

Nondiscrimination

Equal Opportunity/Affirmative Action/Title IX ADA Title I Section 504/Chapter 622 Grievance Procedure

The Worcester Public Schools is an Equal Opportunity/Affirmative Action Employer/Educational Institution and does not discriminate regardless of race, color, religion, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, genetics or military service. The Worcester Public Schools provides equal access to employment and the full range of general, occupational and vocational education programs. For more information relating to Equal Opportunity/Affirmative Action contact the Chief Human Resource Officer, 20 Irving Street, Worcester, MA 01609, 508-799-3020.

The Worcester Public Schools pledges to encourage the equitable and prompt settlement of complaints which may be raised by any employee or applicant on a claim of discrimination based on race, color, religion, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, genetics or military service, if the claim is justifiable.

The proceedings shall be kept confidential at each level of this procedure. No document relating to a grievance will be included in the employee's personnel file unless the employee requests this in writing. The grievance procedures are available to remedy unlawful discrimination regarding the hiring, employment, training, promotion, transfer or discipline of any person.

Your attention is called to the fact that the Worcester Public Schools, in accordance with federal and state laws, prohibits discrimination in its operations. This policy, providing equal employment and educational opportunities to all persons regardless of their race, color, religion, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, genetics or military service will apply to all persons affiliated with the Worcester Public Schools, including students, prospective and existing personnel, contractors and suppliers of goods and services.

The Chief Human Resource Officer, 20 Irving Street, Worcester, Massachusetts 01609, telephone number (508) 799-3020, is responsible for the coordination of Title IX, Section 504 ADA Title I and Chapter 622 in the Worcester Public Schools and will be responsible for coordinating the following grievance procedures:

A grievance shall be a complaint by a student, parent/guardian, prospective employee or staff member alleging discrimination on account of race, color, religion, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), handicap (disability), mental illness, retaliation, sexual harassment, sexual orientation, genetics or military service, which is filed no more than 30 business days after the alleged act and/or statement.

An aggrieved party must institute proceedings hereunder within **thirty (30) business days** of the event or events giving rise to the grievance or within **thirty (30) business days** from the date the aggrieved party had knowledge or reasonably should have had knowledge of the event or events giving rise to the grievance. The four levels of the grievance process for complaints include:

Level I

- a. A staff member, student or prospective employee with a grievance shall present his/her complaint to his/her immediate superior or principal, whoever is appropriate.
- b. The immediate superior shall make a determination, which shall be final unless the aggrieved party elects to appeal to the next level or the Managers for Instruction and School Leadership, as stated in "c" below. The determination shall be within five (5) business days after the receipt of the formal complaint by the immediate superior.
- c. In the event that no decision has been reached within five (5) business days after presentation of the grievance, the aggrieved party may reduce the grievance to writing and submit it within ten (10) business days to the Managers for Instruction and School Leadership.
- d. This level is an alternate level and a grievant is permitted at his/her discretion to initiate his/her action at Level II.

Level II

- a. If the grievance is not resolved at Level I after five (5) business days, or if a grievant exercises his/her discretion to initiate the complaint at Level II, it shall be reduced to writing by the grievant and forwarded to the Chief Human Resource Officer.
- b. The Chief Human Resource Officer shall meet with appropriate parties to attempt to settle the complaint. The determination shall be within five (5) business days after the receipt of the formal complaint by the Chief Human Resource Officer.
- c. In the event that no decision has been reached within five (5) business days after presentation of the grievance, the aggrieved party may reduce the grievance to writing and submit it within ten (10) business days to the Superintendent.

Level III

- a. The Superintendent, or his/her designee, shall meet within five (5) business days thereafter with the aggrieved person and attempt to settle the grievance.
- b. The grievance shall be answered in writing. In the event that the grievance shall not have been disposed of to the satisfaction of the aggrieved party at Level III, or in the event that no written answer has been received within ten (10) business days after the meeting on the grievance, the aggrieved person may forward the grievance with a copy of the answer, if any, to the Clerk of the School Committee within ten (10) business days.

Level IV

- a. The School Committee will hold a hearing on said grievance within fifteen (15) business days. Said hearing is to be open only at the mutual consent of both parties.
- b. The School Committee will render to the grievant a written decision and the reasons therefore within fifteen (15) business days of said hearing.

Waiver

Failure of the grievant to comply with any provision of the aforesaid grievance procedure shall be deemed to be a waiver of the complaint under the terms of this policy. Failure of the Equal Opportunity/Affirmative Action Officer, Director, Principal, Supervisor, etc. to comply with the time limits set forth in this procedure shall cause the complaint to be automatically appealed to the next Level in the grievance procedure. The time limits specified in the grievance procedure may, however, be extended in any specific instance by mutual written agreement of the parties.

NOTE: Individuals with grievances are not required to use and/or exhaust the Worcester Public Schools grievance procedures. Written complaints, signed by grievant or an authorized representative, may be filed within 300 days as follows:

Equal Employment Opportunity Commission (E.E.O.C.)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000

Massachusetts Commission Against Discrimination
(M.C.A.D.)
One Ashburton Place, Room 601
Boston, MA 02108
617-994-6000
Worcester Office
484 Main Street, Room 320
Worcester, MA 01608
508-453-9630

Additional Agencies Include:

Massachusetts Department of Elementary and
Secondary Education
75 Pleasant Street
Malden, MA 02148-4906
781-388-3300

United States Department of Education
POCH Building, 5 Post Office Square
9th Floor, Room 24
Boston, MA 02110
617-289-0100