

# REGULATION

## Upper Freehold Regional School District

Section: Administration

1530. EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

Date Created: February, 2004

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1530. EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

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### A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of state and federal laws and Policy No. 1530, guaranteeing “equal access to all categories of employment without regard to the candidate's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.”
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual employees.

### B. Definitions

1. “Board of Education” means the Board of Education of the Upper Freehold Regional School District.
2. “Complaint” means an alleged discriminatory act or practice.
3. “Complainant” means a teaching staff member who alleges a discriminatory act or practice.

4. “Day” means a working or calendar day as identified.
5. “Discriminatory act or practice” means denial of equal employment opportunity in violation of state and federal laws and Policy No. 1530.
6. “School district” means the Upper Freehold Regional School District.

C. Procedure

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within **ten working days**, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
  - a. The complainant's name and address,
  - b. The specific act or practice that the complainant complains of,
  - c. The school employee, if any, responsible for the allegedly discriminatory act,
  - d. The results of discussions conducted in accordance with, and
  - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than **ten working days** after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within **ten working days** after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place

convenient to the parties, but no later than **ten working days** after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.

6. The Superintendent will render a written decision in the matter no later than **ten working** days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than **ten working** days after receipt of the Superintendent's decision. The appeal shall include:
  - a. The original complaint,
  - b. The response to the complaint,
  - c. The Superintendent's decision,
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
  - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than **forty-five** calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:
  - a. Commissioner of Education  
Division of Controversies and Disputes  
New Jersey State Department of Education  
**225 West State Street PO Box 500**  
Trenton, New Jersey 08625 **0500**

Telephone: (609) 292-5705 (877) 900-6900 or the

- b. New Jersey Division on Civil Rights  
Trenton Regional Office  
Office of the Attorney General  
140 East Front Street – 6<sup>th</sup> Floor  
~~1100 Raymond Boulevard~~  
Trenton Newark, New Jersey 07625-0090 07102  
Telephone: (609) 292-4605 (973) 648-2700

D. Record

1. The records of any complaint processed in accordance with this procedure shall be maintained in a file kept by the Affirmative Action Officer.
2. A copy of the decision rendered at the highest level of appeal will be kept in the employee's personnel file.

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