

The Board of Education of Unified School District No. 501 is opposed to unlawful discrimination against any applicant or employee by virtue of that person's race, color, ancestry, national origin, sex, sexual orientation, gender, gender identity or expression, age, religion, disability, political affiliation, or status as a veteran and will not condone such misconduct by any employee or volunteer considered to be an agent of the Topeka Public Schools. All district employees are public servants and should enjoy an environment free from discriminatory harassment, retaliation, or other forms of unlawful discrimination.

The purpose of this policy is to establish a method by which complaints regarding alleged or suspected unlawful employment discrimination, prohibited by this policy and Board Policies 4065 Discrimination and Harassment: Employees, 8110 Students, and 2050 Complaints can be made and addressed.

Except as otherwise provided in this policy and Board Policies 4065, 8110, and 2050, complaints of discrimination or discriminatory harassment by employees or applicants for employment should be addressed to the employee's immediate supervisor, the building principal or the district's EEO/AA Officer. The EEO/AA Officer is the general director of human resources, whose office is located at 624 SW 24<sup>th</sup> Street, Topeka, KS 66611. Should the EEO/AA Officer be the complainant or the source of the complaint, or should there be a conflict of interest, the complaints should be made directly to the superintendent of schools.

Complaints regarding alleged discrimination on the basis of sex, as prohibited by Title IX of the Education Amendments of 1972 and other federal and state laws regulating such discrimination and discriminatory harassment, shall be handled in accordance with the procedures outlined in Board Policies 4065 Discrimination and Harassment: Employees and 8110 Discrimination and Harassment: Students and shall be directed to the Title IX Coordinator, the General Counsel, 624 SW 24th Street, Topeka, KS 66611.

Complaints alleging discrimination in child nutrition programs offered by the district shall be handled in accordance with the procedures outlined in Board Policy 2050.

Complaints about other types of discrimination, including complaints of harassment, will be resolved through the following complaint procedures:

**A. Informal Procedures**

The building principal shall notify the EEO/AA officer of any complaint of discrimination. The EEO/AA officer will attempt to resolve complaints of discrimination or harassment in an informal manner at the building level, if possible. Any school employee who receives a complaint of discrimination harassment from a student, another employee or any other individual shall inform the individual of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal or the EEO/AA officer. The EEO/AA officer shall discuss the complaint with the

individual to determine if it can be resolved. If the matter is resolved to the satisfaction of the individual, the EEO/AA officer shall document the nature of the complaint and the proposed resolution of the complaint. Within 20 days after the complaint is resolved in this manner, the EEO/AA officer shall contact the complainant to determine if the resolution of the matter remains acceptable. If the matter is not resolved to the satisfaction of the individual in the meeting with the EEO/AA officer, or if the individual does not believe the resolution remains acceptable, the individual may initiate a formal complaint.

**B. Formal Complaint Procedures**

1. A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. If an individual does not wish to file a written complaint and the matter has not been adequately resolved, the building principal or other supervisor may initiate the complaint. Forms for filing written complaints shall be available.
2. A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.
3. If appropriate, an investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the board shall appoint an investigating officer. In other instances, the investigation shall be conducted by the EEO/AA officer or another individual appointed by the board. The investigation shall be informal but thorough. All interested persons, including the complainant and the person against whom the complaint is lodged, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.
4. A written determination of the complaint's validity and a description of the resolution shall be issued by the investigator, and a copy forwarded to the complainant no later than 30 days after the filing of the complaint unless both parties agree to an extension.

If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.

If the investigation results in a recommendation that an employee be suspended without pay or terminated, procedures outlined in board policy, the negotiated agreement and state law will be followed.

5. Records relating to complaints filed and their resolution shall be forwarded to and maintained in a confidential manner by the EEO/AA officer.

6. The complainant may appeal the determination of the complaint. Appeals shall be heard by a hearing officer appointed by the board or by the board itself. The request to appeal the resolution shall be made within 20 days after the date of the written resolution of the complaint at the lower level. The appeal officer or board shall review the evidence gathered by the investigator and the investigator's report, and shall afford the complainant and the person against whom the complaint is filed an opportunity to submit further evidence, orally or in writing, within 10 days after the appeal is filed. The appeal officer or board will issue a written determination of the complaint's validity and a description of its resolution within 30 days after the appeal is filed.
7. Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with:

U.S. Department of Education Office for Civil Rights  
One Petticoat Lane  
1010 Walnut St., Suite 320  
Kansas City, Missouri 64106  
(816) 268-0550 or Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

or

Equal Employment Opportunity Commission  
400 State Ave., Suite 905  
Kansas City, KS 66101  
1-866-669-4000  
[www.eeoc.gov](http://www.eeoc.gov)

or

Kansas Human Rights Commission  
900 SW Jackson, Suite 568-S  
Topeka, KS 66612-1258  
(785) 296-3206

**Grievance Procedures – Employees may also utilize established grievance procedures to address concerns about employment discrimination. Certified employees should follow the grievance procedure outlined in the Professional Agreement. Classified employees should follow the grievance procedure outlined in the Employee's Handbook. Administrators and applicants should write directly to the EEO/AA Officer.**

**A summary of this policy and related materials shall be posted in each district facility and shall also be published in employee handbooks. Notification of the policy shall be included in all school publications and on websites.**

**Civil Actions and Administrative Complaints - Any school district employee served with formal legal process and a complaint from a federal or state court or civil rights enforcement agency (including the Topeka Human Relations Commission, the Kansas Human Rights Commission, the Federal Equal Employment Opportunity Commission, or the Office for Civil Rights of the U.S. Department of Education) shall immediately forward the documents to the District Counsel.**