## 1530 (R) EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

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 statutes and administrative codes, and Federal laws and Policy 1530, guaranteeing "equal access to all categories of employment without discriminating on the basis of any of the protected categories listed at N.J.A.C. 6A:7-1.1(a)."

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 this school district.

2. "Complaint" means an alleged discriminatory act or practice.

3. "Complainant" means a 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 statutes and administrative codes and Federal laws and Policy 1530.

6. "School district" means this school district.

C. Procedure

1. A complainant who believes that they have been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with their immediate supervisor in an attempt to resolve the matter informally.

2. If the matter is not resolved to the satisfaction of the complainant within thirty working days of the discussion with their supervisor, the complainant may submit a complaint to the Affirmative Action Officer. The complaint may be reported: in person; in writing; verbally by telephone; by mail to the office address; or by electronic mail. The complaint may be reported during business or non-business hours.

3. The complaint shall include:

a. The complainant's name and address;

b. The specific act or practice of which the complainant complains;

c. The school employee, if any, responsible for the allegedly discriminatory act;

d. The results of discussions conducted in accordance with C.1. above; and

e. The reasons why the results of the discussions were not satisfactory to the complainant.

4. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the complaint filed in accordance with C.2. above. A copy of the complaint and the response will be forwarded to the Superintendent.

5. The Affirmative Action Officer's written response may be appealed to the Superintendent in writing within three 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.

6. On their 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 seven 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.

7. The Superintendent will render a written decision in the matter no later than seven 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.

8. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three 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.

9. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.

10. 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.

11. 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.

12. The complainant will be informed of their right to appeal the Board's decision to the:

    a. Commissioner of Education

       New Jersey State Department of Education
       P.O. Box 500
       Trenton, New Jersey 08625-0500 or the

    b. New Jersey Division on Civil Rights

       Central Regional Office
       Office of the Attorney General
       140 East Front Street – 6th Floor
       Trenton, New Jersey 08625-0090

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 finding a discriminatory act has occurred shall be kept in the personnel file of the employee found to have committed a discriminatory act.

Adopted: August 24, 2016
Revised: April 30, 2024