

Mounds View Public Schools Ends and Goals Regulation

EG-3111 Equal Opportunity

GRIEVANCE PROCEDURE

This grievance procedure is established for use by parents and/or guardians on behalf of students, students 18 years of age or older, and District employees, as an orderly means of resolving disputes within the District about alleged discriminatory acts. These are acts which reflect a bias against a given race, color, national origin, creed, religion, sex, marital status, economic status, or disability.

This procedure may be used by any person who has a complaint against an individual within the District or against the School District for alleged discriminatory acts in violation of state or federal statutes or District policy prohibiting discrimination.

Nothing herein provided shall abridge or in any way limit the right of any individual to seek enforcement of state and federal laws by immediate appeal to any appropriate state or federal agency. Any complaints filed by outside agencies must, under the law, be filed against the School District.

SECTION 1: DEFINITION

Grievance

A grievance is a complaint about an alleged violation, misinterpretation, or inequitable application of state and federal laws and regulations or District policy and procedures designed to provide equality in the educational program and employment practices.*

Grievant

A parent, guardian, student or District employee who believe(s) that in the past seven days there is or has been a violation, misinterpretation, and/or inequitable application of state and federal laws and regulations or School District policy and procedures designed to provide equality in the educational program and employment practices.*

Days

"Days" shall mean all weekdays, excluding Saturday and Sunday, and days not designated as holidays by state or federal law.

SECTION 2: PARTICIPANTS

At each of the three steps in the grievance procedure, the grievant and the alleged discriminator shall be given the opportunity to be present and to be heard. The parties to a grievance may

be represented during any step of the procedure by any person or agent designated by such parties to act in their behalf.

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SECTION 3: WAIVER OF STEP(S) AND TIME LIMITS

The number of days indicated at each level shall be regarded as a maximum and every effort shall be made to expedite the process. The parties, by mutual written agreement, may waive any step and extend any time limit in the grievance procedure. In the event, however, that a grievant fails to appeal the grievance from one level to another within the time periods herein provided, the grievance shall be

forfeited. In the event that a supervisor, Superintendent, or the School Board does not process the grievance within the time periods herein provided, the grievant may proceed to the next step. The party/parties failing to process the grievance within the given time period shall state in writing within ten (10) days after the lapse of the period the reasons for this failure, and provide copies to the grievant and the equal opportunity officer.

In the event that the relief requested by the grievant involves monetary or personnel considerations, the grievance shall automatically move to Step 2.

SECTION 4: PROCEDURE

Informal

The grievant shall first attempt to resolve the complaint through discussion with the person(s) who allegedly discriminated. This informal procedure must be utilized before a formal grievance can be filed. The discussion must take place within seven days of the event giving rise to the grievance. If the grievance is not resolved informally, the formal grievance procedure may then be invoked.

Formal

Step 1:

A grievant shall supply the information called for on the complaint form and submit the completed form to his/her immediate supervisor within fourteen (14) days of the event giving rise to the grievance. (This supervisor may, for example, be a building Principal, Coordinator, Director, or Superintendent as is appropriate.) If the grievant's immediate supervisor is the subject of the complaint, the grievance shall be filed with the supervisor next higher in authority.

The complaint shall include the following information:

1. Nature of the grievance (discrimination based on race, color, national origin, creed, religion, sex, marital status, economic status or handicap).
2. Facts upon which the grievance is based (dates, places, persons, actions).
3. Resolution requested.

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A copy of the grievance shall simultaneously be sent to the person who is alleged to have discriminated and to the Equal Opportunity Officer, who may serve as a consultant, upon request, of one or more of the parties. The person against whom the complaint is filed may respond, if

he/she desires, in writing to the supervisor within five (5) days after the complaint is filed with a copy to the Equal Opportunity Officer.

Within ten (10) days after receipt of the complaint, the supervisor shall meet with the parties involved in an effort to resolve the grievance.

If a resolution of the grievance results at this step or any of the following steps, the terms of that resolution shall be recorded by the supervisor on the resolution report forms and shall be signed by all participants and a copy submitted to the Equal Opportunity Officer.

Step 2:

If the grievance is not satisfactorily resolved as provided in Step 1, it may be appealed to the Superintendent or his/her designee, provided such appeal is made within seven (7) days after receipt of the decision in the preceding step. The grievant will send a copy of this appeal to the Equal Opportunity Officer, who may serve as a consultant upon request of one or more of the parties.

Within seven (7) days after such meeting, the Superintendent or his/her designee shall meet with the parties involved, and he shall issue a decision in writing within ten (10) days of such a meeting. A copy of this decision shall be sent to the Equal Opportunity Officer.

Step 3:

If the grievance is not satisfactorily resolved at Step 2, it may be appealed to the School Board, provided such appeal is made within seven (7) days after receipt of the decision in the preceding step. The appeal shall be transmitted to the School Board by filing written copies thereof with the Superintendent and the Equal Opportunity Officer.

The School Board shall set a time for a conference with the grievant and the School Board, or with a committee or representative of the School Board. Such conference shall take place no later than the next succeeding regularly scheduled School Board meeting. The School Board shall indicate its disposition of the grievance, in writing, at the next School Board meeting with a copy to the grievant and to the Equal Opportunity Officer.

In the event a grievance is filed after May 15 of any year and strict adherence to the time limits may result in hardship to the grievant, the School Board shall use its best efforts to process such a grievance prior to the end of the school term or as soon thereafter as possible.

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The disposition of a grievance at any step described in this regulation shall be considered final. This grievance procedure shall not be arbitrable and a complaint filed under this procedure shall not be grievable simultaneously through another agency or channel.

Adopted: July 12, 1976

Revised: October 29, 1979

Revised: September 1, 1998

Revised: February 2004 (# change only)

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*Federal Laws:

Title VI of the Civil Rights Act of 1964

Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972

Executive Order No. 11246, 1965, as amended by Executive Order 11375

The Equal Pay Act of 1963 as amended by the Education Amendments, 1972

Title IX of the Education Amendments of 1972

Americans with Disabilities Act of 1990

PL Section 504 - Rehabilitation Act of 1973

PL Section 504 - Regulations

*State Laws:

Minnesota Human Rights Act, Minn. Stat. 363.01, et seq.

Minn. Stat 126.21, (Equal Opportunity in Athletic Programs)

Kahn Bill on Athletics, Human Rights - House No. 69, Chapter 338

And such other laws, rules and regulations, which place requirements on school districts to pursue non-discriminatory practices.

References

Policy EG-3111 - Equal Opportunity

Policy EG-3106 - Communicable Diseases

Regulation EG-3106 – Communicable Diseases

Policy EG-3110 - Protection and Privacy of Student Records