

MONTVILLE TOWNSHIP PUBLIC SCHOOLS

Affirmative Action Complaint Procedures

AFFIRMATIVE ACTION —DISCRIMINATION

I. 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.**

The following 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 States 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**

II. FILING A COMPLAINT

1. Any person who believes he/she has been subjected to discrimination or has evidence of discrimination by an employee, student, or an outside vendor shall discuss the matter with his/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 working days, the complainant may submit a written complaint to the Building Affirmative Action Officer. Emergency situations will be reported to the District Affirmative Action Officer. The District will investigate all complaints.
3. 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.

III. COMPLAINT INVESTIGATION

1. In most instances, complaints will be investigated by the Building Affirmative Action Representative. The Building Affirmative Action Representative 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. Where appropriate, the Assistant Superintendent may determine that the investigation will be performed in whole, or in part, by a third party investigator and/or District Counsel.
2. In the event that information is received by a staff member that indicates 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 the New Jersey Department of Children and Families, and then to the Building Principal. The Building Principal must then make an immediate report to the Assistant Superintendent/Superintendent of Schools, to Police or County Prosecutor, and to the District Affirmative Action Officer. After a report to law enforcement, staff is **not permitted** to conduct **any** investigation of the charge(s) until local law enforcement and the New Jersey Department of Children and Families have specifically authorized that the District may conduct the same. In the meantime, the District will hold the affirmative action investigation in abeyance.
3. 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 acted discriminatorily.

4. On his/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 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 complained of.
5. 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.
6. 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.
7. A copy of the appeal to the Board must be given to the staff member, if any, charged with a discriminatory act.
8. 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.
9. 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.

IV. 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 will be kept in the employee's personnel file.