

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA  
ADMINISTRATIVE ORDER NO. 10.10

**CIVIL RIGHTS COMPLAINT PROCEDURE**

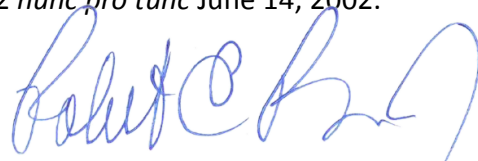
**WHEREAS**, Courts are required to adopt a procedure to resolve complaints of discrimination by and against officers and employees and the Supreme Court of Florida has developed a civil rights complaint procedure as set forth in its Administrative Order of September 23, 1993. The Chief Judge of the Eighth Judicial Circuit has administrative authority for personnel and operations in this circuit and finds that the Florida Supreme Court's civil rights complaint procedure meets the needs of the circuit and should be adopted for use in the Eighth Judicial Circuit. It is therefore

**ORDERED** that

1. The attached Civil Rights Complaint Procedure for the Eighth Judicial Circuit is hereby adopted for use in this circuit.
2. A copy of the Civil Rights Complaint Procedure for the Eighth Judicial Circuit and this administrative order shall be delivered to all State Court employees within this circuit.
3. The Deputy Court Administrator for Personnel is appointed as the intake officer responsible for reviewing and documenting complaints of discrimination by and against State Court officers and employees in the Eighth Judicial Circuit.
4. This order replaces Administrative Order 8.1140 (A) dated January 5, 1999.

This order renumbers and reformats prior Administrative Order No. 8.1140(B) entitled "Civil Rights Complaint Procedure."

**ORDERED ON** this 5<sup>th</sup> day of October 2012 *nunc pro tunc* June 14, 2002.



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Robert E. Roundtree, Jr., Chief Judge

**ATTACHMENT "A"**  
**CIVIL RIGHTS COMPLAINT PROCEDURE FOR THE EIGHTH JUDICIAL CIRCUIT**

This procedure 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 Eighth Judicial Circuit, because of race, religion, sex, including sexual harassment, national origin, age, disability or marital status should be filed using the procedures described herein.

**A. INTAKE OFFICER**

The Chief Judge has appointed the Deputy Court Administrator for Personnel to be responsible for receiving and documenting complaints of discrimination by and against Eighth Judicial Circuit officers and employees. The name, office location, and phone number of the intake officer shall be posted in a prominent place along with a copy of this procedure.

**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 the intake officer 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 the intake officer.

2. The intake officer 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 who will make an investigation and report to the Chief Judge.

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, or 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 is appointed:

(1) The investigative officer 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 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.

5. All interviews conducted in accordance with this policy shall be electronically recorded or reported by a court reporter.

### **C. CONFIDENTIALITY**

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

#### **D. OTHER RIGHTS AND REMEDIES**

Irrespective of these internal procedures, the complainant retains the right before, during, or after the proceedings, to seek remedy outside of 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) 669-4000. The FCHR is located at 325 John Knox Road, Building F, Suite 240, Tallahassee, Florida, 32303-4149 and can be reached at (850) 488-7082 or (800) 342-8170.

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 1110 Thomasville Road, Tallahassee, Florida, 32303-6224. The Executive Director, Brooke S. Kennerly, can be contacted at (850) 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 and can be contacted at (850) 561-5600.

#### **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 may be maintained in the disciplined employee's personnel file or other file as determined by the Chief Judge.