



## 4000 A

# Complaint and Fact Finding Procedures: Equal Employment Opportunity

***Regulation 4000 A***

Original Adoption: 03/25/2008

Effective Date: 03/26/2008

Revision Dates:

Review Dates: 09/19/2012

### **I. PURPOSE**

The purpose of this regulation is to establish the complaint and fact finding procedures for allegations of unlawful discrimination in violation of Minneapolis Public Schools Policy 4000, Equal Employment Opportunity

### **II. COMPLAINT PROCEDURE**

A. Any person who believes he or she has been discriminated against in employment with the Minneapolis Public Schools due to the characteristics identified below, or any person with knowledge of or belief of conduct which may constitute unlawful discrimination in employment with the District, should make a complaint of the alleged acts of discrimination to an appropriate District official designated by this regulation.

B. Characteristics that apply to this regulation are:

- |                              |  |
|------------------------------|--|
| 1. race                      | 8. status with regard to public assistance |
| 2. color                     | 9. disability                              |
| 3. creed                     | 10. sexual orientation                     |
| 4. religion                  | 11. age                                    |
| 5. national origin           | 12. family care leave status, or           |
| 6. gender or gender identity | 13. veteran status                         |
| 7. marital status            |  |

C. Complainants are encouraged to use the form available from the principal or site administrator of each building or available from the District Offices, but oral complaints shall be accepted.

1. Report forms are found in the Toolkit for Implementing the Policies Against Discrimination, Harassment and Violence.
2. All oral complaints shall be converted to written complaints as below.

D. Nothing in this regulation shall prevent any person from claiming alleged unlawful discrimination directly to the District's Office of Equity and Diversity or to the Superintendent.



- E. Claims or allegations should not be sent to the District General Counsel's office due to the positional conflict of interest regarding internal complaints.
- F. The District will respect the privacy of the complainant, the respondent, subject(s), or individual(s) against whom the complaint is made, as well as the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations imposed by law. However confidentiality is not guaranteed.

### III. DESIGNATION OF APPROPRIATE DISTRICT AUTHORITY

- A. Appropriate District authority (official) for the purposes of Policy 4000 is designated as follows:
  - 1. ***In a School.*** The school principal or site administrator, or her/his designee is the person responsible for receiving complaints.
    - a. If the complaint involves the school principal or site administrator, or her/his designee, the complaint shall be filed or verbally made directly to the District Office of Equity and Diversity.
  - 2. ***In All Other District Locations.*** The site administrator, or department supervisor or her/his designee is the appropriate District official to receive complaints.
    - a. If the complaint involves the site administrator or department supervisor or her/his designee, the complaint shall be filed or made verbally to the District Office of Equity and Diversity.
    - b. If the complaint involves staff in the District Office of Equity and Diversity, the complaint shall be filed or verbally made directly to the Superintendent.
- B. The name of the appropriate District authority as determined under this section shall be conspicuously posted in each facility. The posting shall include the person's name, title, mailing address, telephone number and email address. The District authority for the site or her /his designee is responsible to see that such postings are made and maintained.

### IV. FACT FINDING PROCEDURES

- A. Within twenty-four (24) hours after receipt of a complaint of unlawful discrimination, the appropriate District authority (official) must initiate fact-finding procedures.
  - 1. Failure to initiate fact-finding within twenty-four (24) hours of receiving a complaint may result in disciplinary action against the official.
  - 2. The official shall follow the Toolkit for Implementation of the Policies Against Discrimination, Harassment and Violence defined procedures and use the forms provided in the conduct of the fact-finding.



- B. The official may request, but may not insist upon, a written complaint.
  - 1. If the complaint is made verbally and the complainant cannot or will not provide a written complaint the official shall convert the allegations to a written complaint.
  - 2. In the case of verbal complaints converted to a written complaint the official shall have the complainant attest to the accuracy of the written complaint.
- C. A written notice, including, but not limited to a statement of the facts alleged will be forwarded as soon as practicable by the official to the Office of Equity and Diversity.
  - 1. If the complaint involves the official, the complaint shall be made or filed directly with the Office of Equity and Diversity or the Superintendent.
- D. The fact-finding shall 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.
- E. The fact-finding may also consist of any other methods and documents deemed pertinent by the appropriate District official.

#### **IV. FACT FINDING REPORT**

- A. The official shall complete the fact-finding investigation as soon as practicable.
- B. The official shall make a written report to the District Office of Equity and Diversity upon completion of the fact-finding.
  - 1. If the complaint involves the Office of Equity and Diversity, the report shall be filed directly with the Superintendent.
- C. The report shall include a determination of whether the allegations have been substantiated, unsubstantiated or found unable to be substantiated.
  - 1. In determining whether allegations have been substantiated, the fact finder shall consider all the circumstances, witness statements, and credibility of each person interviewed.
  - 2. Credibility of each person shall be determined on the basis of all the facts known, and the interviewer's observations, including, but not limited to:
    - a. the person's demeanor,
    - b. any bias exhibited during the interview, and
    - c. the person's prior conduct.
- D. The report shall include a determination of whether the conduct which is the subject of the complaint and substantiated through the fact-finding process appears to be a violation of District policy prohibiting discrimination based on the characteristics identified in Paragraph II.B. above.



1. In determining whether alleged conduct constitutes a violation of this policy, the fact-finding should consider the surrounding circumstances:
  - a. the nature of the behavior,
  - b. past incidents of the behavior,
  - c. past or continuing patterns of behavior,
  - d. the relationship between the parties, and
  - e. the context in which the alleged incident(s) occurred.

**V. DISTRICT ACTION**

- A. Upon receipt of a report of substantiated allegations, the District will take appropriate action. Appropriate action may include, but is not limited to:
  1. a warning,
  2. a letter of reprimand in an employee's personnel file,
  3. a suspension,
  4. transfer,
  5. remediation or retraining, and / or
  6. termination or discharge.
- B. Any discipline of an employee shall be in conformance with applicable Collective Bargaining Agreements, Contracts of Employment, and Federal and State Law.
- C. In a school, the principal or site administrator, working in conjunction with the Office of Equity and Diversity shall take the appropriate action regarding students. In the case of an employee, the District's employee relations department shall take the appropriate action.
- D. In all other district facilities, discipline shall be handled by the individual's supervisor working in conjunction with the District's employee relations department and the Office of Equity and Diversity.
- E. The complainant, and the individual against whom the allegations have been made may receive information from the report in conformance with the Data Practices Compliance Policy of the District, Federal and State Law following the completion of the investigation and after the decision regarding the appropriate action has been made.

***Cross References:***

MPS Policy 4001 (Disability Non-Discrimination)

MPS Policy 4002 (Harassment and Violence Prohibition)

MPS Policy 5000 (Equal Education Opportunity)