

# REGULATION

Students

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## **TITLE VI CIVIL RIGHTS ACT NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOLS (REGULATION)**

### Grievance Procedure

Any individual who believes that he or she has been subjected to harassment by an officer, employee, student or non-employee is encouraged to address the matter with any district Compliance Officer\*, who shall promptly conduct an intake interview and explain the following options for resolution:

1. Registering an informal complaint verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation to arrive at a resolution of the matter; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Compliance Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The Compliance Officer will also explain that the complaining individual shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

### Informal Complaints

An informal complaint will be promptly reviewed by an intake Compliance Officer, who shall issue a written report to the Superintendent of Schools, within seven (7) school days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a compliance officer as if it had been filed as a formal complaint.

### Formal Complaints

All formal complaints shall be received in writing or reduced to writing by an intake Compliance Officer, who shall personally or by delegation to a designee conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The investigative steps shall include an opportunity for the parties to present witnesses and evidence. The initial investigation shall, in the absence of extenuating circumstances, be completed within ten (10) school days of receipt of the formal complaint. The Superintendent of Schools shall provide written advisement to the complainant and the subject of the complaint and the disposition of the complaint that may include:

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1. A finding that this policy has not been violated, or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint if an employee; or
3. That disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing, or
4. If there has been a finding that this policy has been violated, the action steps that the District intends to take to prevent the reoccurrence of the harassment and to correct its discriminatory effects, if appropriate, and
5. That they have the right to appeal the finding to the Board of Education.

The Superintendent of Schools shall also ensure that the victims of harassment are aware of their rights and available resources, such as counseling.

## Alternates

The Board shall appoint at least two (2) Compliance Officers. A Complainant will have a choice of which Compliance Officer to approach regarding a complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

## Appeal of Formal Complaints

If a formal complaint hasn't been processed to a satisfactory disposition by the Superintendent within ten (10) school days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board of Education.

## Confidentiality

The district's Compliance Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

## Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.

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Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

**\*District Compliance Officers**

District Administrators  
District Superintendent of Schools

Revised/Adopted: 2/08/12