

Procedures for Policy 102 - **Equal Educational and Employment Opportunity**

I. Benefits

- A. Educational practices covered under Policy 102 - Equal Educational and Employment Opportunity include, but are not limited to access to:
 - 1. Course offerings
 - 2. Curricular materials
 - 3. Counseling practices
 - 4. Extracurricular activities
 - 5. Athletics
 - 6. Use of school facilities

- B. Employment practices covered under Policy 102 - Equal Educational and Employment Opportunity include, but are not limited to:
 - 1. Employment criteria
 - 2. Advertising
 - 3. Pre-employment inquiries
 - 4. Job classification and structure
 - 5. Hiring and termination

II. Equal Opportunity Grievance

A. Definitions:

- 1. Grievance: A complaint about an alleged violation, misinterpretation, or inequitable application of state or federal laws and regulations or District policy and procedures designed to provide equality in the educational program and employment practice.

- 2. Grievant: A parent/guardian, student, or District employee who believes that in the past twenty days there is or has been a violation, misinterpretation, or inequitable application of state or federal laws and regulations or District policy and procedures designed to provide equality in the educational program and employment practices.

- 3. Days: All weekdays, excluding holidays and weekends.

- 4. Discriminatory act: An act reflecting a bias against a person on the basis of race, color, creed, religion, national origin, sex, sexual orientation, age, marital or parental status, or status with regard to public assistance or disability.

B. Use:

- 1. This grievance procedure is established for use by parents/guardians, students, and District employees as a systematic means of resolving disputes about alleged discriminatory acts.

- 2. This procedure may be used by any person who has a complaint against the District or any individual within the District for alleged discriminatory acts in violation of state or federal statutes or District policy prohibiting discrimination.

- 3. Nothing provided herein will abridge or in any way limit the right of any individual to seek enforcement of state or federal laws by immediate appeal to any state or federal agency. Any complaints filed by outside agencies must, under the law, be filed against the District.

C. Reporting Procedure:

1. Victims of alleged discrimination and third persons with knowledge or belief of conduct constituting discrimination are encouraged to report to District officials as designated herein.

a. Building level:

The Principal is the responsible authority for receiving reports of discrimination at the building level. The Principal, upon receiving any such report, must forward the report in confidence to the District Human Rights Officer within three days. The Principal is to perform no screening or investigation. Failure of the Principal to forward any report of alleged discrimination will result in discipline consistent with the terms of any applicable collective bargaining agreement.

b. District level:

The District will designate a District Human Rights Officer as the responsible authority for receiving reports of discrimination directly from any individual, employee, or victim of discrimination and also from the Principal as outlined above. The name, mailing address, and phone number of the District Human Rights Officer will be posted in each building.

D. Investigation and Recommendations:

Upon receiving any report alleging discrimination, the District Human Rights Officer will conduct an investigation and make a written recommendation to the Superintendent within thirty days. In determining whether the alleged conduct constitutes discrimination, the District Human Rights Officer will look at the facts of the allegation, as well as relevant case law, state and federal laws and regulations, and the School Board's policy on prohibiting discrimination.

E. Retaliation:

Consistent with the terms of any applicable collective bargaining agreement and any applicable statutes, the District will discipline any individual who retaliates against any person who reports alleged discrimination, or who testifies, assists, or participates in any manner in any investigation, proceedings, or hearing relating to the report alleging discrimination. A retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

F. District Action:

1. Upon receipt of a recommendation from the District Human Rights Officer that probable cause exists to credit the allegations of discrimination, the Superintendent may take action based on the report and recommendation of the District Human Rights officer, or the Superintendent may conduct further investigation into the charges.
2. Further investigation by the Superintendent must be completed within thirty days of receipt of the recommendation from the District Human Rights Officer.
3. Pending further investigation, the Superintendent may take any action necessary to protect the alleged victim, other employees, or students consistent with requirements of applicable collective bargaining agreements and statutes, if any.

4. Consistent with requirements of applicable collective bargaining agreements and statutes, if any, the Superintendent may take such action as he or she deems necessary and appropriate, including termination, to end discrimination found to exist.

Procedure 102 Dated: 12/13/04

School Board
INDEPENDENT SCHOOL DISTRICT 659
Northfield, Minnesota

Legal References:

Federal Laws:

Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972.

Executive Order No. 11246.

The Equal Pay Act of 1963 as amended by the Education Amendments, 1972.

Title IX of the Education Amendments of 1972.

State Laws:

Minnesota Human Rights Act, as amended.

Chapter 121A.04

Other Laws/Regulations:

Other laws, rules and regulations, which place requirements on school districts to pursue non-discriminatory practices.

Notification Statement