



## Independent School District 152



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### Grievance Procedures for Equal Opportunity

Administrative Procedure: 401.1

Section: 400 Employees

Date Adopted: 12/13/1983

Date Revised: 10/10/23

Date Reviewed: 10/10/2023

#### I. PURPOSE

The purpose of this procedure is to ensure that the Moorhead Area Public Schools provides the opportunity for students, parents, guardians of students, or school district employees to grieve matters pertaining to discriminatory practices.

#### II. GENERAL STATEMENT

Where grievance procedures are established through master contracts/agreements with employee organizations, either this or the employee organization's procedure may be implemented to resolve the problem.

This procedure addresses itself to discriminatory acts or policies regarding race, color, national origin, creed, religion, sex, sexual orientation, including gender identity or expression, marital status, age, limited English proficiency, status with regard to public assistance or disability. This procedure may be used as a complaint against an individual or the school district for alleged discriminatory acts in violation of state or federal statutes or school district policy. Nothing provided herein shall abridge or limit the right of any individual to seek enforcement of state and/or federal laws or to be represented by counsel.

##### Section 1: Definition

Grievance: A complaint about an alleged violation, misinterpretation, or inequitable application of state and/or federal laws and regulations or school district policy and procedures affecting equality in the educational program and/or employment practices.

Grievant: Any student, parent or guardian of a student, or employee of the school district who believe(s) that there is, or has been, a violation, misinterpretation or inequitable application of state and/or federal laws and regulations or school district policy and procedures affecting equality in the educational program and/or employment practices.

Respondent: Person, persons, or group named in grievance who allegedly discriminated.

Supervisor: Any school district administrator, i.e. superintendent, building and site administrators, assistant principal, assistant superintendent, human resources director, members of the supervisors' bargaining unit, or Moorhead School Board.

Days: "Days" shall mean all weekdays, excluding Saturday, Sunday and days designated as holidays by state law.

## Section 2: Waiver of Steps and Time Limits

The Moorhead Area Public Schools encourages grievants to initiate the procedure described in Section 4 as soon as possible after an alleged violation, misinterpretation, or inequitable application of state and/or federal laws and regulations or school district policy and procedures affecting equality in the education program and/or employment practices occurs. Postmarks or dates or initialed receipts shall serve for counting days to comply with this grievance procedure. Communications must be transmitted through U.S. certified mail or hand-delivered and witnessed. The parties, by mutual written agreement, may waive any step and extend any time limit in the grievance procedure. If the respondent/supervisor does not respond within the time limits, the grievant may proceed to the next step immediately.

## Section 3: Withdrawal

A grievance may be withdrawn by the grievant at any step.

## Section 4: Title IX

Grievances falling under regulations applicable to sexual harassment as defined by Title IX for students and employees must contact the Title IX Officer and follow the grievance procedure defined in Moorhead Area Public Schools Policy 522: Title IX Nondiscrimination Policy, Grievance Procedure and Process.

Title IX Officer:

Kristin Dehmer, Assistant Superintendent of Business and Administrative Services

Operations Center

1313 30th Avenue South

Moorhead, MN 56560

218-284-3350

## Section 5: Procedure

The grievant should first make an attempt to resolve the complaint through open discussion with the respondent and/or respondent's immediate supervisor, building supervisor, or his/her designee. The discussion should take place as soon as possible after the alleged incident. The informal complaint shall include the following information: (1) nature of the grievance; (2) facts, including dates, places, persons, and actions; and, (3) relief requested. If the grievance is not resolved in or with the human resources department the informal discussion stage, the grievant may file a formal oral or written complaint (Administrative Procedure 402.2: Discrimination Complaint Form) with the immediate supervisor of the respondent.

The formal complaint shall include the following information: (1) nature of the grievance; (2) facts including dates, places, persons, and actions; and, (3) relief requested. The formal written grievance shall be certified mailed or hand-delivered and witnessed to the immediate supervisor of the respondent or the human resources department who will determine whether the grievance is filed at the correct level. The grievant will be notified if the placement is not appropriate. If filed at the appropriate step, the supervisor will have five (5) days to respond, during which time the supervisor and the human resources director shall have held a conference with interested parties before a response will be sent to the next step.

If the grievant is not satisfied with the response of the previous step, an appeal may be filed with the superintendent within a period of five (5) days following the supervisor's/executive director of human resources and operations response. The superintendent will respond in the same manner as any other supervisor, and will render a decision and mail by certified mail or hand-deliver with witness the response within the five (5) day period. A copy of the response will be sent to the district's human resources director and, if applicable, to the School Board.

If the grievant is not satisfied with the response of the superintendent, an appeal may be filed with the School Board within a five (5) day period following the superintendent's response. The School Board will have the following options to consider the matter: 1)

within 14 days, appoint an independent hearing officer; 2) within 14 days, appoint a subcommittee of the School Board to hear the grievance; or, 3) within 14 days, take the grievance to the full School Board to be considered at the next regularly scheduled School Board meeting unless the School Board is next scheduled to meet within seven (7) days of receipt of the grievance appeal.

The School Board decision shall be rendered within five (5) days of the hearing of the grievance. A copy of the response shall be sent to the superintendent, human resources director and the grievant.

Nothing in this grievance procedure shall preclude the grievant from filing a complaint with any or all of the following agencies at any time:

MN Department of Human Rights  
190 East 5th Street, Suite 700  
St. Paul, MN 55101  
1-800-657-3704

U.S. Equal Employment Opportunity Commission  
1801 L Street NW  
Washington, D.C. 20507  
(202) 663-4900

Equal Employment Opportunity Commission (Regional Office)  
Reuss Federal Plaza  
310 W. Wisconsin Avenue  
Suite 800  
Milwaukee, WI 53203-2292  
1-800-669-4000

Equal Employment Opportunity Commission  
330 2nd Avenue South, Suite 720  
Minneapolis, MN 55401-2224  
612/335-4040

### **III. REPRISAL**

The Moorhead Area Public Schools will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful discrimination based on race, color, national origin, creed, religion, sex, sexual orientation, marital status, age, limited English proficiency,

status with regard to public assistance or disability, toward a student 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.

Legal References:

Minn. Stat. 363 (Minnesota Human Rights Act)  
29 U.S.C. 621 et seq. (Age Discrimination in Employment Act)  
29 U.S.C. 2615 (Family and Medical Leave Act)  
38 U.S.C. 4301 et seq. (Vietnam Era Veterans Readjustment Assistance Act)  
38 U.S.C. 4211 et seq. (Veterans Reemployment Rights Act)  
42 U.S.C. 2000e et seq. (Title VII of the Civil Rights Act)  
42 U.S.C. 12101 et seq. (Americans with Disabilities Act)  
20 U.S.C. 1681 et seq. (Title IX of the Education Amendments of 1972)

Cross References:

Moorhead School Board Policy 102: State and Federal Law Prohibiting Discrimination  
Moorhead School Board Policy 401: Equal Employment Opportunity Statement  
Moorhead School Board Policy 404: Employment Disability Nondiscrimination  
Moorhead School Board Policy 410: Employment of Faculty and Staff  
Moorhead School Board Policy 405: Veteran's Preference Hiring  
Moorhead School Board Policy 522: Title IX Nondiscrimination Policy, Grievance Procedure and Process  
Moorhead School Board Policy 413: Prohibition of Harassment and Violence