

# POLICY

BOARD OF EDUCATION  
MORRIS-UNION  
JOINTURE COMMISSION

ADMINISTRATION  
1550/page 1 of 2  
Affirmative Action Program for  
Employment and Contract Practices/  
Employment Practices Plan  
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1550 AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND  
CONTRACT PRACTICES/EMPLOYMENT PRACTICES PLAN

The Board of Education shall, in accordance with law, strive to overcome the effects of any previous patterns of discrimination in district employment practices and shall systematically monitor district procedures to ensure continuing compliance with anti-discrimination laws and regulations.

No qualified handicapped person, shall, on the basis of handicap, be subjected to discrimination in employment and the Board will take positive steps to employ and advance in employment qualified handicapped persons in programs and activities.

The Assistant Superintendent shall serve as Affirmative Action Officer and shall coordinate all activities designed to implement this policy. It will be the responsibility of the Affirmative Action Officer to:

1. Study job descriptions, job qualifications, and salary guides for discriminatory practices;
2. Compare the characteristics of persons in the district's hiring region who possess skills required by the district to the characteristics of district employees;
3. Develop methods to search out sources of candidates for employment;
4. Recommend methods of recruitment that will encourage minority and female applicants;
5. Review recruiting advertisements and application forms;
6. Compare data on the promotion and discharge of women and minorities to district-wide data on promotion and discharge of employees; and



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1550/page 2 of 2  
Affirmative Action Program for  
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7. Recommend programs that will encourage greater job opportunities for women and members of minority groups.

The Affirmative Action Officer shall report as required to the Board on progress made in the affirmative action program for employment and contract practices. The Board will annually review district progress toward objectives of any state-approved affirmative action plan.

20 U.S.C.A. 1681; 20 U.S.C.A. 1703(d)  
N.J.S.A. 10:5-1 et seq.  
N.J.S.A. 18A:6-5 et seq.  
N.J.A.C. 6:4-1.3(b)

Adopted: 3 December 1992  
Revised: 11 March 2004



**AFFIRMATIVE ACTION PROGRAM  
FOR EMPLOYMENT AND CONTRACT PRACTICES  
COMPLAINT PROCEDURE**

**A. Purpose and Application**

1. The purpose of this procedure is to give any employee the opportunity to appeal an alleged violation of the district's affirmative action plan for employment and contract practices, as set forth in Policy #3122 or in a plan formally adopted by the Board of Education and approved by the Commissioner.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual employees.

**B. Definitions**

1. "Board of Education" means the Board of Education of the Morris-Union Jointure Commission School District.
2. "Complaint" means an alleged violation of the district's affirmative action plan or policy.
3. "Complainant" means an employee who alleges a violation of the district's affirmative action plan or policy.
4. "Day" means a work day.
5. "School District" means the Morris-Union Jointure Commission School District.
6. "Employee" means an employee of the school district who is under contract by the Morris-Union Jointure Commission.

7. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy #3122 or the duly approved affirmative action plan to remove impermissible bias or preference from all aspects of district employment practices and/or to correct the results of past discrimination.

**C. Procedure**

1. An employee who believes that he or she has been harmed or adversely affected by a failure to enforce the district's affirmative action plan for employment and contract practices shall discuss the matter with his or her immediate supervisor, in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within ten (10) days, the complainant may submit a written complaint to the affirmative action officer. The complaint will include.
  - a. The complainant's name and address;
  - b. The specific failure to act that the complainant complains of;
  - c. The school officer or employee, if any, responsible for the alleged violation of the affirmative action plan;
  - d. The results of discussions conducted in accordance with C1; and,
  - e. The reasons why those results are not satisfactory.
3. The affirmative action officer will investigate the matter informally and will respond to the complaint in writing no later than ten (10) days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the affirmative action officer may be appealed to the Superintendent in writing within (10) days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the employee alleged to have violated the affirmative action plan.
5. On his or her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than ten (10) days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the

employee charged with violation of the affirmative action plan and any other person with knowledge of the violation.

6. The superintendent will render a written decision in the matter no later than ten (10) days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board of Education.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than ten (10) days after receipt of the Superintendent's decision. The appeal will include:
  - a. The original complaint;
  - b. The response to the complaint;
  - c. The Superintendent's decision;
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented; and
  - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the employee, if any, charged with a violation of the affirmative action plan.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than ten (10) days after the appeal was filed or the hearing held, whichever occurred later.

11. The complainant will be informed of his or her right to appeal the Board's decision to the:

Commissioner of Education  
Division of Controversies and Disputes  
NJ State Department of Education  
225 West State Street  
Trenton, NJ 08625  
Telephone: (609) 292-5705

or

NJ Division on Civil Rights  
1100 Raymond Boulevard  
Newark, NJ 07102  
Telephone: (201) 648-2700

**D. Record**

1. The records of any complaint processed in accordance with this procedure shall be kept in a file maintained by the affirmative action officer.
2. A copy of the decision rendered at its highest level of appeal will be kept in the complainant's personnel file.