



Affirmative Action Complaint Procedures

Bernice Simmons

ROSELLE BOARD OF EDUCATION



AFFIRMATIVE ACTION

COMPLAINT PROCEDURES:

If you believe that you have been subject to discrimination based on race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, familial status, or military service status, you may seek a remedy from the School District by filing a Complaint in accordance with these procedures. Discrimination can include harassment. Students may also seek a remedy for discrimination based upon socioeconomic status and for bullying, harassment, or intimidation.

These complaint procedures are available to the entire school community including but not limited to students, employees, and parents. All complaints will be investigated. It is not always possible to honor a person's request for confidentiality. In many instances, you may be entitled to seek a remedy directly from the New Jersey Division of Civil Rights, the Equal Employment Opportunity Commission, the United State Office of Civil Rights, and/or the New Jersey Department of Education:

The New Jersey Division of Civil Rights
31 Clinton Street
Newark, NJ 07102
973-648-2700

United States Department of Education
Office for Civil Rights
32 Old Slip, 26th Floor
New York, NY 10005
646-428-3890

Equal Employment Opportunity
Commission
One Newark Center
Newark, NJ 07102
973-645-6383

New Jersey Department of Education
Bureau of Controversies and Disputes
225 West State Street
Trenton, NJ 08625
609-292-5706

FILING A COMPLAINT:

Any person who believes he/she has been subjected to discrimination or has evidence of discrimination by an employee, student, or an outside vendor should file a written complaint with the Building Affirmative Action Representative. The Building Affirmative Action Representative will provide a monthly report (as to all pending matters) to the District Affirmative Action Officer (Bernice Simmons) .

Emergency situations will be reported immediately to the District Affirmative Action Officer and the District Superintendent (Dr Baker). All persons are encouraged to file a complaint as soon as possible. The District will investigate all complaints.

Complaints made to Board members, administrators, supervisors, principals, department heads, directors, teachers, counselors or other staff must be immediately referred to the Building Affirmative Action Representative. Investigations by others are strictly prohibited.

Written complaints should include:

- a. A detailed description of what occurred including any verbal comments and responses from both parties;
- b. A list of any persons with knowledge of the discrimination;
- c. If known, the specific date(s) and location(s) of the action or incident(s).
- d. Describe the relief sought.

The Building Affirmative Action Representative shall advise the District Affirmative Action Officer of all complaints related to staff members, and the nature of same, within 24 hours of receipt of the initial report.

COMPLAINT INVESTIGATION:

In most instances, complaints will be investigated by the Building Affirmative Action Representative. Where appropriate, the District Superintendent may determine that the investigation will be performed in whole, or in part, by a third party investigator and/or District Counsel.

In the event that information is received by a staff member that indicated a student may have been subject to sexual abuse/misconduct/contact of any kind in violation of criminal statutes, an immediate report must be made by such staff member to DCP&P at 1-877-NJ ABUSE, (652-2873) then to the Building Principal. The Building Principal must then make an immediate report to his/her Superintendent/Assistant Superintendent, to Police, and to the District Affirmative Action Officer.

After a report to law enforcement, and DCP&P, staff is **not permitted** to conduct **any** investigation of the charge(s) until local law enforcement or DCP&P have specifically authorized that the District may conduct the same. In the meantime, the District will hold the affirmative action investigation in abeyance.

Except as set forth above in paragraph 2, all complaints shall be promptly investigated.

The investigation report shall be treated as a confidential internal document and shall not be disclosed to the complainant or the accused.

Generally, the investigation shall begin with a conference with the Complainant and shall be followed with separate, private conferences with all persons with relevant information, to the extent reasonably possible. Written statements should be obtained whenever possible.

In the event an employee is accused of discrimination, the employee's Personnel File shall be reviewed by the District Affirmative Action Officer, for any information relevant to the complaint.

All involved persons shall be directed to not discuss the investigation with anyone other than the investigator or legal representative, at any time.

All involved persons shall be apprised of the fact that retaliation is prohibited and will be deemed a separately punishable offense.

During the course of the investigation, the investigator shall apprise the District Affirmative Action Officer of the progress of the investigation. During the course of the investigation and prior to its conclusion, the District Affirmative Action Officer shall apprise the District Superintendent of the progress and results of all investigations involving staff.

The Superintendent shall be provided with a copy of the investigator's draft report and draft response to the Complainant no later than two (2) business days before submission to the Complainant.

A written response, indicating whether the charge(s) has/have been substantiated shall be provided to the Complainant within ten (10) business days unless extenuating circumstances dictate a longer response time and such extension of time has been approved by the Superintendent.

If an investigation substantiates a violation by an employee of District policy prohibiting discrimination/harassment, it shall be cause for District action which shall be implemented consistent with the seriousness of the offense and/or whether there is a pattern of substantiated offenses. Action may include but not be limited to another assignment, letter of reprimand placed in the employee's personnel file, withholding of increment, termination, and/or filing charges for discharge with the Commissioner of Education. In the event of reassignment, it is the harasser, not the Complainant, who will be reassigned. Consideration should be given to whether the Complainant should be offered counseling services and whether the accused shall be required to attend sensitivity training.

If an investigation substantiates a violation by a vendor, provider, or a vendor's or provider's employees, agent or representative, or other third party individual, the vendor, provider, and/or the specific individual shall be subject to action including but not limited to suspension and/or cancellation of existing contract(s), debarment from future contracting, removal of personnel from the school/worksite, and notification of police and other appropriate agency (e.g., the State Division of Children and Families Services).

If an investigation substantiates a violation by a student of District policy prohibiting discrimination, bullying, harassment, or intimidation, the student shall be subject to disciplinary action, which shall be implemented consistent with the seriousness of the offense and/or whether there is a pattern of substantiated offenses. Action may include but is not limited to a documented conference with parent or guardian, transfer to another classroom, required counseling, suspension or expulsion consistent with student disciplinary practices and procedures as outlined in Board policy. In the event of transfer, it is the harasser, not the Complainant, who shall be transferred. In the event a student is accused of violating District policy, the student's parents shall be promptly informed by the Principal and Building Affirmative Action Representative. If appropriate, the Police and any other appropriate agency (DCP&P) shall be informed.

APPEALS

If not satisfied with the decision, either party may appeal, in writing, within ten (10) calendar days to the District Affirmative Action Officer. The appeal must specifically describe the basis for the appeal and describe the relief sought. The District Affirmative Action Officer shall provide the parties an informal opportunity to be heard within ten (10) business days except that in exceptional circumstances, the District Affirmative Action Officer may request, procure, and/or consider additional information. The appealing party may be represented by an attorney and/or union representative. The appealing party may present witnesses. The District Affirmative Action Officer shall respond in writing within twenty (20) business days after the hearing, unless extenuating circumstances exist warranting a delayed response.

Within ten (10) business days of the date of the District Affirmative Action Officer decision, either party may file a written appeal to the District Superintendent setting forth reasons why the decision should be rejected or modified. The District Superintendent shall consider the matter, on the papers, and respond in writing within twenty (20) business days unless circumstances require more time.

Confidentiality of all parties and all involved persons shall be maintained at all times to the extent reasonably possible.

CONFIDENTIAL
FORM A -1
ROSELE PUBLIC SCHOOLS

**STEP #1- AFFIRMATIVE ACTION DISCRIMINATION AND/OR HARRASSMENT
COMPLAINT REPORT**

**PLEASE NOTE, THAT YOU ARE PROTECTED FROM RETALIATION BASED UPON YOUR
COMPLAINT**

Location(s) of Incident(s):

Date of
Incident(s):

Time of
Incident(s):

Alleged
Victim(s):

(Identify Name, Job Title, Student, Volunteer, Visitor; If student is accused, provide age and sex)

Accused:

(Identify Name, Job Title, Student, Volunteer, Visitor; If student is **accused**, provide age and sex)

Allegation: Provide detailed description of what occurred or what failed to occur, including any verbal comments and responses from both parties.

(As to each allegation, Who? What? Where? When? How?)

(Add More Pages If Necessary)

- List of all persons who witnessed or otherwise have knowledge regarding what you described in your complaint.

- What relief do you seek?

Prepared By: _____

Signature: _____

Date: _____

ROSELLE PUBLIC SCHOOLS
CONFIDENTIAL
FORM A -2

STEP #2 – FINDINGS OF AFFIRMATIVE ACTION BUILDING REPRESENTATIVE

To: _____, Complainant

From: _____, Affirmative Action Building Representative

FINDINGS AS TO EACH ALLEGATION:

ALLEGATION #1: HAS/HAS NOT BEEN FOUND TO BE SUPPORTED BY THE EVIDENCE

ALLEGATION #2: HAS/HAS NOT BEEN FOUND TO BE SUPPORTED BY THE EVIDENCE

(ADD ADDITIONAL PAGE IF MORE ALLEGATIONS)

DATE: _____

(Signature)
Affirmative Action Building Representative

NOTE: Submit Forms A-2 to Complainant, and the District Affirmative Action Officer

ROSELLE PUBLIC SCHOOLS
CONFIDENTIAL
APPEAL FORM A

STEP #3 - APPEAL TO DISTRICT AFFIRMATIVE ACTION OFFICER
(must be presented within 10 calendar days from initial determination of Building AA Representative)

FROM: _____, Complainant

TO: _____, District Affirmative Action Officer

NATURE OF COMPLAINT:

The attached Form A-1 and A-2 are hereby submitted for your information, pertaining to my complaint.

List specific reasons for dissatisfaction with decision of AA Building Representative and requested relief:

Date: _____

(Complainant's Signature)

ROSELLE PUBLIC SCHOOLS
CONFIDENTIAL
APPEAL FORM B

STEP #3 - APPEAL TO DISTRICT SUPERINTENDENT

(must be presented within 10 business days from initial determination of District AA Officer)

FROM: _____, Complainant

TO: _____, District Superintendent

NATURE OF COMPLAINT:

The attached Form A -1 Form A-2 and Appeal A is hereby submitted for your information, pertaining to my complaint.

List specific reasons for dissatisfaction with decision of District AA Officer and requested relief:

Date: _____

(Complainant's Signature)
