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R 1550 AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND CONTRACT PRACTICES COMPLAINT PROCEDURE

A. Purpose and application

1. The purpose of this procedure is to give any district employee or candidate for district employment the opportunity to appeal an alleged violation of the district's affirmative action program for employment and contract practices, as set forth in Policy No. 1550 or in a plan formally adopted by the Board of Education and approved by the Commissioner.
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 teaching staff members.

B. Definitions

1. "Board of Education" means the Board of Education of the Bayonne School District.
2. "Complaint" means an alleged violation of the district's affirmative action plan or policy.
3. "Complainant" means a staff member who alleges a violation of the district's affirmative action plan or Policy No. 1550.
4. "Day" means a calendar day.
5. "School district" means the Bayonne School District.
6. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy No. 1550 or the duly approved affirmative action plan to remove impermissible bias or preference from all aspects of district employment practices and/or to correct the results of past discrimination.

C. Procedure

1. A complainant who believes that he or she has been harmed or adversely affected by a failure to enforce the district's affirmative action plan for employment and contract practices shall discuss the matter with his or 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 thirty 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 failure to act that the complainant complains of;
- c. The school officer or employee, if any, responsible for the alleged violation of the affirmative action plan;
- d. The results of discussions conducted in accordance with ¶C1; 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 seven 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 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 violated the affirmative action plan.

5. On his or 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 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 violation of the affirmative action plan and any other person with knowledge of the violation complained of.

6. 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 and to the Board of Education.

7. 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 will 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 violation of the affirmative action plan.
 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 or her right to appeal the Board's decision to the
 - a. Commissioner of Education
New Jersey State Department of Education
PO Box 500
Trenton, New Jersey 08625-0500
Telephone: (877) 900-6960 or the
 - b. New Jersey Division on Civil Rights
Trenton Regional Office
Office of the Attorney General
140 East Front Street - 6th Floor
Trenton, New Jersey 08625-0090
Telephone: (609) 292-4605

D. Record

1. The records of any complaint processed in accordance with this procedure shall be kept in a file maintained by the affirmative action officer.
2. A copy of the decision rendered at its highest level of appeal will be kept in the complainant's personnel file.

Issued: 28 July 1997

Revised: 24 March 2011