

Employee Disability Nondiscrimination Policy

Surad Academy 401A. Employee Disability Nondiscrimination Policy

Adopted:

I. PURPOSE

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

II. GENERAL STATEMENT OF POLICY

- A. Surad Academy (Surad) shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. Surad shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. Surad shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. Surad shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact _____ (name), _____ (title), _____ (address), _____ (phone), _____ (e-mail). This individual is Surad's appointed ADA/Section 504 coordinator.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any employee who believes he or she has been discriminated against in violation of this policy by a teacher, administrator, other school personnel, or agent of the school, including, but not limited to, volunteers, or any person with knowledge or belief of conduct which may constitute unlawful discrimination toward an employee should report the alleged acts immediately to an appropriate Surad official designated by this policy or may file a grievance. Surad encourages the 402-2 reporting party or complainant to make a report or file a grievance within

thirty (30) days of the alleged violation whenever possible. Surad encourages the reporting party or complainant to use the report form available from the principal of each building or available from the Surad office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee directly to a school human rights officer or to the Executive Director.

- B. In Each School Building. The building principal/director is the person responsible for receiving oral or written reports or grievances of unlawful discrimination toward an employee at the building level. Any adult Surad personnel who receives a report of unlawful discrimination toward an employee shall inform the building principal/director immediately.
- C. Upon receipt of a report or grievance, the principal/director must notify the school human rights officer immediately without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal/director to the human rights officer. If the report was given verbally, the principal/director shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful discrimination toward an employee as provided herein may result in disciplinary action against the principal/director. If the complaint involves the building principal/director, the complaint shall be made or filed directly with the Executive Director, or the school human rights officer by the reporting party or complainant.
- D. The Surad Board hereby designates the Operations Manager as the Surad human rights officer to receive reports, complaints or grievances of unlawful discrimination toward an employee. If the complaint involves a human rights officer, the complaint shall be filed directly with the Executive Director.
- E. The school shall conspicuously post the name of the ADA/Section 504 Coordinator and human rights officer(s), including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful discrimination toward an employee will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. Surad 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 Surad's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of Surad, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful discrimination toward an employee shall promptly undertake or authorize an investigation if deemed appropriate. The investigation may be conducted by Surad officials or by a third party designated by Surad.
- B. The investigation may 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. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, Surad should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, Surad may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful discrimination toward an employee.
- E. The investigation will be completed within thirty (30) days of receipt of the complaint, unless good cause exists for a longer period of time. The school human rights officer or the individual designated to conduct the investigation shall make a written report upon completion of the investigation. 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.
- F. The result of Surad's investigation of each complaint filed under these procedures will be reported in writing to the complainant by Surad in accordance with state and federal law regarding data or records privacy.
- G. In the event the complainant does not believe that the complaint has been resolved to his or her satisfaction, he or she may appeal to the human rights officer. If the human rights officer (as opposed to some other individual designated by Surad) conducted the investigation, the appeal may be filed directly with the Executive Director. An appeal must be made within ten (10) school days of receipt of Surad's report in writing.
- H. The human rights officer shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall investigate further if necessary and

respond in writing to the complainant to the extent allowed by law. If the human rights officer conducted the investigation, this review shall be conducted by the Executive Director. The decision of the human rights officer (or of the Executive Director if that individual conducted the review) is final but does not prohibit a complainant from pursuing alternative complaint procedures as discussed in Section VII below.

- I. Nothing in this policy prohibits a complainant from pursuing alternative complaint procedures as discussed in Section VII below.

V. SCHOOL ACTION

Upon conclusion of the investigation and receipt of a report, Surad will take appropriate action. Such action may include, but is not limited to, warning, suspension, transfer, remediation, termination or discharge. School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school policies.

VI. REPRISAL

Surad will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful discrimination toward an employee or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education or the Equal Employment Opportunity Commission.

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions, and organizations.
- B. Surad shall review this policy and Surad's operation for compliance with state and federal laws prohibiting discrimination on a periodic basis.

Legal References:

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
29 U.S.C. 794 et seq. (Rehabilitation Act of 1973, § 504)

42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)
29 C.F.R. Part 32 34 C.F.R. Part 104

Cross References:

Surad Policy 521 (Student Disability Nondiscrimination)