the supervisor, the supervisor will report the complaint to one of the intake officers.
2. The intake officer receiving the complaint shall interview the officer or employee the complaint is against and report the details of the complaint to the Chief Judge within five (5) working days. Complaints of discrimination under the Americans with Disabilities Act shall also be referred to the Court's ADA coordinator. The Chief judge may attempt to resolve the complaint, informally, through mutual conciliation, or appoint an investigative officer(s) who will make an investigation and report to the Chief Judge on this matter.
3. If mutual conciliation is agreed upon by the complainant and the officer or employee the complaint is against, the Chief Judge, or an appointed representative, will meet with the individuals involved to discuss the nature of the complaint and methods for resolution. The Chief Judge, his or her appointed representative, or the individuals involved, may recommend alternative dispute resolution as a method for resolving the complaint. Alternative dispute resolution may be initiated at any stage of this procedure.

4. If an investigative officer(s) is appointed:

(1) The investigative officer(s) shall:

a. Interview the complainant concerning the nature and facts of the complaint.

b. Interview the officer or employee the complaint is against to obtain his or her understanding of the complaint, and his or her perception of the facts of the complaint. The officer or employee the complaint is against may prepare a written response to the complaint.

c. Interview any witnesses as the investigative officer(s) deems necessary.

d. Prepare and submit a written report to the Chief Judge describing the nature and facts of the complaint.

(2) The Chief Judge shall make a determination of the validity of the complaint. The Chief Judge may meet with all individuals concerned with a goal toward mutual resolution, dismiss the complaint, authorize appropriate discipline up to and including dismissal, or refer the complaint to the appropriate outside agency. The Chief Judge may meet with the complainant and the officer or employee the complaint is against, either separately or together, and inform them of his or her decision.

### C. Confidentiality

Written materials developed through the use of this procedure are confidential pursuant to Rule 2.051, Public Access to Judicial Records, Florida Rules of Judicial Administration.

D. Irrespective of these internal procedures, the complainant retains the right before, during, or after the proceedings, to seek remedy outside the court's internal procedure as provided by law. The complainant may file a charge with the EEOC, or with the Florida Commission on Human Relations (FCHR). The EEOC may be reached toll free at (800) USA EEOC. The FCHR is located at 325 John Knox Road, Building F, Suite 240, Tallahassee, Florida, 32303-4113.

Additionally, the Judicial Qualifications Commission, Under Article V Section 12 of the Florida constitution, has the jurisdiction to investigate all reported instances of judicial misconduct. The Judicial Qualifications Commission is located at Room 102, The Historic Capitol, Tallahassee, Florida, 32399-6000. Ms. Brooke S. Kennerly, Executive Director, can be contacted at (904) 488-1581.

The Board of Governors of The Florida Bar, by authority of the Supreme Court, and under its Rules and Regulations, has the jurisdiction to investigate all reported instances of misconduct by members of The Florida Bar. The Florida Bar is located at 650 Appalachee Parkway, Tallahassee, Florida 32399-2300.

**E. Records**

All records of complaints of discrimination and their resolution shall be documented and maintained by the intake officer. If an investigation takes place, and the investigative officer has submitted a written report to the Chief Judge, any record of any resulting disciplinary action will be maintained in the disciplined employee's personnel file.

# STATEMENT OF GRIEVANCE

This form may be used to file complaints alleging discrimination because of race, religion, sex, disability, sexual harassment, national origin, age, marital status or sexual orientation.

Name of Individual Making the Complaint \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Evening Telephone \_\_\_\_\_

Upon completion, this form should be sent or delivered to the Office of the Court Administrator, Polk County Courthouse.



Complete the following section if the complaint is being filed by a person other than the individual making the complaint.

Complaint Filed By \_\_\_\_\_

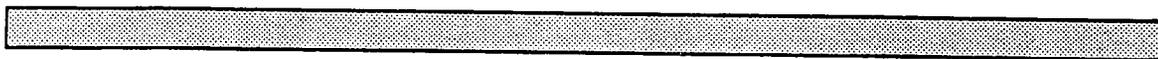
Title (if appropriate) \_\_\_\_\_

Firm (if appropriate) \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Evening Telephone \_\_\_\_\_



This section is for court use only

Date Filed \_\_\_\_\_ Time Filed \_\_\_\_\_

Complaint Taken By \_\_\_\_\_

Staff Person's Name



Complainant's Last Name \_\_\_\_\_

State the desired remedy or the solution requested.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List those witnesses who can provide information that supports or is relevant to your complaint.

Witness \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Day Telephone \_\_\_\_\_ Evening Telephone \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Day Telephone \_\_\_\_\_ Evening Telephone \_\_\_\_\_

