

Adopted: _____

Renville County West

Orig. 2011

Rev.

Revised: _____

Renville County West #2890

GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION

The following grievance procedure applies to claims of sex and disability discrimination:

- A. Any person who believes he or she has been a victim of unlawful discrimination or any person with knowledge of belief of conduct that may constitute unlawful discrimination will report the alleged acts immediately to an appropriate school official designated by this policy. The complaint must be filed within 30 calendar days of the alleged violation.
- B. The human rights officer is responsible for receiving oral or written complaints of unlawful discrimination towards an employee or student. However, nothing in this policy will prevent any person from reporting unlawful discrimination towards an employee or student directly with the human rights officer, the school board, or other school district officials.
- C. While the school board has designated the human rights officer to receive complaints of unlawful discrimination, if the complaint involves the human rights officer, the complaint will be made to the superintendent.
- D. Upon receipt of a complaint, the human rights officer will immediately notify the superintendent. If the superintendent is the subject of the complaint, the human rights officer will immediately notify the school board.
- E. The human rights officer may request but not insist upon a written complaint. Alternative means of filing the complaint, such as through a personal interview or by tape-recording, will be made available upon request for qualified persons with the disability.
- F. If the complaint is oral, it will be reduced to writing within 24 hours and forwarded to the superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- G. The school district will respect the privacy of the complaint, the individuals against whom the complaint is filed, and the witnesses, consistent with the school districts legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

INVESTIGATION:

- A. The human rights officer, upon receipt of a complaint alleging unlawful discrimination, will promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Title IX Coordinator for compliance of sex discrimination, the Section 504 Coordinator for complaints of disability discrimination, a school district official or

neutral third-party designated by the Title IX Coordinator, or human rights officer. The investigation will be completed within 30 days of the complaint, unless impractical.

- B. The investigation may consist of personal interviews with the complainant, the individuals against whom the complaint is filed, and others who may have knowledge of the alleged incidents or circumstances giving rise to the complaint.
- C. The investigation may also consist of other methods deemed pertinent by the investigator.
- D. In determining whether the alleged conduct constitutes a violation of this policy, the school district will consider the facts of the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.
- E. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.
- F. Upon completion of the investigation, the school district investigator will make a written report to the human rights officer. If the complaint involves a human rights officer, the report may be filed directly with the superintendent or the school board. The report will include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.
- G. The district will comply with federal and state law pertaining to retention of records.

APPEAL:

If the grievances not been resolved to the satisfaction of the complaint, s/he may appeal to the human rights officer within 10 school days of receipt of the findings of the school district investigation. The school district investigator will conduct a review of the appeal and within 10 school days of receipt of the appeal, will affirm, reverse, or modify the findings of the reports. The decision of the school district investigators is final but does not preclude pursuit of alternative complaint procedures noted in the section entitled "Right to Alternative Complaint Procedures."

SCHOOL DISTRICT ACTION:

- A. Upon conclusion of the investigation in receipt of the findings, the school district will take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, warning, suspension, expulsion, transfer, remediation or termination.
- B. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and school district policies.

- C. The results of the school districts investigation of each complaint filed under these procedures will be reported in writing to the complaint and by the school district in accordance with state and federal law regarding data or records privacy.

RETALIATION:

The school district will take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person who reports alleged unlawful discrimination toward employee or student or any person who testifies, assists, participates in an investigation or hearing relating to such unlawful discrimination. Retaliation includes, but is not limited to, any form of intimidation or harassment.

DISSEMINATION OF POLICY:

The school district will adopt and publish these procedures.

RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES:

These procedures do not deny the rights of any individual to pursue other avenues of recourse, which may include filing charges with the agencies listed below or initiating action in state or federal court.

Claims of discrimination may also be pursued through the following agencies where appropriate:

U.S. Department of Education
Office for Civil Rights, Region V
500 W. Madison Street ó Suite 1475
Chicago, IL 60661
Tel: 312-730-1560
TDD: 312-730-1609

Minnesota Department of Human Rights
190 E. Fifth Street
St. Paul, MN 55101
800.657.3704
651.296.5663
TDD 651.296.1283

For complaints of employment discrimination:

Equal Employment Opportunity Commission
330 S. 2nd Avenue, Suite 430
Minneapolis, MN 55401
800.669.4000
612.335.4040

TDD 612.730.4045

This document provides general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.

Legal References:

34 C.F.R. Sections 104.7(b) (Section 504 of the Rehabilitation Act)

34 C.F.R. Section 106.8(b) (Title IX of the Education Amendments of 1972)

Resources:

U.S. Department of Education

Office for Civil Rights, Region V

500 W. Madison Street ó Suite 1475

Chicago, IL 60661

Tel: 312-730-1560

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