



PROCEDURES - STUDENTS

Non-Discrimination

Anyone may file a complaint against the district alleging that the District has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations are directed toward a just solution that is satisfactory to the complainant, the administration and the Board. This grievance procedure will apply to the general conditions of nondiscrimination policy (Policy No. 3210) and more particularly to policies dealing with guidance and counseling (Policy No. 2140), co-curricular program (Policy No. 2150), service animals in schools (Policy 2030) and curriculum development and instructional materials (Policy No. 2020), and the prohibitions against sexual harassment of students (Policy No. 3205).

Definitions

As used in this procedure:

Grievance means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.

Complaint means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws.

Compliance Officer means the district employee designated by the superintendent who is responsible for monitoring and coordinating the district's compliance with Chapter 391-90 WAC, Title IX of the Civil Rights Act of 1964, and the guidelines for prohibiting discrimination in Washington public schools developed by the Office of Superintendent of Public Instruction (OSPI). The District will publish the name and contact information of the compliance officer on its website and in its nondiscrimination statement distributed to students, parents/guardians, and employees.

Respondent means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The District is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this policy and procedure and from retaliating against an individual for filing such a grievance.

Informal Process for Resolution

Anyone with an allegation of discrimination may request an informal meeting with the compliance officer or designated employee to resolve their concerns. Such a meeting will be at the option of the complainant. If

unable to resolve the issue at this meeting, the complainant may submit a written complaint to the compliance officer. During the course of the informal process, the district must notify complainant of their right to file a formal complaint.

Complaint to District (Level One)

Anyone may initiate a formal complaint of discrimination, even if the informal complaint process is being utilized. The following process will be followed:

- **Filing of Complaint**

All formal complaints will be in writing and set forth the specific acts, conditions, or circumstances alleged to be in violation. The compliance officer may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or compliance officer may determine that the district will conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.

The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint or withholding of information that the district was required to provide under WAC 392-190-005 or -065.

Complaints may be submitted by mail, fax, email, or hand-delivery to the compliance officer. Any district employee who receives a complaint that meets the criteria in this procedure will promptly notify the compliance officer.

- **Investigation and Response**

The compliance officer will receive and investigate within thirty (30) calendar days of receipt each formal, written complaint of discrimination. The compliance officer will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest.

Upon receipt of a complaint, the compliance officer will provide the complainant with a copy of this procedure in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Investigations will be carried out in a manner that is adequate in scope, reliable, and impartial. The compliance officer may conduct investigations directly, or delegate responsibility for such investigations to other appropriate district administrators or contractors.

When the investigation is completed, the compliance officer will provide the superintendent with a full written report of the complaint and the results of the investigation.

The District and complainant may agree to resolve the complaint in lieu of an investigation.

- **Superintendent Response**

The superintendent or designee will respond in writing to the complainant with a written decision within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the District will notify the complainant in writing of the reason for the extension and the anticipated response date in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. At the time the district responds to the complainant, the district will send a copy of the response to OSPI.

The response of the superintendent or designee will include:

1. A summary of the results of the investigation;
2. A statement regarding whether the District has failed to comply with anti-discrimination laws;
3. If noncompliance is found to have occurred, the corrective measures the District deems necessary; and
4. Notice of the complainant's right to appeal to the Board of Directors and the necessary filing information.

The response of the superintendent or designee will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the superintendent's mailing of a written response to the complaining party, unless otherwise agreed to by the complainant, or the accused is appealing the imposition of discipline or corrective action and the District is barred by due process considerations or a lawful order from imposing the discipline or corrective action until the appeal process is concluded.

Appeal to Board (Level Two)

- **Notice of Appeal and Hearing**

If a complainant disagrees with the written decision of the superintendent or designee, the complainant may appeal the decision to the district's Board of Directors by filing a written notice of appeal with the superintendent within ten (10) calendar days following the date upon which the complainant received the response.

The Board will schedule a hearing on the appeal. Both parties will be allowed to present such witnesses and testimony as the Board deems relevant and material.

- **Board Decision**

Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the district's receipt of the notice of appeal and provide the complainant with a copy of the decision.

The Board decision will be provided in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.

The Board decision will include notice of the complainant's right to file a complaint with OSPI under WAC 392-190-075. The district will send a copy of the Board decision to OSPI.

Complaint to OSPI (Level Three)

In the event a complainant remains aggrieved with the decision of the Board, the complainant may file a complaint with the Office of the Superintendent of Public Instruction pursuant to WAC 392-190-075, which describes the procedures and standards OSPI will apply in responding to such complaints.

Retaliation

Retaliation against any individual who files a complaint of discrimination or participates in a compliant investigation is prohibited. The District will investigate allegations of retaliation under this Procedure and take appropriate action if a retaliation is found to have occurred.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the District and the disposition thereof, including any corrective measures instituted by the District, will be retained in the office of the compliance officer for a period of at least six (6) years.

Adopted: 8/10/04

Revised: 4/10/18