

## **GRIEVANCE PROCEDURE FOR FILING, PROCESSING AND RESOLVING ALLEGED DISCRIMINATION COMPLAINTS**

### 1) DEFINITIONS

- A. *Discrimination Complaint*: A written complaint alleging any policy, procedure or practice which discriminates on the basis of race, color, national origin, sex (including sexual harassment), religion, age or disability.
- B. *Grievant*: Any person enrolled in or employed by the School District who submits a complaint alleging discrimination based on sex (including sexual harassment), race, color, national origin, religion, age or disability. Sexual harassment is a prohibited type of sexual discrimination under Title IX for which a grievance can be filed with the Title IX Coordinator. For purposes of any complaint alleging a violation of Section 504, in addition to those identified as possible grievances in this paragraph, members of the public may also be potential grievant. For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner, as a student's complaint would be.
- C. *Title IX, ADA, Title VI and VII and 504 Coordinator(s)*: The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, Titles VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973 and any other state and federal laws addressing equal educational opportunity, The Coordinator under Title IX, ADA, Title VI and VII and 504 is responsible for processing complaints and serves as moderator and recorder during hearings. The Coordinator of each statutory scheme may be the same person or different persons.
- D. *Respondent*: The person alleged to be responsible for the alleged discrimination contained in a complaint. The term may be use to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.
- E. *Day*: Day means a working day when the School District's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

### 2) PRE-FILING PROCEDURES

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the building principal or the District's Title IX, ADA, Title VI and VII or 504 Coordinator, applicable, and a reasonable effort should be made at this level to resolve the problem or complaint.

### 3) FILING AND PROCESSING DISCRIMINATION COMPLAINTS

- A. The grievant submits a written complaint to the Coordinator, as applicable, stating the basis, nature and date of the alleged discrimination, the names of persons responsible (where known) and requested action. If the applicable Coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the Superintendent for assignment. Complaints must be submitted within 30 days of alleged violation or date Grievant has become knowledgeable of alleged violation. Complaint forms are available from the offices of the District's Title IX, ADAD, Title VI and VII and 504 Coordinators.

- B. The Coordinator conducts an investigation within 10 days of receiving the complaint, to the extent reasonably possible, which may include but not be limited to, interviewing the Grievant, any witnesses, review of documents and interviewing the Respondent. The Coordinator will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Grievant's requested action; and (c) outline alternatives.

As to complaints of discrimination by students and school employees, the Coordinator will disclose the complaint, the identity of the Grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the Grievant and only when the disclosure is required or permitted by law. If a complainant wishes to remain anonymous, the Coordinator will advise him or her that such confidentiality may limit the School District's ability to fully respond to the complaint. If a Grievant ask to remain anonymous, the Coordinator will still proceed with it's investigation.

- C. The respondent will submit a written answer within 10 days to the applicable Coordinator.
- D. Within 5 days after receiving Respondent's answer, the applicable Coordinator will refer the written complaint and Respondent's written answer to the Principal or Other Designee for a hearing. If any person charged with decision making responsibility at any level of this grievance procedure is the person alleged to have committed the discriminatory act(s), then a different decision maker will be appointed to maintain impartiality. The Coordinator will schedule the hearing with the Grievant, the Respondent, the Principal or Other Designee. The hearing will be conducted within 10 days after the Coordinator receives Respondent's answer.
- E. At the hearing, the Principal or Other Designee will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented. In circumstances involving allegations of sexual harassment, the Coordinator may determine that it is appropriate and reasonable to separate the individual who is allegedly being sexually harassed from the alleged harasser in the hearing.
- F. Within 5 days after the hearing, the Principal or Other Designee will issue a written decision to the Grievant, Respondent and applicable Coordinator.
- G. If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator within 5 days and request, in writing, an appeal to the Superintendent. The written appeal shall contain a specific statement of the basis for the appeal.
- H. Within 5 days after receiving the appeal, the applicable Coordinator will refer the appeal and the evidentiary record created below to the Superintendent. The applicable Coordinator will schedule a hearing with the Grievant, Respondent and Superintendent within 10 days of receiving the appeal.
- I. The Superintendent will act as an intermediate level of appeal by reviewing the Principal or Other Designee's decision and the oral and written evidence presented below and making a decision. At the hearing, the Superintendent may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented.
- J. Within 5 days after the hearing, the Superintendent will issue a final decision in writing to all parties involved.

- K. If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator, in writing, within 5 days and request an appeal to the Board of Education. The written appeal shall contain a specific statement of the basis for the appeal.
- L. The applicable Coordinator will notify the Board of Education, in writing, within 5 days after receiving the appeal. The Clerk will place the appeal on a board agenda within 30 days from the date of notification to the Board of Education.
- M. The Board will act as an appellate body by reviewing the decisions and the oral and written evidence presented below and making a decision. At the Board meeting, the Board may ask for oral or written evidence from the parties and any other individual it deems relevant. The clerk will make arrangements to audiotape any oral evidence presented. Within 5 days of the meeting, the Board will issue a final decision in writing to all parties involved.

4) GENERAL PROVISIONS

- A. *Extension of time:* Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the complaint is resolved shall be no more than 120 days.
- B. *Access to Regulations:* Upon request, the School District shall provide copies of any School District regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age or disability.
- C. *Confidentiality of Records:* Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. 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. Complaint records shall be maintained on file for three years after complaint resolution.
- D. *Representation:* The Grievant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.
- E. *Retaliation:* No reprisals or retaliation will be allowed to occur as the result of the good faith reporting of a discrimination complaint.
- F. *Basis of Decision:* At each step in the grievance procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents.
- G. *Section 504 Due Process Procedures:* For information concerning due process procedures under Section 504, the Grievant should contact the 504 Coordinator.