



4000 A

Complaint and Fact Finding Procedures:

Equal Employment Opportunity

Regulation 4000 A

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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. Minneapolis Public Schools reaffirms its commitment to maintaining an environment free of intimidation, fear, reprisal and coercion; an environment in which students and employees can develop intellectually, professionally, personal and socially. Unlawful discrimination and retaliation will not be tolerated.

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 | 11. family structure |
| 2. culture | 12. citizenship status |
| 3. color | 13. Sexual orientation or affectional preference |
| 4. creed or religion | 14. Gender identity or expression |
| 5. national origin | 15. Economic status. |
| 6. gender | 16. veteran status |
| 7. mental or physical ability | 17. status with regard to public assistance |
| 8. age | 18. genetic information |
| 9. pregnancy | 19. Other protected classes under the Minnesota Human Rights Act |
| 10. marital status | |
- C. The District shall act to initiate an investigation of all complaints within twenty-four (24) hours after receipt of a report of alleged prohibited conduct.
- D. The investigation of complaints will be concluded as promptly as possible but no later than sixty (60) calendar days after receipt of the report except as otherwise provided herein. An investigation may take longer than sixty (60) calendar days if additional time is required to complete an adequate, reliable and impartial investigation due to interruptions in the school year or school breaks, or if the extent and severity of the alleged conduct requires additional time to complete the



investigation. In all cases where the investigation will not be completed within the sixty (60) day period the parties will be provided status updates during the process.

E. Informal Complaints

1. Complainants may use informal procedures to report and resolve complaints of discrimination. Initial complaints do not need to be made in writing.
2. Complaints may be made to any staff member. All complaints made must be referred to the Responsible Administrator or the Superintendent's designee.
3. Complainants shall be informed of the informal and formal complaint processes and what the complainant may expect in response to their complaint.
4. The Responsible Administrator or the Superintendent's designee who will conduct the investigation shall complete a complaint form which:
 - a. Identifies the parties
 - b. Identifies any witnesses
 - c. Establishes dates of incidents
 - d. Establishes the specific allegations of discrimination made.
5. Informal complaints may become formal complaints at any time at the request of the complainant, or because, after consultation with the Superintendent's designee, a Responsible Administrator believes that the complaint needs to be more thoroughly investigated.
6. Informal complaints may be managed through third party mediation if both the complainant and the alleged discriminator agree to this process.
7. Informal remedies may include:
 - a. An opportunity for the complainant to explain to the alleged discriminator that his or her conduct is offensive or inappropriate, either in writing or in person;
 - b. A statement from a staff member to the alleged discriminator that the alleged conduct is not appropriate and may lead to disciplinary measures if proven or repeated;
 - c. A general public statement from a Responsible Administrator within a building or a department reviewing the District appropriate non-discrimination policy without identifying the complainant.

F. Formal Complaints

1. Anyone may initiate a formal complaint, even if an informal complaint has been made and is in process.
2. A formal complaint shall result in a writing that establishes:



- a. The complainant(s)
 - b. Possible witnesses
 - c. The specific allegations of discrimination
 - d. Times and places of incidents.
- G. Claims or allegations should not be sent to the District General Counsel's office due to the positional conflict of interest regarding internal complaints.
- H. 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 RESPONSIBLE ADMINISTRATOR

- A. Responsible Administrator 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 Superintendent's designee.
 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 Superintendent's designee.
 - b. If the complaint involves the Superintendent's designee, the complaint shall be filed or verbally made directly to the Superintendent.
- B. The name of the Responsible Administrator or the Superintendent's designee 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 Responsible Administrator for the site or her /his designee is responsible to see that such postings are made and maintained.

IV. FACT FINDING REPORT

- A. The official shall make a written report to the District Office of Equality and Civil Rights upon completion of the fact-finding.
1. If the complaint involves the Office of Equality and Civil Rights, the report shall be filed directly with the Superintendent.



- B. 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.

- C. 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 Equality and Civil Rights 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 Equality and Civil Rights.

- 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 4000 (Equal Employment Opportunity)

MPS Policy 4001 (Disability Non-Discrimination)

MPS Policy 4002 (Harassment and Violence Prohibition)

MPS Policy 5000 (Equal Education Opportunity)