Board Policy GAAA: Equal Opportunity Employment

Status: DRAFT

Original Adopted Date: 11/08/2022 **| Last Reviewed Date:** 11/08/2022

City Schools of Decatur does not discriminate on the basis of race, color, national origin, religion, age, disability, or sex in its employment practices. It is the policy of the Board of Education to comply fully with the requirements of Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and all accompanying regulations.

Any employee, applicant for employment, or other person who believes he or she has been discriminated against or harassed in violation of the laws specified below must make a complaint in accordance with the procedure outlined below.

COMPLAINTS PROCEDURE

Complaints made to the School District regarding alleged discrimination or harassment on the basis of race, color or national origin in violation of Title VI; sex (except as stated below) in violation of Title IX; religion in violation of Title VII; disability in violation of Section 504 or the ADA, or age in violation of the ADEA, will be processed in accordance with the following procedure:

1. (a) Any employee, applicant for employment, or other person with a complaint or report alleging a violation as described above, excluding sexual harassment as defined in 1b, shall promptly notify, in writing or orally, either the principal for his/her school or the appropriate coordinator designated by the school principal or the District. If the report or complaint is oral, either the coordinator or school principal to whom the complaint is made shall promptly prepare a memorandum or written statement of the complaint as made to him or her by the complainant and shall have the complainant read and sign the memorandum or statement if it accurately reflects the complaint made. If the complaint is made to a school principal, he or she shall be responsible for notifying the appropriate coordinator of the complaint. Reports or complaints other than those described in 1b shall be handled in accordance with the procedures starting in 2.

   (b) Any person with a complaint or report alleging sexual harassment as defined in Policy GAEB (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), may report, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator on the District's website, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. Such reports will be handled in accordance with the procedures and grievance process specified in Policy GAEB.

2. If the alleged offending individual is the coordinator, the complaint shall either be made by the complainant to the Superintendent or designee, if the complaint is initially made to the school principal, reported by the principal to the Superintendent. If the alleged offending individual is the Superintendent, the complaint shall be made to the designated coordinator, who shall, without further investigation, report the complaint to the Board chairperson.

3. The coordinator or his or her designee shall have thirty (30) school days to gather all information relevant to the complaint made, review the information, determine the facts relating to the complaint, review the action requested by the complainant, and attempt to resolve the complaint with the complainant and any other persons involved. The coordinator or designee shall prepare a written response to the complaint detailing any action to be taken in response to the complaint and the time frame in which such action will be taken and copies of this response shall be furnished to the complainant, respondent, the appropriate coordinator and the principal or his or her designee.

4. If the complaint is not resolved at the conclusion of this thirty -day period or if the complainant and/or respondent is not satisfied with the resolution of the complaint, either party shall have the right, within ten school days of receiving a copy of the written response, to have the complaint referred to the Superintendent of Schools. If the alleged offending individual is the Superintendent, the complainant may have the complaint referred to the Board of Education, rather than the Superintendent.

5. The Superintendent shall have twenty school days to review the complaint and the response of the coordinator or designee and attempt to resolve the complaint. The Superintendent shall furnish to the

complainant a written response setting forth either his or her approval of the action recommended by the coordinator or designee or the action to be taken by the School District in response to the complaint in lieu of that recommended by the coordinator or designee and the time frame in which such action shall be taken. The decision of the Superintendent shall be final.

6. In accordance with the provisions of applicable law, neither student nor staff shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination on the basis of race, color, religion, sex, citizenship, ethnic or national origin, age, disability, medical status, military status, veteran status, marital status, sexual orientation, gender identity, or expression, genetic information, ancestry, or any legally protected status, in any educational programs, activities or employee.This policy is not intended to deprive any employee of any right they may have to file a grievance pursuant to any other policy of the local Board of Education, specifically the policy designed to implement Official Code of Georgia Annotated 20-2-989.5, where appropriate. This policy is not intended to provide an alternative process for resolving evaluation and employment disputes where there already exists a due process procedure mandated by state law or State Department of Education regulations.The complainant retains at all times the right to contact the Office of Civil Rights, the Equal Employment Opportunity Commission or any other appropriate state or federal agency with regard to any allegations that the School District has violated the statutes described above.

7. The School District shall be responsible for distributing and disseminating information relevant to this policy and procedure to employees through appropriate procedures.

8. No reprisal shall occur as a result of reporting unlawful discrimination or harassment under this policy, and any attempt to retaliate against a complainant shall be disciplined as is appropriate.

9. The confidentiality of any individual making a complaint or report in accordance with this policy, to the extent it is reasonably possible and complies with the law, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding consideration.

Contact information for the following coordinators is available on the District's website:. Title VI, Title VII, Title IX, Section 504, and ADA.

~~Title VI:Associate Superintendent/Equity DirectorTitle VII:Chief Human Resource OfficerTitle IX: Associate Superintendent/Equity DirectorSection 504:Chief Human Resource OfficerADA: Chief Human Resource Officer~~

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Note: ***To access the policy references, CLICK HERE:*** ***State of Georgia Terms and Conditions*** ***and close the LexisNexis tab, which will return you to the policy. Click on the links below to be taken to each specific code. You should only have to do this one time per session.***

State	Description
O.C.G.A. 20-01-0011	Advocating for divisive concepts; prohibition on discrimination; practice of tolerance and mutual respect encouraged; complaint resolution policies; inspection of records; waivers prohibited
O.C.G.A. 20-02-0211	Annual contract; disqualifying acts; job descriptions
O.C.G.A. 20-03-0065	No exclusion from University of Georgia for religious beliefs
O.C.G.A. 30-01-0001	"Deaf person" defined
O.C.G.A. 34-01-0002	Age discrimination in employment prohibited
O.C.G.A. 34-05-0001	Declaration of public policy regarding discriminatory wage practices based on sex
O.C.G.A. 34-06A-0001	Georgia Equal Employment for Persons with Disability - short title
O.C.G.A. 34-06A-0002	Equal Employment for persons with disabilities-Definitions

State	Description
O.C.G.A. 34-06A-0003	Inquiries by employer as to existence of disability; employment decisions based on disability
O.C.G.A. 34-06A-0004	Prohibited discriminatory activities
O.C.G.A. 34-06A-0005	Retaliation by employers against employees; labor organization members
O.C.G.A. 34-06A-0006	Actions against persons engaged in unfair employment practices; remedies, court costs, and attorney's fees
O.C.G.A. 45-19-0020	Fair Employment Practices Act of 1978 - short title
O.C.G.A. 45-19-0029	Fair Employment Practices Act of 1978-Unlawful practices generally
O.C.G.A. 45-19-0031	Unlawful practices in advertisement of employment
Rule 160-5-4-.18	Bidding Requirements for State-Funded School Capital Outlay Projects

Federal	Description
18 USC 1513	Retaliating against a witness, victim, or an informant
20 USC 1681	Title IX-Prohibition against discrimination based on sex
28 CFR 35.136	Service animals
29 CFR 1605	Guidelines on discrimination because of religion
29 CFR 1691.5	Agency processing of complaints of employment discrimination - ADA
29 USC 623	Prohibition of age discrimination
29 USC 631	Age Discrimination in Employment-age limits
29 USC 794	Nondiscrimination under Federal grants and programs
29 USC 794a	Remedies and attorney fees-federal programs
34 CFR 100.7	Title VI - Conduct of investigations
34 CFR 104.7	Section 504 - Designation of responsible employee and adoption of grievance procedures
34 CFR 106.8	Title IX - Designation of coordinator, dissemination of policy, and adoption of grievance procedures
42 USC 12101	Americans with Disabilities Act - Findings and purpose
42 USC 2000d	Civil Rights Act-Prohibition against discrimination in federally assisted programs on basis of race, color, or national origin
42 USC 2000e-2	Unlawful employment practices
45 CFR 86.57	Discrimination based upon marital or parental status prohibited