

NON-DISCRIMINATION

POLICY

It is a guiding principle of this District that employees shall value and respect inherent differences of each other, and the District will foster an inclusive work environment that makes full use of the contribution of all employees. To this end, our educational programs, services and activities will reflect this commitment to diversity, and the District workforce shall reflect and embrace the diversity of our community.

No person shall on the grounds of race, color, religion, national origin, gender, age, marital or veteran status, or disability, as defined in federal regulations 29 C.F.R Part 1630.2, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any education program or in recruitment, consideration, selection or employment whether full-time or part-time, or any other activity for which the Board is responsible. Pam Winterscheidt, Director of Human Resources, is designated to act as Director of Equal Opportunity and to coordinate Title VI, Title VII, Title IX, Section 504, Americans with Disabilities Act and the Genetic Information Nondiscrimination Act (GINA) compliance activities. Ms. Winterscheidt can be contacted at 6111 E. Skelly Drive, P.O. Box 477200, Tulsa, OK 74147-7200, telephone number (918) 828-5081. The Superintendent is also authorized to designate an acting Director of Equal Opportunity if the above-named individual is unable to perform the function.

The successful achievement of this nondiscrimination policy shall be the function and responsibility of the Board of Education, the administration and all employees of the District.

NONDISCRIMINATION

PROCEDURES

Section 1.0 of these procedures should be followed to resolve Discrimination Complaints under Title VI, Title VII, and Title IX, Section 504 of the Rehabilitation Act, and Americans with Disabilities Act, and Genetic Information Nondiscrimination Act (GINA).

Section 2.0 of these procedures should be followed to request an accommodation covered by the Americans with Disabilities Act (ADA) of 1990.

If the complaint is based on sexual harassment, the procedures for Policy No. GEN-16 should be followed in lieu of the procedures stated in this policy No. GEN-1.

Section 1.0 Grievance Procedures to Resolve Discrimination Complaints Under Title VI, Title VII, and Title IX, Section 504, ADA, and GINA.

1.1 Definitions

- A. Discrimination Complaint is a written complaint by a student, an employee or any person alleging that he/she was excluded from participation in, denied the benefits of, or subjected to discrimination in a program or activity sponsored by Tulsa Technology Center solely by reason of his/her race, color, religion, national origin, gender, age, marital or veteran status or disability.
- B. Grievant can be a full-time or part-time student, employee of Tulsa Technology Center, or any person who submits a Discrimination Complaint.
- C. Respondent is the person alleged to be responsible for the discriminatory act alleged in a Discrimination Complaint. The term may be used to designate the person with responsibility for a particular action or the person with supervisory responsibility for procedures in the area(s) covered in the Discrimination Complaint.
- D. Director of Equal Opportunity is the person designated to coordinate Tulsa Technology Center's responsibilities required by Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other state and federal laws addressing equal educational opportunities.
- E. Day means a calendar day except for Tulsa Technology Center holidays. The calculation of days in complaint processing includes Saturdays and Sundays.

- F. Disability means a physical or mental impairment that substantially limits one or more of the major life activities of such individual; or a record of such an impairment; or being regarded as having such an impairment.
- G. Physical or mental impairment means any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- H. Major Life Activities means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

1.2 Pre-Filing Procedures

Prior to the filing of a written complaint, the student, employee or other person is encouraged to visit with the respondent and each should make a reasonable effort to resolve the problem or complaint.

1.3 Filing and Processing a Discrimination Complaint

- A. The Grievant must send the Discrimination Complaint to...

Pam Winterscheidt, Director of Human Resources

6111 East Skelly Drive

P.O. Box 477200

Tulsa, OK 74147-7200

Phone: (918) 828-5081

Email: pam.winterscheidt@tulsatech.org

who has been designated the Director of Equal Opportunity.

- B. A Discrimination Complaint must be filed in writing and must contain the name, address and phone number of the person filing it, the name and title of the respondent, the date and location of the alleged discriminatory act, a brief description of the alleged discriminatory act and the remedy desired. (Note: Discrimination Complaint forms are available in the Human Resource Director's office and in the Campus/Department Director's office.)

- C. The Discrimination Complaint must be filed within thirty (30) days from the date of the alleged violation.
- D. An investigation as may be appropriate shall follow the filing of a Discrimination Complaint. The investigation shall be conducted by the Director of Equal Opportunity. These guidelines contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the Discrimination Complaint.
- E. A written determination as to the validity of the Discrimination Complaint and a description of the resolution, if any, shall be issued by the Director of Equal Opportunity and a copy forwarded to the Grievant and the Respondent no later than thirty (30) days after its filing.
- F. The Grievant may appeal the Director of Equal Opportunity resolution of the case in instances where he or she is dissatisfied. The appeal shall be made in writing to the Superintendent of Tulsa Technology Center within fifteen (15) days after receiving the Director of Equal Opportunity determination in "E" above. The appeal must include the grounds for regarding the determination as incorrect.
- G. The Superintendent shall review the Discrimination Complaint and all data and information acquired by the Director of Equal Opportunity, make any additional investigation he/she determines appropriate and render a final decision. A copy of the decision shall be forwarded to the Grievant and the Respondent no later than thirty (30) days after receiving the appeal in "F" above.

1.4 General Provisions

- A. The Director of Equal Opportunity shall maintain the files and records of Tulsa Technology Center relating to the Discrimination Complaints filed for three years after complaint resolution. All complaint records will be kept separate from any other records of the School District. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee.
- B. The right of a person to a prompt and equitable resolution of the Discrimination Complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Discrimination Complaint with the responsible state or federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

- C. These guidelines shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that Tulsa Technology Center complies with state and federal regulations.
- D. If a decision maker in the complaint procedure is the person alleged to have committed the reported acts, then a different decision maker will be appointed to fulfill his or her role in processing the complaint.
- E. The grievant and the respondent may have a representative assist them through the grievance process and accompany them to any hearing.
- F. No reprisals or retaliation will be allowed to occur as the result of the good faith reporting of a discrimination complaint.

Section 2.0 Procedures to Request an Accommodation Covered by the Americans with Disabilities Act of 1990

2.1 Definitions

- A. Accommodation (ADA Title I): Any modification or adjustment to a job, employment practice, or the work environment that makes it possible for an otherwise qualified individual with a disability to enjoy an equal employment opportunity.
- B. Modification (ADA Title II): Any modification to rules, policies, or practices, the removal of architectural barriers, or the provision of auxiliary aids and services, that makes it possible for an otherwise qualified individual with a disability to receive an equally effective opportunity to participate in or benefit from the services or participate in the programs or activities provided by the district.
- C. Reasonable Accommodation: An effective accommodation that does not impose an undue hardship on the operation of the business.
- D. Reasonable Modification: A modification that does not fundamentally alter the nature of the services, programs, or activities offered by the district.
- E. ADA/Section 504 Coordinator: The person designated to coordinate Tulsa Technology Center's responsibilities required by the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act.

- F. Day: Day means a calendar day except for Tulsa Technology Center holidays. The calculation of days in processing requests includes Saturdays and Sundays.

2.2 Filing and Processing Request for Accommodation/Modification

- A. Individuals with disabilities who are requesting a reasonable accommodation/modification must provide written notification to the ADA/Section 504 Coordinator using form GEN 1-B, "Americans with Disabilities Act of 1990 Request for Accommodation/Modification." This request may be filed through the Campus/Department Director. (Note: Request forms and instructions on completing the form are available in the Human Resource Director's office and in the Campus/Department Director's Office.)
- B. The individual filing the request must provide written documentation of the functional limitation from a doctor, psychologist, counselor or other professional with knowledge of the person's functional limitations with the request.
- C. If the request is filed with the Campus/Department Director, the director will immediately forward the request to the ADA/Section 504 Coordinator.
- D. The ADA/Section 504 Coordinator shall consider the request. A committee of appropriate individuals may be convened to assist in evaluating the request. Districtwide consistency in making a determination will be considered. All requests and documentation will be considered confidential.
- E. The employee, patron or student may be interviewed.
- F. The District shall make reasonable accommodations/modifications unless accommodations impose undue hardship on the District or modifications fundamentally alter the nature of the services, programs, or activities provided by the District.
- G. If there are several effective accommodations/modifications that would provide an equal opportunity, the preference of the individual will be considered and the accommodation/modification that best serves the needs of the individual and the employer will be selected.
- H. The ADA/Section 504 Coordinator will provide a written response, which outlines the reasonable accommodation/modification to the person filing the request.
- I. Appeals will be handled following the grievance procedure outlined above.