



# 5000 A Procedures, Fact Finding, and Resulting Actions: Equal Education

*Regulation 5000 A*

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Review Dates:

## I. PURPOSE

The purpose of this regulation is to establish the Responsible Authority for receiving and to establish the process for making claims, conducting fact-finding and taking action in claims of unlawful discrimination resulting in a violation of Policy 5000, Equal Education Opportunity, in the Minneapolis Public Schools. 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. DESIGNATION OF RESPONSIBLE AUTHORITY

- A. Any reports of a person who believes he or she has not been afforded an equal educational opportunity in the Minneapolis Public Schools should be made to the following person(s):
1. *In Each School.* The school principal or site administrator or his/her designee is the person responsible for receiving complaints.
    - (a) Any adult District personnel who receive a complaint shall inform the principal, site administrator or his/her designee immediately.
    - (b) If the complaint involves the principal, site administrator or his/her designee, the complaint shall be filed directly with the District Office of Equality and Civil Rights.
  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 District Office of Equality and Civil Rights is the responsible authority to receive complaints.
    - (b) If the complaint involves the District Office of Equality and Civil Rights, the complaint shall be filed directly with the Superintendent.
- B. The Director of the Office of Equality and Civil Rights is designated as an additional responsible authority for all district facilities, and may take complaints from any person.
- C. 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.



- D. Nothing in this policy shall prevent any person from making a complaint directly to the Superintendent, or the District Office of Equality and Civil Rights.

### III. COMPLAINT PROCEDURE

- A. Complaints may be oral or written.
1. Oral complaints received by a responsible authority shall be converted to a written form.
    - (a) The written statement of claim shall be attested to by the complainant as an accurate representation of their oral complaint.
    - (b) The written statement of the facts alleged will be forwarded as soon as practicable by the principal, site administrator or his/her designee to the District Office of Equality and Civil Rights.
  2. Written complaints are encouraged to be made on the form approved by the District Office of Equality and Civil Rights.
    - (a) Responsible Authorities will use the forms and procedures outlined in the District *Procedures for Investigating Complaints of Discrimination, Harassment, Violence, Bullying or Retaliation* manual or other written guidance issued by the District's Office of Equality and Civil Rights.
- B. Complaints should not be sent to the District General Counsel's office due to the positional conflict of interest regarding internal claims.
- C. Submission of a good faith complaint will not affect the complainant's future employment, grades or work assignments.
- D. The District will discipline or take action against any student or employee who supplies information that is determined to have been falsely and maliciously supplied consistent with district policy, collective bargaining agreement and applicable law.
- E. The District will receive complaints up to 365 days from the date of the most recent incident of alleged discrimination. Exceptions to this timeframe will be considered on a case-by-case basis.
- F. The District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

### IV. FACT FINDING PROCEDURES

- A. Within twenty four (24) hours after receipt of a complaint the responsible authority must initiate fact-finding procedures.
1. *In a School Building.*



- (a) The principal or site administrator or his/her designee may request, but may not insist upon, a written complaint from the complainant.
  - (b) The principal or site administrator or his/her designee, upon receipt of a complaint shall immediately undertake or authorize fact-finding.
  - (c) The fact-finding may be conducted by the principal, site administrator or his/her designee, the District Office of Equality and Civil Rights, or by a third party designated by the District Office of Equality and Civil Rights.
  - (d) Failure to initiate fact-finding within twenty-four (24) hours of receiving a complaint may result in disciplinary action against the principal or site administrator.
2. In all cases.
- (a) 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.
  - (b) The fact-finding may also consist of any other methods and documents deemed pertinent by the principal or his/her designee.
  - (c) In determining whether alleged conduct constitutes a violation of this policy, the fact-finding should consider:
    - [i] the surrounding circumstances,
    - [ii] the nature of the behavior,
    - [iii] past incidents or past or continuing patterns of behavior,
    - [iv] the relationships between the parties involved and the context in which the alleged incidents occurred.
  - (d) Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
  - (e) The investigation will be completed as soon as practicable.
- B. Findings of Fact Report. The principal or site administrator or his/her designee shall make a written report to the District Office of Equality and Civil Rights upon completion of the fact-finding. If the complaint involves the Superintendent, the report shall be filed directly with the District Office of Equality and Civil Rights. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.
- C. Standard of Proof. The investigator will make a finding using the preponderance of the evidence standard. This standard requires that the information supporting a finding of responsibility be more convincing than the information in opposition to it. Under this standard individuals are presumed not to have violated District policy unless a preponderance of the evidence supports a finding that a violation occurred.



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**V. SCHOOL DISTRICT ACTION**

- A. The result of the District's fact-finding of each complaint filed under these procedures will be reported in writing to the complainant by the District in accordance with state and federal law regarding data or records privacy.
- B. Upon receipt of a fact finding report that includes a conclusion that a violation of this policy has occurred by a student, employee or other personnel of the District, the District will take appropriate action. Such action may include, but is not limited to:
  - 1. A warning to discontinue the behavior;
  - 2. placement of a letter of reprimand in the individual's personnel file;
  - 3. suspension,
  - 4. exclusion,
  - 5. expulsion,
  - 6. transfer,
  - 7. remediation,
  - 8. termination or discharge.
- C. In all cases District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and School District policies.
- D. In the event that the fact finding report includes a conclusion that a policy, regulation or administrative rule has created or contributed to a violation of this policy the District shall cause a recommendation for amendment or repeal of such policy or regulation to be made to the school board, or in the case of an administrative rule, shall rescind the rule.

***Legal References:***

Minn. Stat. Ch. 363A

Minn. Stat. §121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)

42 U.S.C. 12101 *et seq.* (Americans with Disabilities Act)

20 U.S.C. 1681 *et seq.* (Title IX of the Education Amendments of 1972)

***Cross References:***

MPS Policy 1040 (Student and Staff Data Protection)

MPS Policy 4002 (Harassment and Violence Prohibition)

MPS Policy 5050 (Title IX – General Policy)

MPS Policy 5200 (Behavior Standards and Code of Conduct)

MPS Policy 5201 (Bullying and Hazing Prohibition)

MPS Policy 5941 (Equal Access to Facilities)

MPS Policy 5560 (Eligibility for Student Activities)

MPS Policy 5640 (Married Students)

MPS Policy 5645 (Continuing Education for Pregnant Students)

MPS Policy 5750 (Disability and Nondiscrimination)



MPS Policy 6136 (Released Time for Religious Instruction)

MPS Policy 6138 (Religious Observances)

MPS Policy 6800 (Naming of School Symbols, Teams, Mascots)

***MPS Publication***

*Procedures for Investigating Complaints of Discrimination, Harassment, Violence, Bullying or Retaliation manual, 2017*