

REGULATION

NORTHERN REGION

EDUCATIONAL SERVICES COMMISSION

SCHOOL DISTRICT

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A. Purpose and Application

1. The purpose of this procedure is to give any school district employee or candidate for school district employment the opportunity to appeal an alleged violation of the school 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. No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.
3. 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.
4. 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.
5. All participants in the procedure will respect the confidentiality that this school district accords to information about individual staff members.

B. Definitions

1. "Board of Education" means the Board of Education of the Northern Region Educational Services Commission School District.
2. "Complaint" means an alleged violation of the school district's Affirmative Action Plan or Policy.
3. "Complainant" means a staff member who alleges a violation of the school district's Affirmative Action Plan or Policy No. 1550.
4. "Day" means a working or calendar day as identified.



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5. “School district” means the Northern Region Educational Services Commission School District.
 6. “Violation” means the failure of a school 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 or contract practices and/or to correct the results of past discrimination.
- C. Procedure
1. A Complainant who believes he/she has been harmed or adversely affected by a failure to enforce the school district’s Affirmative Action Plan for employment and contract practices shall discuss the matter with his/her immediate supervisor in an attempt to resolve the matter informally.
 - a. In the event the Complainant believes their immediate supervisor may be conflicted or if the immediate supervisor is not available, the Complainant may proceed directly to the school district’s Affirmative Action Officer as outlined in C.2. below.
 - b. In the event the Complainant believes the school district’s Affirmative Action Officer may be conflicted, the Complainant may submit a written complaint to the Superintendent of Schools who will designate a supervisor or administrative staff member to conduct the investigation in accordance with the procedures outlined in this Regulation. The Superintendent will ensure the supervisor or administrative staff member is provided affirmative action training in accordance with State mandates and guidelines.
 2. If the matter is not resolved to the satisfaction of the Complainant within ten business 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,



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- 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 paragraph C.1.; 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 business 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 business 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. Upon request, 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 business 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 business days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
 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 business 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,



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- 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/her right to appeal the Board's decision to the:
 - a. Commissioner of Education
New Jersey State Department of Education
P.O. Box 500
Trenton, New Jersey 08625-0500
 - b. New Jersey Division on Civil Rights
Central Regional Office
140 East Front Street – 6th Floor
Trenton, New Jersey 08625-0090
- 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.



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