

## PROCEDURE 102 – EQUAL EDUCATIONAL AND EMPLOYMENT OPPORTUNITY

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- 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, curricular materials, counseling practices, extracurricular activities and athletics
    2. Use of school facilities
    3. A free appropriate public education in accordance with Section 504 of the Rehabilitation Act of 1973 through proper identification, evaluation and appropriate educational accommodations
  - B. Employment practices covered under Policy 102 – Equal Educational and Employment Opportunity include, but are not limited to:
    1. Employment criteria, employee recruitment, job classifications, essential functions of jobs
    2. Hiring and termination
- II. Equal Opportunity Grievance
  - A. Definitions
    1. Grievance means a complaint about an alleged violation, misinterpretation, or inequitable application of state and federal laws and regulations or school district policy and procedures designed to provide equality in the educational program and employment practices
    2. Grievant means a parent or guardian, student, or school district employee who believes that in the past twenty days there is or has been a violation, misinterpretation, or inequitable application of state and federal laws and regulations or District policy and procedures designed to provide equality in the educational program and employment practices.
    3. Days
      - a. For purposes of a grievance about educational practices, days during which school are in session.
      - b. For purposes of a grievance about employment practices, days during which the complaining employee is scheduled to work.
    4. Discriminatory act means 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. Any person who has a complaint against the school district or any individual within the school district for alleged discriminatory acts in violation of state or federal statutes or school district policy prohibiting discrimination may use this procedure.
    2. Nothing in this procedure is intended to abridge or limit the right of any individual to seek enforcement of state and federal laws through action in a court of law or through appeal to a state or federal agency.
    3. The school district encourages all grievances to be resolved with the individual closest to the issue.
      - a. If the attempts to resolve grievances at the building or department level are not successful: Grievances concerning employment practices covered by this policy should be filed with the school district's Human Rights Officer.

- b. Grievances concerning identification, evaluation, educational placement or provisions of a free appropriate public education in accordance with Section 504 should be filed with the school district's 504 Coordinator.
- c. Grievances concerning discrimination on the bases of sex or pregnancy should be filed with the school district's Title IX Coordinator.

C. Grievance Procedure

Step 1:

The grievance should be in writing if practicable, must fully communicate the facts of the alleged discriminatory practices, must specify the remedy being sought, and must be signed or affirmed by the person making the complaint. The grievance must be submitted to the Human Rights Officer, 504 Coordinator or Title IX Coordinator within thirty (30) days of the alleged discriminatory practice or within ten (10) days of the denial of relief at the building or department level. The Human Rights Officer, Section 504 Coordinator, or Title IX Coordinator will investigate the matter and issue a written report on the status of the allegation and remedy within ten (10) days from the date the grievance was received, unless the complexity of the investigation mandates a longer time for a thorough investigation. Alternate means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities that limit their ability to communicate in writing.

Step 2:

If the complainant wishes to appeal the decision of the Human Rights Officer, Section 504 Coordinator or Title IX Coordinator, the complainant may submit a signed statement of appeal to the Superintendent of Schools within five days of receiving the decision issued in Step 1. The Superintendent will respond in writing within ten (10) days. The Superintendent will affirm, reverse, or modify the written report of the Human Rights Officer, 504 Coordinator, or Title IX Coordinator.

Step 3:

If the complainant remains unsatisfied, he or she may appeal through a signed written statement to the School Board within five (5) days of his or her receiving the Superintendent's response in Step 2. The Board shall review the appeal within forty (40) calendar days of the receipt of the appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of the review.

Step 4:

- a. If at this point the grievance about educational practices has not been satisfactorily settled, further appeal may be made to the Office of Civil Rights:

Office of Civil Rights – Chicago Office  
U.S. Department of Education  
Citigroup Center, Suite 1475  
500 West Madison Street  
Chicago IL 60661  
Telephone: 312-730-1560

- b. If at this point the grievance about employment practices has not been satisfactorily settled, the employee may file a complaint with the appropriate administrative agency or in a court with appropriate jurisdiction.

D. 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. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

Procedure 102 Revised: 01/27/15

Procedure 102 Revised: 09/23/14

Procedure 102 Revised: 09/10/13

Procedure 102 Revised: 11/27/12

Procedure 102 Adopted: 12/19/00

(formerly Procedure 8410)

20 U.S.C. §1681

29 U.S.C. § 794 et seq. (Section 504)

34 C.F.R. §106.8

***Legal References:***

Minn. Stat. § 121A.03, subd. 2

Minn. Stat. Ch. 363A

School Board

INDEPENDENT SCHOOL DISTRICT 279

Maple Grove, Minnesota