

New Discoveries Montessori Academy Grievance Procedures

Grievance Procedure for Complaints of Discrimination, Harassment, Violence and Other Offensive Behavior

New Discoveries Montessori Academy maintains a firm policy prohibiting all forms of unlawful discrimination, harassment, violence, and other offensive behavior based on an individual's race, color, creed, religion, national origin, sex, age, marital status, status with respect to public assistance, sexual orientation, gender identity and expression, familial status, or disability.

NDMA prohibits discrimination, harassment, violence and other offensive behavior by or toward a student, school district personnel, or third party that occurs on any property owned or controlled by District or in connection with any activity sponsored by or associated with NDMA. NDMA environments covered include academic, extra-curricular, and co-curricular environments with an approved NDMA association.

Reporting a Grievance

Any person who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination shall report the alleged acts immediately to an appropriate school official designated by this policy. The complaint must be filed within 90 calendar days of the alleged violation.

The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the NDMA board or other school official.

The NDMA board hereby designates Director of Human Resources Kirsten Kinzler, 1000 5th Ave SE, Hutchinson, MN, 320-234-6362, kirsten.kinzler@newdiscoveries.org, as the NDMA Human Rights Officer to receive reports, complaints, or grievances of unlawful discrimination. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the NDMA Board Chair.

The Human Rights Officer may request a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours. Failure to do so may result in disciplinary action. NDMA encourages the reporting party to complete the complaint form for written complaints. It is available in the school administrative office.

NDMA shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

Responsible Administrators

Any prohibited conduct should be reported to the appropriate responsible administrator as outlined below.

Students

A student who is the target of alleged prohibited conduct should make a complaint as follows:

-If the alleged offender is a student, the conduct should be reported to the board appointed administrator or designee.

-If the alleged offender is a school district personnel member or third party, the conduct should be reported to the board appointed administrator. An alternative option is to report the conduct to the Human Resource Office Manager.

School District Personnel Members

A school district personnel member who is the target of alleged prohibited conduct should make a complaint as follows:

-If the alleged offender is a student, the conduct should be reported to the board appointed administrator or designee.

-If the alleged offender is a school district personnel member or third party, the conduct should be reported to the board appointed administrator. An alternative option is to report the conduct to the Human Resources Office Manager.

-If the alleged offender is the board appointed administrator or a member of the NDMA Board, the conduct should be reported to the Chair of the Board of Education.

-If the alleged offender is the Chair of the Board of Education, the conduct should be reported to the Vice-Chair.

Third Parties

A third party who is the target of alleged prohibited conduct should make a complaint as follows:

-If the alleged offender is a student, the conduct should be reported to the board appointed administrator or designee.

-If the alleged offender is a school district personnel member or third party, the conduct should be reported to the board appointed administrator. An alternative option is to report the conduct to the Human Resources Office Manager.

Responsible administrators who receive complaints of alleged prohibited conduct must document all complaints using provided report forms, which can be obtained from the administrative office or on the school's website.

Nothing in this procedure prevents any individual from reporting alleged prohibited conduct directly to the board appointed administrator or from using alternative NDMA policies or procedures. For example, students may report sex discrimination to the school's Title IX Coordinator. In addition, to the extent permitted by the agencies, individuals may file complaints with outside agencies including the Minnesota Department of Human Rights, the U.S. Department of Education Office of Civil Rights (Region V), and the Equal Employment Opportunity Commission.

Investigation of a Grievance

The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Title IX coordinator for complaints of sex discrimination or the Section 504 Coordinator for complaints of disability discrimination, or a school official or neutral third party designated by the Title IX coordinator, Section 504 coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable

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 other methods deemed pertinent by the investigator.

In determining whether the alleged conduct constitutes a violation of this policy, NDMA shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.

NDMA may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.

Upon completion of the investigation, the school investigator shall make a written report to the Human Rights Officer. If the complaint involves the Human Rights Officer, the report may be filed directly with the NDMA board chair. The report shall include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.

NDMA shall comply with federal and state law pertaining to retention of records.

Appeal Process

If the grievance has not been resolved to the satisfaction of the complainant, s/he may appeal to the Human Rights Officer within ten (10) school days of receipt of the findings of the school investigation. The school investigator shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall affirm, reverse, or modify the findings of the report. The decision of the school investigator is final but does not preclude pursuit of alternative complaint procedures noted in the section entitled “Right to Alternative Complaint Procedures.”

NDMA Action

Upon conclusion of the investigation and receipt of the findings, NDMA shall take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, restorative practices, remediation, warning, suspension, expulsion, transfer or termination. NDMA action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, Minnesota and federal law and school policies.

The result of NDMA’s investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the school in accordance with state and federal law regarding data or records privacy.

Retaliation

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

Conflict of Interest

If there is a conflict of interest with respect to any party affected by this policy, appropriate action shall be taken such as, but not limited to, appointing or contracting with a neutral third party

investigator to conduct the investigation or recusal from the process the person for whom a conflict or potential conflict of interest exists.

Dissemination of Procedures

NDMA shall adopt and publish these procedures.

NDMA Grievance Contact

Title IX Coordinator/Section 504 Coordinator/Human Rights Officer

Board Appointed Administrator, Kirsten Kinzler

1000 5th Ave SE

Hutchinson, MN 55350

320-234-6362

kirsten.kinzler@newdiscoveries.org

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 agencies listed below or initiating action in state or federal court.

Claims of discrimination may also be pursued through the following agencies where appropriate:

U.S. Department of Education

Office for Civil Rights, Region V

500 W. Madison Street – Suite 1475

Chicago, IL 60661

Tel: 312-730-1560

TDD: 312-730-1609

MN Department of Human Rights

190 E 5th Street

St. Paul, MN 55101

800.657.3704

651.296.5663

TDD 651.296.1283

For complaints of employment discrimination:

Equal Employment Opportunity Commission

330 S. 2nd Avenue Suite 430

Minneapolis, MN 55401

800.669.4000

612.335.4040

TDD 612.335.4045

This is general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.