

BOUND BROOK SCHOOL DISTRICT



AFFIRMATIVE ACTION PROCEDURE 2016-2017

The Affirmative Action Team

Mrs. Beth Fischer, Assistant Superintendent of Curriculum and Instruction: efischer@bbrook.org (732) 652-7953

Mr. Edward Smith, High School Principal: esmith@bbrook.org (732) 652-7958

Notice of Non-discrimination

The Bound Brook School District does not discriminate on the basis of race, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, genetic information, or refusal to submit to a genetic test or make the results of a genetic test known, in employment or in educational opportunities. Further state and federal protection is extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

The Bound Brook Board of Education has established policies pursuant to the state equity code, Managing For Equality and Equity In Education (N.J.A.C. 6A:7). This administrative code specifies standards for district boards of education in establishing policies and procedures for the provision of educational programs and services for all students pursuant to all applicable laws, codes, and regulations, which include but are not limited to:

State

- Article I, Paragraph 5 of the New Jersey State Constitution
- New Jersey Law Against Discrimination (N.J.S.A.10:5)
- History of the United States and New Jersey (N.J.S.A.18A:35-1)
- Equality in Educational Programs (N.J.S.A.18A:36-20)
- Prohibition of Discrimination (N.J.S.A.18A:36-20)

Federal

- Titles VI and VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Equal Pay Act of 1973
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Individuals with Disabilities Education Improvement Act (IDEIA) of 2004

The Bound Brook Board of Education has approved a three-year Comprehensive Equity Plan to address equality in school and classroom practices, equality in employment and contract practices, and professional development in equity issues. This document, as well as all relevant Board policies, is available to the public in the District office. The District has established a grievance procedure for addressing discrimination complaints. The Affirmative Action Officer is the District's focal point of contact for equity issues and serves as the compliance officer for the laws, codes, regulations, and guidelines referenced above.

Affirmative Action Program Complaint Procedure

A. Purpose and Application

1. The purpose of this procedure is to give any employee, pupil or the parent or legal guardian of a pupil the opportunity to appeal an alleged violation of the district's Affirmative Action Plan.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and will be implemented in an informal manner.
3. 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.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual pupils.

B. Definitions

1. "Affirmative Action Officer" means the district official(s) responsible for the coordination of activities relating to compliance with the Affirmative Action Plan.
2. "Affirmative Action Plan" means the Affirmative Action Plan adopted by the Board.
3. "Board of Education" means the Board of Education of the Bound Brook School District.
4. "Complainant" means an employee, pupil or parent or legal guardian who believes that he/she has been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan.
5. "Complaint" means an unresolved problem concerning the interpretation or application by an Officer or employee of this school district of law and regulations regarding the Affirmative Action Plan.
6. "Day" means a working or calendar day as identified.
7. "Pupil" means an individual enrolled in any formal educational program provided by the school district.
8. "School District" means the Bound Brook School District.
9. "Violation" means the failure of a district official or employee to take the positive steps outlined in the Affirmative Action Plan.

C. Procedure

1. A complainant shall discuss his/her complaint with the staff member most closely involved in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within ten working days, the complainant may submit a written complaint to the Affirmative Action Officer or his representative.

The complaint will include:

- a. The complainant's name and address,
 - b. The specific incident or complaint,
 - c. The name of the school employee responsible for the alleged violation of the Affirmative Action Plan,
 - d. The results of discussions conducted in accordance with Paragraph C1, 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 ten working 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 ten working 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. On his/her timely 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 ten working 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 ten working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than ten working days after receipt of the Superintendent's decision. The appeal shall include:
- a. The original complaint,
 - b. The response to the complaint,
 - c. The Superintendent's decision,
 - d. 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 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 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 thirty 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 Commissioner of Education or to the New Jersey Division on Civil Rights.

D. Record

The records of any complaint processed in accordance with this procedure shall be maintained in a file separate from the employee or pupil's cumulative file. A notation shall be made in the pupil's file of the presence of the record in the separate file.