Harassment – Racial and Other Forms Regulation No. 3208

Students

**HARASSMENT – RACIAL AND OTHER FORMS**

**NONDISCRIMINATION COMPLAINT PROCEDURE**

Students, parents, staff or other individuals acting on behalf of students of the district are eligible to participate in this complaint procedure. This complaint procedure is designed to assure that the resolution of real or alleged violations shall be directed toward a just solution that is satisfactory to the complainant, the administration and the Board of Directors. As used in this procedure, “Grievance” shall mean a complaint that has been filed by a complainant (a student, an employee, a parent or a guardian) relating to alleged violations of any anti-discrimination law or district anti-discrimination policy, including Title IX, Washington Administrative Code 392-190, Section 504 of the Rehabilitation Act of 1973, Titles VI and VII of the Civil Rights Act of 1964, or the Americans with Disabilities Act.

A “complaint” shall mean a charge alleging specific acts, conditions or circumstances that are in violation of the anti-discrimination laws or district anti-discrimination policies. A “respondent” shall mean 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 shall be taken:

*LEVEL ONE*

Students, parents, and members of the public:

Prior to the filing of a written complaint, the complainant may request a meeting with the

respondent alleged to be directly responsible for the violation and/or his/her supervisor. Such a meeting shall be at the option of the complainant. If unable to resolve this issue at this level, the complainant may proceed directly to Level Two.

Employees:

When a staff member has a complaint, he/she shall discuss the problem with the immediate supervisor, or the superintendent’s designee within 60 days of the circumstances that gave rise to the problem. The staff member may also ask the Compliance Officer to participate in the informal review procedure. It is intended that the informal discussion shall resolve the issue. If the staff member feels he/she cannot approach the supervisor because of supervisor’s involvement in the alleged discrimination, the staff member may directly contact the Compliance Officer before pursuing formal procedures. If the discussion with the officer or immediate

supervisor does not resolve the issue, the staff member may proceed to Level Two.

Harassment – Racial and Other Forms Regulation No. 3207

Students

*LEVEL TWO*

Students and employees:

The complaint must be signed by the complaining party, filed with the Compliance Officer and set forth the specific acts, conditions, or circumstances alleged to be in violation. The officer shall investigate the allegations set forth within 30 calendar days of the filing of the charge. The officer shall provide the superintendent or his/her designee with a full written report of the complaint and the results of the investigation. The superintendent of his/her designee shall respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The superintendent or his/her designee shall state that the district either:

A. Denies the allegations contained in the written complaint received by the district, or

B. Shall implement reasonable measure to eliminate any such act, condition or circumstance.

Such corrective measure deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent’s or his/her designee’s mailing of a written response to the complaining party.

*LEVEL THREE*

If a complaint remains aggrieved as a result of the action or inaction of the superintendent or his/her designee in resolving a complaint, the complainant may appeal to the Board by filing a written notice of appeal with the secretary of the Board by the 10th calendar day following:

A. The date upon which the complainant received the superintendent’s or his/her designee’s response, or

B. The expiration of the 30-calendar day response period stated in Level Two, whichever

occurs first.

The Board shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board shall render a written decision by the 10th calendar day following the termination of the hearing and shall provide a copy to the complainant.

Harassment – Racial and Other Forms Regulation No. 3208

Students

*LEVEL FOUR*

Students, parents, and members of the public:

In the event a complainant remains aggrieved with the decision of the Board, the complainant may appeal the decision to any federal or state agency empowered with the authority to resolve such complaint.

Employees:

In the event the complainant remains aggrieved with the decision of the Board of Directors in connection with any matter which, if established, would constitute a violation, the complainant may appeal the Board’s decision to the Superintendent of Public Instruction.

A. A notice of appeal must be reviewed by the Superintendent of Public Instruction on or before the tenth (10th) day following the date upon which the complainant received written notice of the Board of Directors’ decision.

B. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:

1. A concise statement of the original complaint and the portions of the Board of Directors’ decision which is appealed.

2. The suggested recommendations for resolution or remediation of the alleged complaint set forth in the original statement of complaint.

**PRESERVATION OF RECORDS**

The files contain copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, shall be retained in the office of the Compliance Officer for a period of 5 years.

Adopted: 3/19/2007