

	ABERDEEN SCHOOL DISTRICT	NEPN Code: AC-R
	POLICIES AND REGULATIONS	

REGULATIONS: EQUAL OPPORTUNITY/NONDISCRIMINATION

Resolution of Discrimination Complaints

A complaint may be filed when it is felt that a violation of Policy AC Equal Opportunity/Nondiscrimination has occurred. Such action is defined as a complaint dealing with discrimination on the basis of race, color, creed, religion, age, gender, (including pregnancy), disability, national origin or ancestry, genetic information, military/veteran status, or any other category protected by law.

A complaint relating to Policy AC Equal Opportunity/Nondiscrimination may be filed by a student, parent/guardian, employee or other citizen. Confidentiality will be maintained at each level of the complaint procedure.

The complainant is encouraged to attempt to resolve the issue informally by working with the administrator most directly involved in the situation before filing a formal complaint. However, it is understood that for some complaints this may not be appropriate.

Formal Procedures

1. A formal complaint of discrimination may be filed with the building principal or department director. If the complaint involves the building principal or department director, the complaint shall be filed directly with the Superintendent.
2. The Equal Opportunity/Non-Discrimination Report Form (AC-E) will be completed by the person filing the complaint. The form includes the following:
 - Complainant's name and address
 - Date(s) of the incident(s)
 - Description of the incident(s)
 - Name(s) of the person(s) involved in the incident(s)
 - Name(s) of any witness(es) to the incident(s)
 - What corrective action, if any, has been taken
 - Requested resolution of the complainant
 - Signature of the complainant
3. The designated administrator will conduct an investigation to gather data regarding the alleged discrimination, take appropriate action regarding the complaint and render a decision in writing to the complainant within ten (10) working days of receipt of the formal complaint.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigating party.

The results of the investigation of each complaint will be reported in writing and kept on file in the Human Resources Director. The report shall include findings of fact and will document the disciplinary action taken, if any, as a result of the complaint.

4. If the complainant is not satisfied with the decision rendered by the designated administrator, he/she may appeal the decision to the Superintendent within ten (10) working days following receipt of the decision. The appeal must include the original complaint form, a copy of the decision from the designated administrator and a written statement as to a reason for the appeal.
5. The Superintendent or designee will review the materials submitted, investigate the circumstances and respond in writing within ten (10) working days from the appeal. At the Superintendent's level the appeal process may or may not include a conference with the parties involved.
6. If the complainant is not satisfied with the decision rendered by the Superintendent, he/she may request a hearing in executive session with the School Board. The request for hearing must be submitted in writing within ten (10) working days through the Superintendent's Office. The hearing will be scheduled within thirty (30) working days from the request for hearing. The involved parties will be notified in writing of the date and time of the scheduled hearing.
7. The School Board will render a decision in writing within ten (10) working days of the hearing.
8. Either party may have representation present at each step of the investigation and the names of these representatives must be declared in writing to the designated administrator at least two days prior to that step.
9. Submission of a complaint or report of discrimination will not affect the individual's employment or work assignments.
10. The District will discipline any individual who retaliates against any person who reports alleged discrimination or who retaliates against any person who testifies, assists, or participates in any investigation, proceeding, or hearing related to a discrimination complaint.
11. Charges found to have been intentionally dishonest or made maliciously without regard for truth may subject complainant(s) to disciplinary action.

Nothing in these procedures forecloses individuals from seeking redress for their concerns through other legal avenues, such as the Office of Civil Rights, the Equal Employment Opportunity Commission or the South Dakota Division of Human Rights.

LEGAL REFERENCES:

- Title VI of the Civil Rights Act of 1964 (discrimination based on nation origin or race)
- Title VII of the Civil Rights Act of 1964 (discrimination based on race, color, creed, religion, gender (including pregnancy), national origin or ancestry)
- Title IX of the Education Amendments of 1972 (discrimination based on gender)
- Age Discrimination Act of 1975 (discrimination based on age)
- Genetic Information Non-discrimination Act (discrimination based on genetic information)
- Americans with Disabilities Act and Amendment Act (discrimination based on disability)
- Section 504 of the Rehabilitation Act (discrimination based on disability)
- Uniform Services Employment and Re-employment Rights Act (discrimination based on military/veteran status)

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