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**ANTI-DISCRIMINATION**

Reference: M.C.L. 37.2101 et seq., 37.1101 et seq.

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

34 C.F.R. Part 110 (7/27/93)

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 2000e et seq., Civil Rights Act of 1964

29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended

29 C.F.R. Part 1635

The Academy shall not discriminate in its polices, practices, procedures, or activities on the

basis of race, color, national origin, sex (including sexual orientation and transgender

identity), disability/handicap, age, religion, marital/parental/ family status, military status,

ancestry, or genetic information and shall comply with all applicable law with respect to

equitable treatment of students, employees, and applicants for employment opportunities.

Academy Compliance Officers

The Board designates the following individuals to serve as the Academy’s “Compliance

Officers” (also known as “Civil Rights Coordinators”) (hereinafter referred to as the “COs”)

Superintendent

15 Arbor St.

Battle Creek, MI 49015

269-565-2460

School Interventionist

15 Arbor St.

Battle Creek, MI 49015

269-565-2460

The names, titles, and contact information of these individuals will be published annually:

A. on the Academy’s web site.

The COs are responsible for coordinating the Academy’s efforts to comply with applicable

Federal and State laws and regulations, including the Academy’s duty to address in a prompt

and equitable manner any inquiries or complaints regarding discrimination, retaliation or

denial of equal access. The COs shall also verify that proper notice of nondiscrimination for

Title II, of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil

Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the

Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of

1975 is provided to staff members, and the general public. Any sections of the Academy’s

collective bargaining agreements dealing with hiring, promotion, and tenure need to contain a

statement of nondiscrimination similar to that in the Board's statement above. In addition, any

gender-specific terms should be eliminated from such contracts. A copy of each of the Acts

and regulations on which this notice is based may be found in the CO’s office.

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are encouraged to promptly report incidents of unlawful discrimination and/or

retaliation to an administrator, supervisor, or other Academy Official so that the Board may

address the conduct. Any administrator, supervisor, or other Academy employee or official

who receives such a complaint shall file it with the CO within two (2) school days.

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Employees who believe they have been unlawfully discriminated/retaliated against are

entitled to utilize the complaint process set forth below. Initiating a complaint, whether

formally or informally, will not adversely affect the complaining individual's employment.

While there are no time limits for initiating complaints under this policy, individuals should

make every effort to file a complaint as soon as possible after the conduct occurs while the

facts are known and potential witnesses are available.

The COs will be available during regular school/work hours to discuss concerns related to

unlawful discrimination/retaliation. COs shall accept complaints of unlawful

discrimination/retaliation directly from any member of the Academy community or a visitor to

the Academy, or receive complaints that are initially filed with a school building administrator.

Upon receipt of a complaint, either directly or through a school building administrator, a CO

will begin either an informal or formal process (depending on the request of the person

alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or

the CO will designate a specific individual to conduct such a process. The CO will provide a

copy of this policy to any person who files a complaint. In the case of a formal complaint, the

CO will prepare recommendations for the Educational Service Provider or overseer the

preparation of such recommendations by a designee. All members of the Academy

community must report incidents of discrimination/retaliation that are reported to them to the

CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in

accordance with this policy, to report such observations to one of the COs within two (2)

business days. Additionally, any Board employee who observes an act of unlawful

discrimination/retaliation is expected to intervene to stop the misconduct, unless

circumstances make such an intervention dangerous, in which case the staff member should

immediately notify other Board employees and/or local law enforcement officials, as

necessary, to stop the misconduct. Thereafter, the CO or designee must contact the

employee within two (2) business days to advise him/her of the Board's intent to investigate

the alleged wrongdoing.

Investigation and Complaint Procedure (See Form 3122 F2)

Any employee who believes that s/he has been subjected to unlawful discrimination or

retaliation may seek resolution of his/her complaint through the procedures described below.

The formal complaint procedures involve an investigation of the individual’s claims and a

process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation,

timelines are flexible for initiating the complaint process; however, individuals should make

every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once

the formal complaint process is begun, the investigation will be completed in a timely manner

(ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to

pursue a complaint of unlawful discrimination or retaliation with the United States Department

of Education Office for Civil Rights or Equal Employment Opportunity Commission (“EEOC”).

Informal Complaint Procedure

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and

facilitate resolution through an informal means, if possible. The informal complaint procedure

is provided as a less formal option for an employee who believes s/he has been unlawfully

discriminated or retaliated against. This informal procedure is not required as a precursor to

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the filing of a formal complaint. The informal process is only available in those circumstances

where the parties (the alleged target of the discrimination/retaliation and individual(s) alleged

to have engaged in the discrimination) agree to participate in it.

Employees who believe that they have been unlawfully discriminated/ retaliated against may

proceed immediately to the formal complaint process and individuals who seek resolution

through the informal procedure may request that the informal process be terminated at any

time to move to the formal complaint process.

All complaints involving a Academy employee or any other adult member of the School

District community against a student will be formally investigated.

As an initial course of action, if an individual feels that s/he is being unlawfully

discriminated/retaliated against and s/he is able and feels safe doing so, the individual should

tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory

conduct that it is inappropriate and must stop. The complaining individual should address the

alleged misconduct as soon after it occurs as possible. The COs are available to support and

counsel individuals when taking this initial step or to intervene on behalf of the individual if

requested to do so. An individual who is uncomfortable or unwilling to inform the person who

allegedly engaged in the unlawful misconduct of his/her concerns is not prohibited from

otherwise filing an informal or a formal complaint. In addition, with regard to certain types of

unlawful discrimination, such as sexual discrimination, the CO may advise against the use of

the informal complaint process.

An individual who believes s/he has been unlawfully discriminated/retaliated against may

make an informal complaint, either orally or in writing: (1) to a building administrator; (2)

directly to one of the COs; and/or (3) to the Educational Service Provider or other Academy

employee.

All informal complaints must be reported to one of the COs who will either facilitate an

informal resolution as described below, or appoint another individual to facilitate an informal

resolution.

The Academy’s informal complaint procedure is designed to provide employees who believe

they are being unlawfully discriminated/retaliated against with a range of options aimed at

bringing about a prompt resolution of their concerns. Depending upon the nature of the

complaint and the wishes of the individual claiming unlawful discrimination/retaliation, informal

resolution may involve, but not be limited to, one or more of the following:

A. Advising the individual about how to communicate his/her concern to the

person who allegedly engaged in the discriminatory/retaliatory behavior.

B. Distributing a copy of Policy 3122 – Non-Discrimination as a reminder to the

individuals in the school building or office where the individual whose

behavior is being questioned works.

C. If both parties agree, the CO may arrange and facilitate a meeting between

the individual claiming discrimination/retaliation and the individual accused

of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the

CO or designee will exercise his/her authority to attempt to resolve all informal complaints

within fifteen (15) business days of receiving the informal complaint. Parties who are

dissatisfied with the results of the informal complaint process may proceed to file a formal

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complaint. And, as stated above, parties may request that the informal process be terminated

at any time to move to the formal complaint process.

All materials generated as part of the informal complaint process will be retained by the COs

in accordance with the Board's records retention policy. (See Policy 8310)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties

requested that the informal complaint process be terminated to move to the formal complaint

process, or if the individual elects to file a formal complaint initially, the formal complaint

process shall be implemented.

An individual who believes s/he has been subjected to unlawful discrimination/retaliation

(hereinafter referred to as the "Complainant"), may file a formal complaint, either orally or in

writing, with a Principal, the CO, Educational Service Provider, or other Academy employee.

Due to the sensitivity surrounding complaints of unlawful discrimination and retaliation,

timelines are flexible for initiating the complaint process; however, individuals should make

every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a

Complainant informs a Principal, Educational Service Provider, or other Academy employee,

either orally or in writing, about any complaint of discrimination or retaliation, that employee

must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status

of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the

identity of the individual believed to have engaged in, or be engaging in; the

discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint

is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the

information set forth above, the CO shall ask for such details in an oral interview. Thereafter,

the CO will prepare a written summary of the oral interview, and the Complainant will be

asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken

in the investigatory phase to protect the Complainant from further discrimination or retaliation,

including, but not limited to, a change of work assignment or schedule for the Complainant

and/or the person who allegedly engaged in the misconduct. In making such a determination,

the CO should consult the Complainant to assess his/her agreement to the proposed action.

If the Complainant is unwilling to consent to the proposed change, the CO may still take

whatever actions s/he deem appropriate in consultation with the Educational Service

Provider.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a

formal investigation to determine whether the Complainant has been subjected to unlawful

discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the

discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent"), that a

complaint has been received. The Respondent will be informed about the nature of the

allegations and provided with a copy of any relevant policies and/or administrative guidelines,

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including Policy 3122 - Non-Discrimination. The Respondent must also be informed of the

opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or a designee will attempt to

complete an investigation into the allegations of discrimination/retaliation within fifteen (15)

business days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to

have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the

Complainant, Respondent, or any other witness that is reasonably believed

to be relevant to the allegations.

At the conclusion of the investigation, the CO or the designee shall prepare and deliver a

written report to the Educational Service Provider that summarizes the evidence gathered

during the investigation and provide recommendations based on the evidence and the

definition of unlawful discrimination/retaliation as provided in Board policy and State and

Federal law as to whether the Complainant has been subjected to unlawful

discrimination/retaliation. The CO's recommendations must be based upon the totality of the

circumstances. In determining if discrimination or retaliation occurred, a preponderance of

evidence standard will be used.

Absent extenuating circumstances, within five (5) business days of receiving the report of the

CO or the designee, the Educational Service Provider must either issue a final decision

regarding whether the charges have been substantiated or request further investigation. A

copy of the Educational Service Provider's final decision will be delivered to both the

Complainant and the Respondent.

If the Educational Service Provider requests additional investigation, the Educational Service

Provider must specify the additional information that is to be gathered, and such additional

investigation must be completed within five (5) business days. At the conclusion of the

additional investigation, the Educational Service Provider must issue a final written decision

as described above.

If the Educational Service Provider determines the Complainant was subjected to unlawful

discrimination/retaliation, she/he must identify what corrective action will be taken to stop,

remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action

should be reasonable, timely, age-appropriate and effective, and tailored to the specific

situation.

The decision of the Educational Service Provider shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful

discrimination/retaliation regardless of whether the employee alleging the misconduct pursues

the complaint. The Board also reserves the right to have the formal complaint investigation

conducted by an external person in accordance with this policy or in such other manner as

deemed appropriate by the Board or its designee.

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The right of a person to a prompt and equitable resolution of the complaint shall not be

impaired by the person’s pursuit of other remedies such as the filing of a complaint with the

Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is

not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The Academy will employ all reasonable efforts to protect the rights of the Complainant, the

Respondent(s), and the witnesses as much as possible, consistent with the Board’s legal

obligations to investigate, to take appropriate action, and to conform with any discovery or

disclosure obligations. All records generated under the terms of this policy shall be

maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be

guaranteed. All Complainants proceeding through the formal investigation process will be

advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who

is interviewed about the importance of maintaining confidentiality. Any individual who is

interviewed as part of an investigation is expected not to disclose to third parties any

information that s/he learns and/or provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of

discrimination/retaliation will be maintained by the CO in accordance with the Board's records

retention policy.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination by taking

appropriate action reasonably calculated to stop and prevent further misconduct. While

observing the principles of due process, a violation of this policy may result in disciplinary

action up to and including the discharge of an employee. All disciplinary action will be taken

in accordance with applicable State law and the terms of the relevant collective bargaining

agreement(s). When imposing discipline, the Educational Service Provider shall consider the

totality of the circumstances involved in the matter. In those cases where unlawful

discrimination/retaliation is not substantiated, the Board may consider whether the alleged

conduct nevertheless warrants discipline in accordance with other Board policies, consistent

with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an

employee, all subsequent sanctions imposed by the Board and/or Educational Service

Provider shall be reasonably calculated to end such conduct, prevent its recurrence, and

remedy its effect.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful

discrimination/retaliation, or participates as a witness in an investigation is prohibited.

Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with

any individual because the person opposed any act or practice made unlawful by any Federal

or State civil rights law, or because that individual made a charge, testified, assisted or

participated in any manner in an investigation, proceeding, or hearing under those laws, or

because that individual exercised, enjoyed, aided or encouraged any other person in the

exercise or enjoyment of any right granted or protected by those laws.

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Education and Training

In support of this policy, the Board promotes preventative educational measures to create

greater awareness of unlawful discriminatory practices. The Educational Service Provider or

designee shall provide appropriate information to all members of the Academy community

related to the implementation of this policy and shall provide training for Academy students

and staff where appropriate. All training, as well as all information provided regarding the

Board's policy and discrimination in general, will be age and content appropriate.

Adopted 3/13/18

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**NONDISCRIMINATION BASED ON GENETIC INFORMATION**

**OF THE EMPLOYEE**

Reference: 29 C.F.R. Part 1635

42 USC 2000ff et seq., The Genetic Information Nondiscrimination Act

The Board of Directors prohibits discrimination on the basis of genetic information in all

aspects of employment, including hiring, firing, compensation, job assignments, promotions,

layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment.

Further the Board does not limit, segregate, or classify employees in any way that would

deprive or tend to deprive them of employment opportunities or otherwise adversely affect the

status of an employee as an employee, based on genetic information. Harassment of a

person because of his/her genetic information is also prohibited. Likewise, retaliation against

an applicant or employee for engaging in protected activity is prohibited and/or in accordance

with the Genetic Information Act (GINA).

In accordance with the Genetic Information Act (GINA), the Board shall not request, require or

purchase genetic information of employees, their family members or applicants for

employment. Further, in compliance with this Act, employees are directed not to provide any

genetic information, including the individual’s family medical history, in response to necessary

requests for medical information, with the exception that family medical history may be

acquired as part of the certification process for FMLA leave, when an employee is asking for

leave to care for an immediate family member with a serious health condition. Applicants for

employment are directed not to provide any genetic information, including the individual’s

family medical history, in response to requests for medical information as part of the

Academy’s application process.

"Genetic information," as defined by GINA, means information about: (a) an individual’s

genetic tests; (b) the genetic tests of that individual’s family members; (c) the manifestation of

disease or disorder in family members of the individual (i.e., family medical history); (d) an

individual’s request for, or receipt of, genetic services, or the participation in clinical research

that includes genetic services by the individual or a family member of the individual; or (e) the

genetic information of a fetus carried by an individual or a pregnant woman who is a family

member of the individual and the genetic information of an embryo legally held by an

individual or family member using assistive reproductive technology.

If the Academy either legally and/or inadvertently receives genetic information about an

employee or applicant for employment from the employee, applicant for employment or a

medical provider it shall be treated as a confidential medical record in accordance with law.

The School Leader shall appoint a compliance officer who shall be responsible for overseeing

the Academy’s compliance with Federal regulations and promptly dealing with any inquiries or

complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the

Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all

Academy requests for health-related information (e.g., to support an employee’s request for

reasonable accommodation under the ADA or a request for sick leave) is accompanied by a

written warning that directs the employee or health care provider not to collect or provide

genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits

employers and other entities covered by GINA Title II, including the Board of

Directors, from requesting or requiring genetic information of an individual or

family member of the individual, except as specifically allowed by law. To

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comply with this law, do not provide any genetic information when

responding to this request for medical information (unless the request

pertains to a request for FMLA leave for purposes of caring for an

immediate family member with a serious health condition). “Genetic

information,” as defined by GINA, includes an individual’s family medical

history, the results of an individual’s or family member’s genetic test, the fact

that an individual or an individual’s family member sought or received

genetic services or participated in clinical research that includes genetic

services, and genetic information of a fetus carried by an individual or an

individual’s family member or an embryo lawfully held by an individual or

family member receiving assistive reproductive services.

The School Leader shall ensure the proper implementation of this policy.

Adopted 3/13/18

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**SECTION 504/ADA PROHIBITION AGAINST DISABILITY**

**DISCRIMINATION IN EMPLOYMENT**

Reference: 29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended,

34 C.F.R. Part 104

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

The Board of Directors prohibits discrimination against any employee or applicant based upon

his/her disability. As such, the Board of Directors will not engage in employment practices or

adopt policies that discriminate on the basis of disability, or otherwise discriminate against

qualified individuals with disabilities in regard to job application procedures, the hiring,

advancement or discharge of employees, employee compensation, job training, or other

terms, conditions and privileges of employment. The Board further will not limit, segregate or

classify applicants or employees in any way that adversely affects their opportunities or status

because of disability. Additionally, the Board of Directors will not participate in any

contractual or other relationships that have the effect of subjecting qualified individuals with

disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as

having, a physical or mental impairment that substantially limits one or more major life

activities. Major life activities are functions such as caring for one's self, performing manual

tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking,

breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching,

interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not

limited to, functions of the immune system, special sense organs and skin, normal cell growth,

and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory,

endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a

major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would

substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be

made without regard to the ameliorative effects of mitigating measures such as medication,

medical supplies, equipment or appliances, low-vision devices (defined as devices that

magnify, enhance, or otherwise augment a visual image, but not including ordinary

eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and

cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy

equipment or supplies, use of assistive technology, reasonable accommodations or “auxiliary

aides or services,” learned behavioral or adaptive neurological modifications, psychotherapy,

behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill,

experience, education and other job-related requirements of the employment position such

individual holds or desires and, with or without reasonable accommodation, can perform the

essential functions of the job in question.

The Board of Directors will provide a reasonable accommodation to a qualified individual who

has an actual disability or who has a record of a disability, unless the accommodation would

impose an undue hardship on the operation of the Academy’s program and/or activities. A

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reasonable accommodation is not required for an individual who is merely regarded as having

a disability.

Compliance Officer(s)

The Board designates the following individuals to serve as the Academy’s “Compliance

Officers” (also known as “Civil Rights Coordinators”) (hereinafter referred to as the “COs”)

Superintendent

15 Arbor St.

Battle Creek, MI 49015

269-565-2460

School Interventionist

15 Arbor St.

Battle Creek, MI 49015

269-565-2460

The names, titles, and contact information of these individuals will be published annually:

A. on the Academy’s web site.

The Compliance Officer(s) [is] [are] responsible for coordinating the Academy's efforts to

comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with

Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies

of their implementing regulations, may be obtained from the Academy Compliance Officer(s).

The Compliance Officer(s) will oversee the investigation of any complaints of discrimination

based on disability, which may be filed pursuant to the Board's adopted internal complaint

procedure, and will attempt to resolve such complaints. The Board will provide for the prompt

and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The Compliance Officer(s) will also oversee the training of employees in the Academy so that

all employees understand their rights and responsibilities under Section 504 and the ADA,

and are informed of the Board’s policies, administrative procedures and practices with respect

to fully implementing and complying with the requirements of Section 504/ADA.

The Board of Directors will provide in-service training and consultation to staff responsible for

the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the Academy's facilities are inaccessible to

or unusable by persons with disabilities, be denied the benefits of, be excluded from

participation in, or otherwise be subjected to discrimination under any program or activity to

which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the Academy will comply with

applicable accessibility standards. For those existing facilities constructed prior to June 3,

1977, the Academy is committed to operating its programs and activities so that they are

readily accessible to persons with disabilities.

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Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of

the Academy's Compliance Officer(s) will be posted throughout the Academy, and published

in the Academy's recruitment statements or general information publications.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability,

the person may utilize the following complaint procedures as a means of reaching, at the

lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing

regulations (“Section 504”), employees will be notified of their right to file an internal complaint

regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition,

employees will be notified of their right to file a complaint with the U.S. Department of

Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or

areas of dispute that have given rise to the complaint, and offer possible solutions to the

dispute. The complaint must be filed with an Academy Compliance Officer within the time

limits specified below. The Academy's Compliance Officer is available to assist individuals in

filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and

equitable resolution of complaints alleging discrimination based upon disability. This

complaint procedure is not available to unsuccessful applicants. Use of the internal complaint

procedure is not a prerequisite to the pursuit of other remedies, including the filing of a

complaint with the U.S. Department of Education's Office for Civil Rights.

A. An employee with a complaint based on alleged discrimination on the basis

of disability may first discuss the problem with the Academy Compliance

Officer.

B. If the informal discussion does not resolve the matter, or if the employee

skips Step A, the individual may file a formal written complaint with the

Academy Compliance Officer. The written complaint must contain the name

and address of the individual or representative filing the complaint, be

signed by the complainant or someone authorized to sign for the

complainant, describe the alleged discriminatory action in sufficient detail to

inform the Academy Compliance Officer of the nature and date of the

alleged violation, and propose a resolution. The complaint must be filed

within thirty (30) calendar days of the circumstances or event giving rise to

the complaint, unless the time for filing is extended by the Academy

Compliance Officer for good cause.

C. The Academy Compliance Officer will conduct an independent investigation

of the matter (which may or may not include a hearing). This complaint

procedure contemplates informal, but thorough investigations, affording all

interested persons and their representatives, if any, an opportunity to

present witnesses and other evidence relevant to the complaint. The

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Academy Compliance Officer will provide the complainant with a written

disposition of the complaint within ten (10) work days. If no decision is

rendered within ten (10) work days, or the decision is unsatisfactory in the

opinion of the complainant, the employee may file, in writing, an appeal with

the Educational Service Provider. The Academy Compliance Officer shall

maintain the Academy’s files and records relating to the complaint.

D. The Educational Service Provider will, within ten (10) work days of receiving

the written appeal, conduct a hearing with all parties involved in an attempt

to resolve the complaint.

The Educational Service Provider will render his/her decision within ten (10)

work days of the hearing.

E. The employee may be represented, at his/her own cost, at any of the

above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint

shall not be impaired by the person’s pursuit of other remedies such as the

filing of a complaint with the Office for Civil Rights or the filing of a court

case. Use of this internal complaint procedure is not a prerequisite to the

pursuit of other remedies.

If it is determined that the complainant was subjected to unlawful discrimination, the CO must

identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the

discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate

and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based

upon his/her disability in violation of Section 504 or the ADA, the individual may file a

complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR

can be reached at:

U.S. Department of Education

Office for Civil Rights

Cleveland Office

1350 Euclid Avenue

Suite 325

Cleveland, Ohio 44115

(216) 522-4970

FAX: (216) 522-2573

TDD: (216) 522-4944

E-mail: OCR.Cleveland@ed.gov

Web: http://www.ed.gov/ocr

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful

discrimination, or participates as a witness in an investigation, is prohibited. Specifically, the

Board will not discriminate/retaliate against, coerce, intimidate, threaten or interfere with any

individual because the person opposed any act or practice made unlawful by Section 504 or

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the ADA, or because that individual made a charge, testified, assisted or participated in any

manner in an investigation, proceeding, or hearing under those laws, or because that

individual exercised, enjoyed, aided or encouraged any other person in the exercise or

enjoyment of any right granted or protected by those laws.

Adopted 3/13/18