

# REGULATION

## PARSIPPANY-TROY HILLS TOWNSHIP SCHOOL DISTRICT

FOREWORD

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### FOREWORD

The Board of Education has authorized the Superintendent to promulgate administrative regulations except where approval by the Board is required by statute or administrative code for the orderly operations of the Parsippany-Troy Hills Township School District that are binding on all pupils, employees, and visitors to the district.

These administrative regulations are intended to give direction to staff members in carrying out Board policies, statutory mandates, and contractual obligations. The operations directed by these regulations should be efficient, amenable to assessment, and considerate of the needs and rights of pupils and employees. Any suggestions for additions or improvements that help attain these objectives are welcome.

These regulations apply to the entire school district. Principals may establish additional rules as necessary to apply these regulations to their school, provided that school rules do not exceed the authority set forth in these regulations.

These regulations will be made available to each employee. Employees and pupils who violate these regulations are subject to disciplinary action.



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### R 1000 ADMINISTRATION

Number	Title
R 1240	Evaluation of Superintendent
R 1330	Evaluation of School Business Administrator
R 1400	Job Descriptions
R 1510	Rights of Persons With Handicaps or Disabilities/Non-Discrimination
R 1530	Equal Employment Opportunity Complaint Procedure
R 1550	Affirmative Action Program for Employment and Contract Practices/Employment Practices Plan Complaint Procedure



## R 1240 EVALUATION OF SUPERINTENDENT

### A. Frequency of Evaluation

The Superintendent shall be evaluated annually.

### B. Evaluation Criteria

1. Job description
2. Annual goals and/or objectives
3. The following criteria as enumerated by the N.J.S.B.A. shall also be used:
  - a. Ability to manage;
  - b. Ability to lead;
  - c. Ability to make decisions;
  - d. Ability to communicate;
  - e. Supervision and staff development;
  - f. Responsiveness to others;
  - g. Creativity;
  - h. Ability to maintain an effective educational climate;
  - i. Effective implementation of Board policies and procedures;
  - j. Use of physical and financial resources of the district in a judicious manner;
  - k. Demonstration of a broad knowledge of matters that will aid in effectively managing the school district.



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Evaluation of Superintendent

C. Board of Education Superintendent Evaluation Committee

1. The Superintendent and the Committee of the Board shall collect appropriate data to properly evaluate the Superintendent.
2. The Superintendent shall cooperate with the Committee members of the Board designated to collect the data.

D. Preparation of Written Evaluation Report

1. The Committee of the Board shall in a committee session consider all of the collected data.
2. The Committee of the Board shall discuss the data and evaluate the Superintendent based on the evaluation criteria as described in B. above.
3. The Committee of the Board shall prepare a draft of the written evaluation document.
4. The Committee shall present to the full Board in Closed Session the draft evaluation document and determine any required revisions.
5. The Committee shall by a majority of members vote to forward the evaluation document to the full Board of Education for approval by a majority vote of the Board.

E. Conduct of Annual Performance Conference

1. The Committee shall conduct the evaluation conference.
2. The Committee shall chair a private session of the Committee, at which the Superintendent is present, at which the conference is conducted.
3. The Superintendent shall have the right to discuss the evaluation with the Committee and file any exceptions to the evaluation in writing.
4. Any exceptions filed by the Superintendent shall be included with any copy of the Board's evaluation.

Adopted: 8 January 2009



## R 1330 EVALUATION OF SCHOOL BUSINESS ADMINISTRATOR

### A. Frequency of Evaluation

The Superintendent will evaluate the performance of the School Business Administrator annually, no later than June 30, or more frequently as the Superintendent deems necessary.

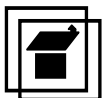
### B. Purpose

The evaluation of the School Business Administrator shall be for the purpose of:

1. Promoting professional excellence and improving the skills of the School Business Administrator;
2. Improving the effectiveness and efficiency of the financial management system;
3. Reviewing the performance of the School Business Administrator against specific criteria developed by the Superintendent in consultation with the Board.

### C. Evaluation Criteria

1. Criteria for the evaluation of the School Business Administrator will be based upon the job description and will relate directly to each of the tasks described. Each criteria will be brief and will focus on a major function of the position, be based on observable information rather than factors requiring subjective judgment, and be written in a consistent format.
2. The Board shall develop and approve criteria for the evaluation which will be reviewed as necessary and as requested by the School Business Administrator but not less than annually, and upon any revision of the School Business Administrator's job description. Any proposed revision of the evaluation criteria will be provided to the School Business Administrator for comment before its adoption, and a copy of the adopted revision shall be provided to the School Business Administrator within ten working days of its adoption.
3. On or about June 30, the Superintendent will complete a written evaluation of the School Business Administrator.



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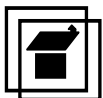
4. Upon completion, the Superintendent will provide a copy of the evaluation to the School Business Administrator.
  5. The Superintendent and School Business Administrator will meet for an Annual Summary Conference to discuss the evaluation, establish a plan for performance, improvement, and growth.
  6. An opportunity will be provided for the School Business Administrator to enter performance data not included in the annual performance report and to respond to any commentary in the written evaluation.
- D. Collection and Reporting of Evaluation Data

Data for the evaluation of the School Business Administrator will be gathered by any one or more of the following methods:

1. Direct observation;
  2. Review of a document produced by the School Business Administrator in the performance of his/her assigned duties;
  3. Interviews with the School Business Administrator by the Superintendent regarding his/her knowledge of assigned duties;
  4. Paper and pencil instruments (such as competency tests, staff surveys, and the like);
  5. A review of the School Business Administrator's performance by an outside observer (such as the district auditor);
  6. Audio-visual monitoring of the School Business Administrator in the performance of assigned duties; and
  7. Reference to previous performance reports.
- E. Preparation of Written Evaluation Report

An annual written performance report shall be prepared, no later than June 30, by the Superintendent. The report will include, but need not be limited to:

1. Performance areas needing improvement;



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2. A plan for professional growth and development; and
  3. Provision for performance data not included in the report which may be entered into the report by the School Business Administrator within ten working days after the completion of the report.
- F. Conduct of Annual Performance Conference
1. An annual summary conference with the School Business Administrator will be conducted by the Superintendent before the annual performance report is filed.
  2. The conference shall include but need not be limited to:
    - a. A performance review based upon achieving and implementing, as applicable, the district's goals, program objectives, policies, priorities, and statutory requirements;
    - b. A review of the most recent audit report; and
    - c. Growth toward the performance objectives established in the previous performance conference.
  3. The purpose of the annual performance conference shall be to provide a total review of the year's work, to identify strategies for improvement where necessary, to recognize achievement and good practice, and to specify a plan for professional growth and development. Adequate time shall be allotted for the conference in order to cover the required topics of discussion and to permit a full exploration of the possible solutions to any problems identified.
  4. The annual performance report will be signed by the Superintendent at the time of the annual performance conference and by the School Business Administrator within ten working days of that conference. It will be filed in the School Business Administrator's personnel file, and a copy will be provided to him/her.
  5. It will be the duty of the School Business Administrator to implement the plan for professional growth as prepared; his/her failure to do so may result in disciplinary action up to and including certification of tenure charges.

Issued: 8 January 2009



## R 1400 JOB DESCRIPTIONS

- A. A job description shall be prepared for each job position in the district, including all administrative, educational specialist, instructional, and support staff positions.
- B. Each job description must include:
1. The goals of the position as they relate to district goals;
  2. The qualifications of the position holder including the certificate and endorsement required for the position and such other prerequisites for employment as the possession of a license to operate a vehicle or machine;
  3. The functions, duties, and responsibilities of the position;
  4. The extent and limits of the position holder's authority; and
  5. The working relationships of the position within and outside the school district.
- C. Each job description will:
1. Be written in clear language that briefly describes the major functions of the position;
  2. Whenever possible, be generic in form, covering a number of specific positions;
  3. Be written in the same format, using the active and present tense, operational verbs, common terminology, and a direct, simple style; and
  4. Be gender neutral or employ both male and female pronouns.
- D. Maintenance of district job descriptions shall be the responsibility of the Personnel Department. Job descriptions shall be reviewed annually.
- E. Each employee shall be sent a copy of his/her current job description by the Director of Personnel. Any revision of a job description shall be provided to each holder of a position covered by the job description within thirty working days of its approval.
- F. Suggested revisions to job descriptions by a job holder shall be referred initially to the job holder's immediate supervisor.

Adopted: 8 January 2009



## R 1510 RIGHTS OF PERSONS WITH DISABILITIES/NON-DISCRIMINATION

It is the policy of the Board of Education that no qualified person with a disability shall, on the basis of handicap/disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or under any program, activity or vocational opportunities sponsored by this Board. The Board shall comply with §504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The Board shall also comply with the Individuals with Disabilities Education Act through the implementation of Policy No. 2460 and Regulations Nos. 2460 through 2460.14.

### DEFINITIONS

Person with a disability - means any person who (1) has a physical or cognitive impairment that substantially limits one or more of a person's major life activities and includes specific learning disabilities, (2) has a record of such impairment, or (3) is regarded as having such an impairment. (34 CFR sec. 104.3(j))

Disability - means a pupil with cognitive impairments, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities and who by reason thereof, needs special education and related services 20 U.S. 1401 §602(A), or an individual who has a physical or cognitive impairment that substantially limits one or more major life activities of such individual. 42 U.S.C. §1201 §3.

Physical or Cognitive Impairment - means (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; muscular/skeletal, special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (2) any cognitive or physiological disorder, such as cognitive impairments, organic brain syndrome, emotional or cognitive illness, and specific learning disabilities. (34 CFR sec. 104.3(j)(2)(i))

Major Life Activities - means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. (34 CFR sec. 104.3(j)(2)(ii)). Has a record of such impairment - means has a history of, or has been misclassified as having, a cognitive or physical impairment that substantially limits one or more major life activities. (34 CFR sec. 104.3(j)(2)(iii)). Is regarded as having an impairment - means (1) has a physical or cognitive impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation; (2) has a physical or cognitive



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impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment, or (3) has none of the impairments defined above, but is treated by a recipient as having such an impairment. (34 CFR sec. 104.3(j)(2)(iv))

Recipient - Any state or its political subdivision, including this Board of Education. (34 CFR sec. 104.3(f))

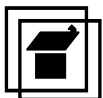
Qualified Handicapped/Disabled Person - means:

1. With respect to employment, a person with a disability who, with reasonable accommodation, can perform the essential functions of the job in question;
2. With respect to public preschool, elementary, secondary, or adult educational services, a person with a disability (1) of an age during which nonhandicapped/nondisabled persons are provided such services, (2) of any age during which it is mandatory under state or federal law to provide such services to person with a disability, or (3) to whom a state is required to provide a free appropriate public education under the Individuals with Disabilities Education Act;
3. With respect to post secondary and vocational educational services, a person with a disability who meets the academic and technical standards requisite to admission or participation in the school district's education program or activity; and
4. With respect to other services, a person with a disability who meets the essential eligibility requirements for the receipt of such services. (34 CFR sec. 104.3(k)(1-4))

Handicap - means any condition or characteristic that renders a person handicapped/disabled.

Disability - means any condition or characteristic that renders a person disabled.

Aids, Benefits, and Services - means aids, benefits and services to be equally effective, are not required to produce the identical result or level of achievement for a person with a disability, but must afford handicapped/disabled persons equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement, in the most integrated setting appropriate to the person's needs. (34 CFR sec. 104.4(b)(2))



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Act - means the Rehabilitation Act of 1973, Public Law 93-112, as amended by the Rehabilitation Act Amendments of 1974, Public Law 93-516, 29 U.S.C. 794, the Americans with Disabilities Act 42 U.S.C. §1201 et seq., and the Individuals with Disabilities Act 20 U.S. 1400 et seq.

"Aggrieved individual" means a qualified person with a disability who alleges a grievance or the representative of such qualified person with a disability.

"Board of Education" means the Board of Education of the Parsippany-Troy Hills Township School District.

"Complainant" means a parent(s) or legal guardian(s) of a qualified person with a disability or qualified person with a disability who files a grievance in accordance with the grievance procedure.

"Compliance Officer" means the district official responsible for the coordination of activities relating to compliance with §504.

"Day" means either calendar or working day as specified.

"Employee" means an individual who receives remuneration from the school district for services rendered.

"Grievance" means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding discrimination by reason of handicap/disability.

"Immediate supervisor" means any employee responsible for, or exercising any degree of supervision or authority over another employee or pupil.

"Intermediate supervisor" means the administrator to whom the immediate supervisor is directly responsible.

"Pupil" means an individual enrolled in any formal educational program provided by the school district.

"School district" means the Parsippany-Troy Hills Township School District.



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### District Coordinator

The Board will appoint a District Coordinator to coordinate its efforts to comply with the Rehabilitation Act and the Americans with Disabilities Act and Title IX. Such procedures to coordinate its efforts to comply with the act will be contained in this Regulation for pupils, employees and other qualified persons. The District Coordinator will be responsible for the initial evaluation of all allegations, reasonable accommodations, if required, and re-evaluations. The District Coordinator will comply with the mediation and due process requirements pursuant to N.J.A.C. 6A-14-2.6 and 6A:14-2.7 where applicable in cases arising from §504.

### Notice

The Board shall notify members of the community, applicants, including those with impaired vision or hearing, and unions/associations within the school district, that the Board of Education does not discriminate on the basis of handicap/disability in violation of §504 or the Americans with Disabilities Act. This notice may include any of the following methods: the posting of notices, publication in local newspapers and magazines and/or distribution of memoranda or other written communications. The policy and regulation may be reprinted in part or in full and distributed to serve as adequate notice.

### State or Local Law

The obligation to comply with the Rehabilitation Act and the Americans with Disabilities Act is not obviated or alleviated by the existence of any State or local law or other requirement that, on the basis of handicap/disability, imposes prohibitions or limits upon the eligibility of qualified handicapped/disabled persons to receive services or to practice any occupation or profession, or because employment opportunities in any occupation or profession are or may be more limited for a person with a disability than nonhandicapped/nondisabled persons.

## EMPLOYMENT PRACTICES

### Discrimination Prohibited

No qualified person with a disability shall, on the basis of handicap/disability, be subjected to discrimination in employment under any program or activity to which the Act applies. The Board of Education will take positive steps to employ and advance in employment qualified persons with a disability in programs assisted under the Act. The Board of Education will make all decisions concerning employment under any program or activity to which the Act applies in a manner which ensures that discrimination on the basis of handicap/disability does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap/disability.



The Board of Education will not participate in a contractual or other relationship that has the effect of subjecting qualified applicants with a disability or employees to discrimination prohibited by the Rehabilitation Act. This shall apply to applicants with a disability:

1. Recruitment, advertising, and the processing of applications for employment;
2. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;
3. Rates of pay or any other form of compensation and changes in compensation;
4. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
5. Leaves of absences, sick leave, or other leave;
6. Fringe benefits available by virtue of employment, whether or not administered by the Board of Education;
7. Selection and financial support for training including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absences to pursue training;
8. Employer sponsored activities, including social or recreational programs; and
9. Any other term, condition, or privilege of employment.

The Board of Education's obligation to comply with these requirements is not affected by any inconsistent term or any collective bargaining agreement to which the Board is a party.

### Reasonable Accommodation

The Board of Education will make reasonable accommodation to the known physical or limitation of any otherwise qualified applicants with a disability or employee unless the Board can demonstrate that the accommodation would impose an undue hardship on the operation of the program. Reasonable accommodation may include making facilities used by employees readily accessible to and usable by applicants with a disability and job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. In determining whether the accommodation would impose an undue hardship on the operation of the program, the Board of Education will consider:



1. The overall size of the school district's program with respect to the number of employees, number and type of facilities and the size of the budget;
2. The type of operation, including the composition and structure of the school district's workforce; and
3. The nature and cost of the accommodation needed.

The Board of Education will not deny any employment opportunity to a qualified employee with a disability or applicant if the basis of the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

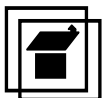
#### Employment Criteria – Employee with a Disability

The Board of Education and its administration will not use any employment test or other selection criterion that screens out or tends to screen out a person with a disability or any class of a person with a disability unless the test score or other selection criterion is shown to be job-related for the position in question and alternative job-related tests or criteria that do not screen out as many persons with a disability shown by the Coordinator to be available. The Board of Education and its administration may select and administer tests concerning employment so as to best ensure that when administered to an applicant or employee who has a handicap/disability that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

#### Pre-employment Inquiries

Except as provided for in this regulation and the Rehabilitation Act, the Board of Education and its administration, will not conduct pre-employment medical examination and will not make pre-employment inquiry of an applicant as to whether the applicant is a person with a disability or as to the nature or severity of the handicap/disability. The school district may make pre-employment inquiry into an applicant's ability to perform job related functions.

When the Board of Education is taking remedial action to correct effects of past discrimination or to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity, as provided for in the Rehabilitation Act, or when the Board is taking affirmative action pursuant to §504 of the Rehabilitation Act, the Board may invite applicants for employment to indicate whether and to what extent they are handicapped/disabled. This is permitted provided the Board states clearly on a written questionnaire or makes clear



orally if no written questionnaire is used that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts and the Board states clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide information will not subject the applicant or employee to any adverse treatment, and that the information will only be used in accordance with this part of the Regulation and applicable section of the Rehabilitation Act.

The Board of Education may condition an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty provided that all entering employees are subjected to such an examination regardless of handicap/disability and the results of such an examination are used only in accordance with the requirements of the policy, regulation and the Rehabilitation Act.

Information obtained in accordance with pre-employment inquiries as to the medical condition or history of the applicant will be collected and maintained on separate forms that will be accorded confidentiality as medical records. Supervisors may be informed of restrictions on the work or duties of a person with a disability and any reasonable accommodations. First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment. Government officials investigating compliance with the Rehabilitation Act shall be provided relevant information upon request.

### Complaints About Employment Discrimination

Complaints about employment discrimination under §504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act shall first be made in writing to the Superintendent of Schools or his/her designee. If the complaint cannot be resolved the following grievance procedure shall be followed:

#### Grievance Procedure - Employment

This grievance procedure shall apply to qualified persons with a disability persons who are employees with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The aggrieved individual shall file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the compliance officer.



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2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by having the aggrieved individual review the complaint with his/her immediate supervisor.
3. The immediate supervisor shall render a determination to the aggrieved individual within five working days after hearing the complaint. If such complaint is not satisfactorily resolved at this stage, the aggrieved individual may proceed to the next level of appeal.
4. Within three working days after a determination has been made at the preceding stage, the aggrieved individual may present the complaint in writing to the intermediate supervisor, if such there be, who shall orally discuss the complaint with the aggrieved individual. The intermediate supervisor shall render a determination in writing to the aggrieved individual within seven working days after receiving the complaint. If such complaint is not satisfactorily resolved at this stage, the aggrieved individual may proceed to the next level of appeal.
5. Within three working days after a determination has been made by the intermediate supervisor, the aggrieved individual may make a written request to the compliance officer for review and determination.
6. The District Coordinator shall immediately notify the individual, immediate supervisor, and intermediate supervisor in the case to submit written statements to him/her within five working days setting forth the specific nature of the complaint, the facts relating thereto, and the determinations previously rendered.
7. The District Coordinator shall notify all parties concerned in the case of the time and place when an informal hearing will be held where the parties may appear and present oral and written statements supplementing their position in the case and the manner in which the hearing will be conducted. Such hearing shall be held within seven working days of receipt of the written statements pursuant to paragraph 5.
8. The District Coordinator shall render a determination within twelve working days after the written statements pursuant to paragraph 5 have been presented to him/her, or five working days after the completion of the informal hearing. The District Coordinator will provide a written copy of his/her determination to all parties.



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9. The aggrieved individual may appeal the determination of the District Coordinator to the Board within three working days of the receipt of the compliance officer's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the informal hearing, and the written determination of the District Coordinator. The Board or a committee thereof may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.
10. Within forty-five calendar days of the filing of appeal, the Board shall provide both parties with a written decision.
11. If the complaint has not been satisfactorily resolved in the above stages, the aggrieved individual may appeal in writing directly to the Office of Civil Rights.

### FACILITIES

#### Discrimination Prohibited

No qualified person with a disability shall, because a Board of Education facility is inaccessible to or usable by handicapped/disabled persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any activity to which this section of the Regulation applies.

#### Existing Facilities

The Board of Education will operate its programs and activities so that the program, when viewed in its entirety, is readily accessible to persons with a disability. The Board of Education is not required to make each of its facilities accessible to and usable by handicapped/disabled persons. The Board may comply with these requirements through such means as redesign of equipment, realignment of classes or other services to other buildings, assignment of aides, alternative sites, alterations of existing facilities or construction of new facilities or any other methods that result in making its programs or activities accessible to handicapped/disabled persons. The Board is not required to make structural changes in existing facilities where other methods that are effective in achieving compliance with this Regulation and the Rehabilitation Act. The Board will give priority to those methods that offer programs and activities to handicapped/disabled persons in the most integrated setting appropriate. The Board of Education will develop a plan to make its facilities comply with this policy and the Rehabilitation Act. The plan shall be developed with the assistance of interested persons, including persons with a disability or organizations representing persons with a disability.



### New Construction

The Board of Education will design and construct each new facility or part of each new facility, or in the renovation of facilities or part thereof, in a manner that each such facility is readily accessible to and usable by persons with a disability. The alterations are not required if the alteration has little likelihood of being accomplished without removing or altering a load-bearing structural member. The Board of Education will comply with the provisions of N.J.S.A. 18A and N.J.A.C. 6 for the construction, remodeling and/or renovation of its facilities.

### Complaints About Accessibility of Facility

Complaints about access to facilities shall first be made to the Superintendent of Schools or his/her designee. If the complaint cannot be resolved the following grievance procedure shall be followed:

#### Grievance Procedure - Facilities

This grievance procedure shall apply to qualified persons with a disability who are not employees or pupils with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The aggrieved individual shall file a written complaint, stating the specific facts of his/her grievance and the alleged discriminatory act, with the District Coordinator.
2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by reviewing the complaint with the aggrieved individual.
3. In the event the complaint cannot be resolved through an informal meeting, the District Coordinator shall notify all parties concerned in the case of the time and place when an informal hearing will be held where the parties may appear and present oral and written statements supplementing their position in the case and the manner in which the hearing will be conducted. Such hearing shall be held within seven working days of receipt of the written statements pursuant to paragraph 5.
4. The District Coordinator shall render a determination within twelve working days after the written statements pursuant to paragraph 5 have been presented to him/her, or five working days after the completion of the informal hearing. The District Coordinator will provide a written copy of his/her determination to all parties.



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5. The aggrieved individual may appeal the determination of the District Coordinator to the Board within three working days of the receipt of the District Coordinator's determination. The appeal shall be in writing and attached to copies of the original complaint, the minutes of the informal hearing, and the written determination of the compliance officer. The Board or a committee thereof may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.
6. Within forty-five calendar days of the filing of appeal, the Board shall provide both parties with a written decision.
7. If the complaint has not been satisfactorily resolved in the above stages, the aggrieved individual may appeal in writing directly to the Office of Civil Rights.

### EDUCATIONAL PROGRAM

The Board of Education will not, on the basis of handicap/disability, exclude qualified persons with a disability from the program or activity and will take into account the needs of such persons in determining the aid, benefits or services to be provided under the program or activity.

Pupils not otherwise eligible for special education programs and/or related services pursuant to N.J.A.C. 6A:14-1 et seq. may be referred to the District 504 Coordinator by the parent(s) or legal guardian(s), staff member and/or a request directly from the pupil.

The Board will provide a reasonable accommodation(s) to otherwise qualified pupils notwithstanding any program and/or related services required pursuant to N.J.A.C. 6A:14-1 et seq. Timelines for re-evaluations of pupils receiving a reasonable accommodation(s) will be established by the District Coordinator. A re-evaluation may be requested by the parent(s) or legal guardian(s) and/or the pupil at any time upon written request to the District Coordinator.

### Location and Notification

The administration will undertake to identify and locate every qualified persons with a disability residing within the school district who is not receiving a public school education and will take steps to notify such persons with a disability and their parent(s) or legal guardian(s) of the school district's duty under the policy and Rehabilitation Act. Pupils not otherwise eligible for program and/or related services pursuant to N.J.A.C. 6A:14-1 et seq., may be referred to the District Coordinator by the parent(s) or legal guardian(s), staff member and/or a request directly from the pupil.



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### Free Appropriate Public Education

The school district is required to provide a free appropriate public education to each qualified persons with a disability who resides within the school district regardless of the nature or severity of the person's handicap/disability. An appropriate education is the provision of regular or special education and related aids and services that are designed to meet individual educational needs of persons with a disability as the needs of nondisabled persons are met and are based upon adherence to procedures that satisfy the requirements of this regulation.

The school district may place a person with a disability in or refer such person to a program other than the one it operates as its means of carrying out the provisions of this regulation and IDEIA. The school district continues to maintain responsibility for ensuring the requirements of this section are met in respect to any person with a disability so placed or referred.

A free appropriate public education must be provided to a person with a disability without cost to the person with a disability or to his/her parent(s) or legal guardian(s), except for those fees that are imposed on nondisabled persons or their parent(s) or legal guardian(s). If the person with a disability is placed in a program not operated by the school district the school district will ensure adequate transportation to and from the program and it shall be provided at no greater cost than would be incurred by the person or his parent(s) or legal guardian(s) if the person with a disability was placed in the program operated by the school district. If a public or private residential placement is necessary to provide a free appropriate education to a person with a disability because of his/her handicap/disability, the program, including non-medical care and room and board shall be provided at no cost to the person or his/her parent(s) or legal guardian(s).

### Educational Setting

The school administration will place a person with a disability in the general educational environment within the school district unless the school district demonstrates that the education of the person with a disability in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. The administration will consider the proximity of any alternative setting for a person with a disability to the person's home. The Board will ensure that the person with a disability participates with nondisabled persons in such activities and services to the maximum extent appropriate to the needs of the person with a disability in question.



## Evaluation And Placement

The Board of Education establishes standards and procedures for the evaluation and placement of pupils who, because of handicap/disability, need or are believed to need special education or related services through Policy No. 2460 and Regulations Nos. 2460 through 2460.14. Individuals qualifying under §504 shall be evaluated using the following procedures:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel;
2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as to best to ensure that, when a test is administered to a pupil with impaired sensory, manual, or speaking skills, the test results accurately reflect the pupil's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the pupil's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

In interpreting evaluation data and in making placement decisions, the school district will:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Establish procedures to ensure that the information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data and the placement options; and
4. Ensure that the placement decision is made in conformity with this regulation and the Rehabilitation Act of 1973.

Timelines for re-evaluations of pupils receiving a reasonable accommodation(s) will be established by the District 504 Coordinator. A re-evaluation may be requested by the parent(s) or legal guardian(s) and/or the pupil at any time upon written request to the District Coordinator.



### Section 504 Accommodation Plan

The District Coordinator based on the evaluation of the pupil eligible for services under §504 shall prepare a Section 504 Accommodation Plan which contains at least the following elements as related to the pupil:

1. Name.
2. Date of Birth.
3. Current educational placement.
4. Name of the District Coordinator or designee preparing the Section 504 Accommodation Plan.
5. Handicapping/Disabling condition.
  - a. Major life activity impaired.
  - b. Educational impact.
  - c. Impact on related educational progress.
6. Accommodation (as appropriate).
  - a. Physical and learning environment.
  - b. Instructional.
  - c. Behavioral.
  - d. Evaluation.
  - e. Medical.
  - f. Transportation.
  - g. Other.



7. Location of the Accommodation.
8. A listing of individuals participating in the development of the plan, along with their titles and the date(s) of their participation.
9. A certification by the parent(s) or legal guardian(s) of the pupil that they have participated in the development of the plan and give their consent to its implementation.
10. A waiver of the fifteen days notice prior to the implementation of the plan by the parent(s) or legal guardian(s) if the plan is to be implemented sooner than the fifteen days.

### Procedural Safeguards

The school district will establish and implement, with respect to actions regarding the identification, evaluation, or educational placement of persons who, because of handicap/disability, need or are believed to need special education or related services, a system of procedural safeguards that includes notice, an opportunity for the parent(s) or legal guardian(s) of the person to examine relevant records, an impartial hearing with opportunity for participation by the person's parent(s) or legal guardian(s) and representation by council, and a review procedure. These procedural safeguards shall be in accordance with N.J.A.C. 6A:14 et seq. and Policy No. 2460 and Regulation 2460.7 and/or the grievance procedures contained herein.

### Grievance Procedure - Pupils

This grievance procedure shall apply to qualified persons with a disability who are pupils with alleged discriminatory act(s) under the provisions of §504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act.

1. The parent(s) or legal guardian(s) of a qualified person with a disability pupil or an adult person with a disability pupil who believes the pupil has a valid basis for a grievance under §504, or the American Disabilities Act shall file an informal complaint in writing, stating the specific facts of his/her grievance and the alleged discriminatory act, with the District Coordinator.



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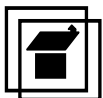
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2. The District Coordinator shall make all reasonable efforts to resolve the matter informally by reviewing the grievance with appropriate staff which may include, but not be limited to, the Principal, Child Study Team staff and/or the classroom teacher(s).
3. The District Coordinator will investigate and document the complaint including dates of meetings, dispositions and date of dispositions. The District Coordinator will provide a written reply to the aggrieved individual within seven working days.
4. If the complainant is not satisfied with the District Coordinator's written reply, the complainant must file a formal complaint in writing, setting out the circumstances that give rise to the alleged grievance. This written complaint must be filed with the District Coordinator within three working days.
5. The District Coordinator will appoint a qualified hearing officer within seven working days of the receipt of the written grievance. The hearing officer will conduct a hearing within seven working days. The hearing officer will give the parent(s) or legal guardian(s), pupil or adult pupil a full and fair opportunity to present evidence relevant to the issues raised under the grievance. The parent(s) or legal guardian(s), pupil or adult pupil may, at their own expense, be assisted or represented by individuals of their choice, including legal counsel. The hearing officer will present a written decision to the District Coordinator and aggrieved individual within seven working days of the hearing.
6. The complainant may file an written appeal to the Board if not satisfied with the hearing officer's decision. The Board, through the Superintendent, will provide a written disposition of the alleged grievance.
7. The complainant may request Mediation and Due Process in accordance with N.J.A.C. 6A:14-2.6 and 2.7 if unsatisfied with the written decision of the Board, or if specifically requested by the parent(s) or legal guardian(s), or adult pupil the aforementioned N.J.A.C. 6A:14-2.6 and 2.7 grievance procedure must be followed.



### Nonacademic Services

The Board of Education will provide non-academic and co-curricular services and activities in such manner as is necessary to afford pupils with a disability an equal opportunity for participation in such services and activities. These services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interest groups or school clubs, referrals to agencies which provide assistance to a person with a disability, and employment to pupils, including both employment by the school district and assistance in making available outside employment.

The Board of Education and administration will ensure that qualified persons with a disability are not counseled toward more restrictive career objectives than are nondisabled pupils with similar interests and abilities. The Board will provide to qualified pupils with a disability an equal opportunity for participation in physical education courses, athletics, and similar programs and activities. The school district may offer separate physical education and athletic activities to pupils with a disability only if separate or differentiation is consistent with the requirements of the Rehabilitation Act and no qualified pupil with a disability is denied the opportunity to compete for teams or to participate in courses that are not separate or different.

### MISCELLANEOUS

#### Provisions Applicable to All Grievance Procedures

1. If the same or substantially the same grievance is made by more than one individual, a single individual may process the grievance through the grievance procedure on behalf of all aggrieved individuals. The names of all aggrieved individuals shall appear on all documents related to the settlement of the grievance.
2. An aggrieved individual may be represented or accompanied at any time by a person chosen by the individual.
3. An employee may use personal leave time when it becomes necessary to process a grievance during work hours.
4. A grievance that arises late in the school term will be submitted to an expedited process in order that the grievance may be resolved as soon after the school term as possible.



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5. There will be no reprisal of any kind taken against any aggrieved individual for participation in a grievance.
6. All documents, communications, and records regarding the processing of a grievance will be filed in a separate file and will not be kept in the personnel or pupil file.

Issued: 8 January 2009



## R 1530 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCEDURE

### A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for employment the opportunity to appeal an alleged denial of equal employment opportunity in violation of state and federal laws and Policy No. 1530, guaranteeing “equal access to all categories of employment without regard to the candidate's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability.”
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 Parsippany-Troy Hills Township School District.
2. “Complaint” means an alleged discriminatory act or practice.
3. “Complainant” means a staff member who alleges a discriminatory act or practice.
4. “Day” means a working or calendar day as identified.
5. “Discriminatory act or practice” means denial of equal employment opportunity in violation of state and federal laws and Policy No. 1530.
6. “School district” means the Parsippany-Troy Hills Township School District School District.



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### C. Procedure

1. A complainant who believes that he/she has been harmed or adversely affected by a discriminatory practice or act prohibited by law and/or policy shall discuss the matter with his/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 thirty working 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 act or practice that the complainant complains of,
  - c. The school employee, if any, responsible for the allegedly discriminatory act,
  - d. The results of discussions conducted in accordance with paragraph 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 seven working 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 three working 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 staff member alleged to have acted discriminatorily.
5. On his/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 seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with a discriminatory act and any other person with knowledge of the act complained of.

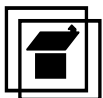


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6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall 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 staff member, if any, charged with a discriminatory act.
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 forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the:
  - a. Commissioner of Education  
Division of Controversies and Disputes  
New Jersey State Department of Education  
225 West State Street  
Trenton, New Jersey 08625  
Telephone: (609) 292-5705 or the



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- b. New Jersey Division on Civil Rights  
1100 Raymond Boulevard  
Newark, New Jersey 07102  
Telephone: (973) 648-2700

D. Record

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

Issued: 8 January 2009



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### R 1550 AFFIRMATIVE ACTION PROGRAM FOR EMPLOYMENT AND CONTRACT PRACTICES/EMPLOYMENT PRACTICES PLAN COMPLAINT PROCEDURE

#### A. Purpose and Application

1. The purpose of this procedure is to give any district employee or candidate for district employment the opportunity to appeal an alleged violation of the district's Affirmative Action Plan for employment and contract practices, as set forth in Policy No. 1550 or in a plan formally adopted by the Board of Education and approved by the Commissioner.
2. 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.
3. 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.
4. 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.
5. All participants in the procedure will respect the confidentiality that this district accords to information about individual teaching staff members.

#### B. Definitions

1. "Board of Education" means the Board of Education of the Parsippany-Troy Hills Township School District.
2. "Complaint" means an alleged violation of the district's Affirmative Action Plan or Policy.
3. "Complainant" means a teaching staff member who alleges a violation of the district's Affirmative Action Plan or Policy No. 1550.



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4. "Day" means a working or calendar day as identified.
  5. "School district" means the Parsippany-Troy Hills Township School District.
  6. "Violation" means the failure of a district official or employee to take the positive steps outlined in Policy No. 1550 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. A complainant who believes that he/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/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 fifteen working 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 paragraph 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 fifteen working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.



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4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within five working 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 staff member alleged to have violated the Affirmative Action Plan.
5. On his/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 fifteen working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.
6. The Superintendent will render a written decision in the matter no later than fifteen working 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 five working 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 staff member, if any, charged with a violation of the Affirmative Action Plan.



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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 forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
  11. The complainant will be informed of his/her right to appeal the Board's decision to the:
    - a. Commissioner of Education  
Division of Controversies and Disputes  
New Jersey State Department of Education  
225 East State Street  
Trenton, New Jersey 08625-0500  
Telephone: (609) 292-5705 or the
    - b. New Jersey Division on Civil Rights  
31 Clinton Street  
Newark, New Jersey 07102  
Telephone: (973) 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.

Issued: 8 January 2009

