

# Boonton Public Schools

## Procedures for Processing Internal Complaints Alleging Discrimination in the Workplace

All employees and applicants for employment have the right and are encouraged to immediately report suspected violations of the State Policy Prohibiting Discrimination in the Workplace, N.J.A.C. 4A:7-3.1.

### Complaint Reporting

Complaints of prohibited discrimination/harassment can be reported to the district's Affirmative Action Officer or to an individual's supervisor or building administrator. If reporting a complaint to any of those persons presents a conflict of interest, the complaint may be filed directly to the Superintendent of Schools. If reporting a complaint to the Superintendent presents conflict of interest, the complaint may be filed directly with the Civil Service Commission, Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625-0315. An example of such conflict would be where the individual against whom the complaint is made is involved in the intake, investigative or decision making process.

1. Supervisory employees shall immediately report all alleged violations of the State Policy Prohibiting Discrimination in the Workplace to the district's Affirmative Action Officer. Such a report shall include both alleged violations reported to the supervisor, and those alleged violations directly observed by the supervisor.
2. Every effort should be made to report complaints promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.
3. To facilitate a prompt, thorough and impartial investigation, all complainants are strongly advised, but are not required, to submit a *Discrimination Complaint Processing Form*.
4. The district shall maintain a written record of the discrimination/harassment complaint received. Written records shall be maintained as confidential records to the extent practicable and appropriate. The district's AA Officer shall submit a copy of all complaints to the Civil Service Commission, Division of EEO/AA, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed. If a written complaint has not been filed, the district's Affirmative Action Officer's must submit to the Division of EEO/AA a brief summary of the allegations that have been made.

Please complete the Affirmative Action Complaint Form and submit it to Steven Gardberg, Business Administrator.

### Investigation Process

1. During the initial intake of a complaint, the AA Officer will obtain information regarding the complaint and determine if interim corrective measures are necessary to prevent continued violations of the State's Policy Prohibiting Discrimination in the Workplace.
2. At the AA Officer's discretion, (when necessary) a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place. All investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved.
3. Any person thought to have information relevant to the complaint shall be interviewed and such interviews shall be appropriately documented. Other acceptable methods for gathering information

include but are not limited to visual inspection of relevant materials and follow-up interviews, as necessary.

4. An investigatory report will be prepared by the AA Officer. The report will include: (a) a summary of the complaint; (b) a summary of the parties positions; (c) a summary of the facts developed through the investigation and (d) an analysis of the allegations and the facts. The investigatory report will be submitted to the Superintendent of Schools.

### **Complaint Resolution**

1. The Superintendent of Schools will review the investigatory report issued by the AA Officer and make a determination as to whether the allegation of a violation of the State's Policy Prohibiting Discrimination in the Workplace has been substantiated. If a violation has occurred, the AA Officer, on behalf of the Superintendent of Schools, will determine the appropriate corrective measures necessary to immediately remedy the violation, including the imposition of discipline, if warranted.
2. The AA Officer, on behalf of the Superintendent of Schools will issue a final letter of determination to the parties. The final letter of determination will set forth the results of the investigation and the right of appeal to the Civil Service Commission (CSC). To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Division of EEO/AA shall be furnished with a copy of the final letter of determination.
3. The final letter shall include: (1) a brief summary of the parties' positions; (2) a brief summary of the facts developed Workplace did or did not occur; and (3) an explanation of the determination, which shall include whether: (i) the allegations were either substantiated or not substantiated; and (ii) a violation of the State's Policy Prohibiting Discrimination

### **Timeline**

1. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint is completed.
2. The time for completion of the investigation and issuance of the final letter of determination may be extended by the Superintendent of Schools for up to 60 additional days in cases involving exceptional circumstances. In the event of such extension, the Superintendent shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.

### **Appeals Process**

Appeals regarding disposition of complaints filed under this policy shall be submitted to the Superintendent.

### **External Agencies**

Any employee or applicant for employment can file a complaint directly with external agencies such as the New Jersey Division on Civil Rights and the U.S. Equal Employment Opportunity Commission that investigate discrimination/harassment charges in addition to utilizing this internal procedure. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court also must be submitted to the Division of EEO/AA.