

NONDISCRIMINATION GRIEVANCE PROCEDURES

The Board has created informal and formal discrimination grievance procedures, providing for a prompt and impartial investigation free of conflicts of interest. All students and District employees are required to fully cooperate when asked to participate in an investigation.

Members of the school community and third parties are encouraged to promptly report incidents of discrimination. Complaints may be filed with any District employee, or directly with the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator. District employees are required to report these incidents to the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator upon becoming aware of an incident, and failure to do so may result in disciplinary action.

Complaints of discrimination must be filed within 180 calendar days of the alleged incident, as delays in filing complaints can make it difficult to investigate. Both the informal and formal grievance procedures are completed within 60 days of the date the incident was reported to the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator, unless extenuating circumstances exist. Periodic updates are made as appropriate during the investigation. The District's Nondiscrimination Compliance Officer/Civil Rights Coordinator may include the assistance of other District personnel as determined appropriate in fulfilling his/her responsibilities under this regulation.

The District's Nondiscrimination Compliance Officer/Civil Rights Coordinator determines whether or not, by "a preponderance of the evidence," the alleged victim's allegations are true. "A preponderance of the evidence" means that evidence must show the alleged discrimination was more likely than not to have occurred.

Pending the final outcome of an informal or formal investigation, the District institutes interim measures to protect the alleged victim and informs him/her of available support services. Interim measures may include, but are not limited to: a District-enforced no contact order, schedule changes, academic modifications for the alleged victim, and/or school counseling for the alleged victim. These measures should ensure the alleged victim continues to have equal access to all education programs and activities and the safety of all students is protected.

If any of the named officials are the accused or are the alleged victim, the Board designates an alternate investigator and retains final decision-making authority.

All matters involving discrimination complaints remain confidential to the extent possible.

Informal Procedure for Addressing Complaints

An informal grievance procedure can be used when the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator deems it appropriate and/or when the parties involved (alleged victim and accused) agree that an informal process is appropriate and sufficient. The informal process is not used when the alleged discrimination may constitute violence or any other criminal act.

The District's Nondiscrimination Compliance Officer/Civil Rights Coordinator gathers enough information during the informal process to understand and resolve the complaint. The District's Nondiscrimination Compliance Officer/Civil Rights Coordinator proposes an informal solution based on this fact-gathering process, which may include, but not be limited to: requiring the accused to undergo training on harassment/discrimination, requiring all students and staff to undergo such training, and instituting protective mechanisms for the alleged victim.

Either party has the right to terminate the informal procedure at any time and pursue a remedy under the formal grievance procedure.

Formal Procedure for Addressing Complaints

While the formal grievance procedure may serve as the first step toward the resolution of a charge of discrimination, it also is available when the informal procedure fails to resolve the complaint.

Through the formal grievance procedure, the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator attempts to resolve the complaint in the following way:

1. The District's Nondiscrimination Compliance Officer/Civil Rights Coordinator promptly confers with the charging party/alleged victim in order to obtain a clear understanding of that party's statement of the alleged facts. The statement is put in writing by the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator and signed by the charging party/alleged victim as a testament to the statement's accuracy.
2. The District's Nondiscrimination Compliance Officer/Civil Rights Coordinator meets with the charged party in order to obtain his/her response to the complaint. The response is put in writing by the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator and signed by the charged party as a testament to the statement's accuracy.

3. The District's Nondiscrimination Compliance Officer/Civil Rights Coordinator holds as many meetings with the parties and witnesses (if any) as are necessary to gather facts. The dates of meetings and the facts gathered are all put in writing. The investigation is adequate, reliable, impartial and prompt, and allows both parties an equal opportunity to present witnesses and other evidence.
4. At the conclusion of the investigation, the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator prepares a written report summarizing: the evidence gathered during the investigation and whether the allegations were substantiated; whether any Board policies or student or employee codes of conduct were violated; any recommendations for corrective action. The investigation report indicates if any measures must be instituted to protect the alleged victim. Such measures may include, but are not limited to extending any interim measures taken during the investigation. The report also informs the alleged victim of available support services, which at a minimum includes offering school counseling services if the alleged victim is a student.

Notice of Outcome

Both the alleged victim and the accused are provided written notice of the outcome of the complaint.

If either party disagrees with the decision of the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator, he/she may appeal to the Superintendent. After reviewing the record made by the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator, the Superintendent may attempt to gather further evidence necessary to decide the case and to determine appropriate action to be taken. The decision of the Superintendent is final.

Disciplinary Action

Any disciplinary action is carried out in accordance with Board policies, student and employee codes of conduct, State and Federal law, and, when applicable, the negotiated agreement. When recommending discipline, the District's Nondiscrimination Compliance Officer/Civil Rights Coordinator considers the totality of the circumstances involved, including the ages and maturity levels of those involved. The District's Nondiscrimination Compliance Officer/Civil Rights Coordinator and the Superintendent determine if a recommendation for expulsion for an accused student or discharge for an accused employee should be made. If this recommendation is made and a hearing is required, the hearing shall be held in accordance with Board policy, State law and/or the negotiated agreement. Both the parties shall have an equal right to attend the hearing, have a representative and parent (if student) present, present evidence, and question witnesses.

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