

## **Wabasha-Kellogg Public Schools Policy**

### **402 DISABILITY NONDISCRIMINATION POLICY**

#### **I. PURPOSE**

The purpose of this policy is to provide a fair employment setting for all persons and to comply with state and federal law.

#### **II. GENERAL STATEMENT OF POLICY**

- A. The School District shall not discriminate against qualified individuals with disabilities because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.
- B. The School District shall not engage in contractual or other arrangements that have the effect of subjecting its qualified applicants or employees with disabilities to discrimination on the basis of disability. The School District shall not exclude or otherwise deny equal jobs or job benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association.
- C. The School District shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the School District.
- D. Any job applicant or employee wishing to discuss the need for a reasonable accommodation, or other matters related to a disability or the enforcement and application of this policy, should contact the PreK – 12 Principal, 2113 Hiawatha Drive East, Wabasha, MN 55981, 651.565.3559 ext. 210, [sschultz@wkfalcons.org](mailto:sschultz@wkfalcons.org).

#### **III. GRIEVANCE & COMPLAINT PROCEDURE**

- A. Any employee who believes he or she has been the victim of unlawful discrimination or any person with knowledge or belief of conduct that may constitute unlawful discrimination toward an employee shall report the alleged acts immediately to an appropriate School District official designated by this policy. The complaint must be filed within 30 calendar days of the alleged violation.

- B. The Human Rights officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee directly with the Human Rights office, the school board or other School District official.
- C. While the school board has designated the Human Rights Officer to receive complaints of unlawful discrimination, if the complaint involves the Human Rights Officer, the complaint shall be made to the superintendent.
- D. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the superintendent. If the superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- E. The Human Rights officer may request but not insist upon a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the superintendent. Failure to do so may result in disciplinary action. The School District encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the School District office.
- F. The School District shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the School District's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

**For claims of discrimination:**

U.S. Department of Education  
Office for Civil Rights, Region V  
500 W. Madison Street – Suite 1475  
Chicago, IL 60661  
Tel: 312-730-1609  
TDD: 312-730-1609

MN Department of Human Rights  
190 E 5<sup>th</sup> Street  
St. Paul, MN 55101  
800.657.3704  
651.296.5663  
TDD 651.296.1283

**For complaints of employment discrimination:**

Equal Employment Opportunity Commission  
330 S. 2<sup>nd</sup> Avenue  
Suite 430  
Minneapolis, MN 55401  
800.669.4000  
612.335.4040  
TDD 612.335.4045

This document provides general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.

**Legal References:** Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
29 U.S.C. 794 *et seq.* (Rehabilitation Act of 1973, § 504)  
42 U.S.C., Ch. 126 § 12112 (Americans with Disabilities Act)  
29 C.F.R. Part 32  
34 C.F.R. Part 104

**Cross References:** Wabasha-Kellogg Policy 521 (Student Disability Nondiscrimination)