

School Board

Administrative Procedure - Nondiscrimination Coordinator and Complaint Manager

The Nondiscrimination Coordinator directs the District's compliance with federal and State laws governing discrimination and harassment in the workplace. The Complaint Manager administers the complaint process in Board policy 2:260, *Uniform Grievance Procedure*.

Superintendent Responsibilities

- A. Appoints individuals to serve as a Nondiscrimination Coordinator and Complaint Manager whose skill set suggest they could effectively fulfill the responsibilities identified in this procedure. One individual may serve in both capacities. The Superintendent may serve in either capacity. If possible, at least 2 Complaint Managers are appointed, one of each gender.
- B. Identifies individuals to supervise the performance of the Nondiscrimination Coordinator and Complaint Manager. The supervisor must understand the responsibilities of each role and have authority to take action. If possible, a different individual is assigned to supervise each role as a control measure, e.g., the Human Resources Manager supervises the Nondiscrimination Coordinator's performance and the Superintendent supervises the Complaint Manager's performance.
- C. Requires each Nondiscrimination Coordinator and/or Complaint Manager to possess or obtain:
 1. In-depth knowledge of Board policies as well as rules and conduct codes for students and employees.
 2. General knowledge of State and federal laws concerning equal employment and educational opportunities.
 3. Ability to:
 - a. Communicate effectively, both orally and in writing, and to establish rapport with others;
 - b. Plan, implement, evaluate, and report activities conducted;
 - c. Be both consistent and flexible as circumstances warrant; and
 - d. Analyze, clarify, and mediate differences of opinion.
- D. Facilitates the effective performance of the Nondiscrimination Coordinator and Complaint Managers by:
 1. Providing them with clear expectations concerning their roles and responsibilities.
 2. Communicating to employees and students their functions and responsibilities.
 3. Providing them resources and professional development opportunities.
 4. Providing them access to the Board Attorney for legal advice concerning their responsibilities.

Nondiscrimination Coordinator Responsibilities

- A. Directs the District's efforts to provide equal employment and educational opportunities and prohibit the harassment of employees, students, and others. Manages compliance with Board policies 2:260, *Uniform Grievance Procedure*; 5:10, *Equal Employment Opportunity and Minority Recruitment*; 5:20, *Sexual Harassment*; and 7:20, *Harassment of Students Prohibited*.
- B. Develops and manages a program that will fully inform all employees and students about the District's commitment to equal employment and educational opportunities and a harassment-free environment. A component of this program is to inform employees and students about Board policies and administrative procedures.
- C. Provides ongoing consultation, technical assistance, and information services regarding compliance requirements and programs.
- D. Assists the Human Resources Manager with monitoring compliance with the recordkeeping and notice requirements contained in federal and State laws concerning discrimination and harassment in schools and the workplace.

- E. Maintains grievance and compliance records and files.
- F. Makes recommendations for action by appropriate decision makers.
- G. Establishes a positive climate for nondiscrimination compliance efforts. This effort includes encouraging individuals to come forward with suggestions and complaints.

Complaint Manager Responsibilities

- A. Implements and administers the grievance process contained in Board policy 2:260, *Uniform Grievance Procedure*.
- B. Manages complaints alleging a violation of any Board policy or procedure listed in the next section.
- C. Assists complainants and potential complainants by, among other things, providing consultation and information to them.
- D. Attempts to resolve complaints without resorting to the formal grievance process provided in Board policy 2:260, *Uniform Grievance Procedure*.
- E. Informs potential complainants, complainants, and witnesses that the District prohibits any form of retaliation against anyone who, in good faith, brings a complaint or provides information to the individual investigating a complaint.
- F. Receives formal complaints and notifies relevant individuals of the ensuing process.
- G. Investigates complaints or appoints a qualified individual to undertake the investigation on his or her behalf. Each complaint shall be investigated promptly, thoroughly, and impartially, and as confidentially as possible.
- H. For each formal complaint, prepares a comprehensive written report describing the: (a) complaint, (b) investigation, and (c) findings and recommendations. Provides the report to the Superintendent or School Board if the Superintendent is an alleged responsible party.
- I. Receives a request from a complainant to appeal the Superintendent's resolution of the complaint and promptly forwards all relevant material to the Board.
- J. Monitors compliance with all requirements and time-lines specified in Board policy 2:260, *Uniform Grievance Procedure*.

Applicable Policies and Procedures

Section 2

- 2:260 Uniform Grievance Procedure
- 2:260-AP2 Administrative Procedure - Nondiscrimination Coordinator and Complaint Manager

Section 5

- 5:10 Equal Employment Opportunity and Minority Recruitment
- 5:20 Sexual Harassment
- 5:20-AP Administrative Procedure - Sample Questions for Conducting the Internal Sexual Harassment in the Workplace Investigation

Section 6

- 6:120 Education of Children with Disabilities
- 6:140 Education of Homeless Children
- 6:140-AP Administrative Procedure - Education of Homeless Children
- 6:170 Title I Programs
- 6:260 Complaints About Curriculum, Instructional Materials, and Programs

Section 7 - Students

- 7:10 Equal Educational Opportunities
- 7:20 Harassment of Students Prohibited
- 7:20-AP Administrative Procedure - Harassment of Students Prohibited

7:180 Preventing Bullying, Intimidation, and Harassment
7:190 Student Discipline

Section 8 - Community Relations

8:70 Accommodating Individuals with Disabilities
8:110 Public Suggestions and Complaints

Resources

U.S. Equal Employment Opportunity Commission, www.eeoc.gov.

“Enforcement Guidances and Related Documents,” U.S. Equal Employment Opportunity Commission, www.eeoc.gov/policy/guidance.html.

“Sexual Harassment: It's Not Academic” U.S. Dept. of Education, Office for Civil Rights, www.ed.gov/about/offices/list/ocr/docs/ocrshpam.html.

“Frequently Asked Questions about Sexual Harassment,” U.S. Dept. of Education, Office for Civil Rights, www.ed.gov/about/offices/list/ocr/qa-sex.html.

“Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,” Office for Civil Rights, www.ed.gov/about/offices/list/ocr/docs/shguide.html.

“Q&A Regarding Title IX Procedural Requirements,” U.S. Dept. of Justice, www.usdoj.gov/crt/cor/coord/TitleIXQandA.php.

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