

PERSONNEL

Nondiscrimination

To ensure fairness and consistency, the following grievance procedure is to be used in the District's relationship with its staff with regard to discrimination issues covered by state and federal equal employment opportunity laws and the District's affirmative action plan. No staff member's status with the District will be adversely affected in any way because the staff member utilized these procedures.

As used in this procedure, "grievance" will mean a complaint which has been filed by a complainant (staff member) relating to alleged violations of Policy 5010 or any state or federal anti-discrimination laws. A "complaint" will mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A "respondent" will 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 end to discrimination. According to the following steps will be taken.

Affirmative Action Plan

Development and implementation of the District's Affirmative Action Plan will be the responsibility of the Superintendent, and other administrators will assist as directed by the Superintendent. The Affirmative Action Plan includes the following expectations:

- A. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The District will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the District's personnel procedures.
- B. Be responsible for reviewing all employment procedures and programs to avoid discriminatory practices.
- C. Criteria for selecting staff will be reviewed regularly to assure equal employment opportunities. However, pursuant to state law there will be no preferential employment practices based on race or gender.

Grievance Procedure

To ensure fairness and consistency, the following procedures are to be used to address complaints alleging discrimination in employment.

A. Informal Process for Resolution

When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor or District Title IX Coordinator

(for employees) within sixty (60) days of the circumstances which gave rise to the problem. The staff member may also ask the District's compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may contact the compliance officer directly before pursuing formal procedures. If discussion with the compliance officer or immediate supervisor does not resolve the issue, the staff member may proceed to the formal review procedures. During the course of the informal process, the District will notify complainant of their right to file a formal complaint.

B. Formal Process for Resolution

Level One: Complaint to District

The complainant should complete District Form 5010F1 (Discrimination Inquiry Form).

The complaint form must be signed by the complainant, set forth the specific acts, conditions or circumstances alleged to be in violation; and be submitted to a District administrator. Administrators will promptly forward any complaints they receive to the District's compliance officer. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within thirty (30) calendar days. The District and complainant may agree to resolve the complaint in lieu of an investigation. The compliance officer will provide the Superintendent with a written report of the complaint and the results of the investigation.

The Superintendent or designee will respond to the complainant, in writing, as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written 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. At the time the District responds to the complainant, the District must send a copy of the response to the Office of the Superintendent of Public Instruction (OSPI). The decision of the Superintendent will include:

1. A summary of the results of the investigation;
2. Whether the District or a third person has failed to comply with Policy 5010 or applicable laws prohibiting discrimination;
3. If the District is found in non-compliance, corrective measures the District deems necessary to correct the non-compliance;
4. Notice of the complainant's right to appeal to the Board of Directors and the necessary filing information.

The Superintendent's or designee's decision will be provided in a language the complainant can understand and may require language assistance for complainant with limited English proficiency in accordance with Title VI of the Civil Rights Action 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.

Level Two – Appeal to Board of Directors

If a complainant disagrees with the Superintendent's or designee's written decision the complainant may file a written notice of appeal with the Board of Directors by the tenth (10) calendar day following the date upon which the complainant received the response.

The Board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the Superintendent or for good cause. Both parties will be allowed to present such witnesses and other information as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and will provide the complainant a copy of the decision to all parties involved. The decision of the Board 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. The written decision will include notice of the complainant's right to appeal the decision to the Office of the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The District will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction (OSPI).

Level Three – Appeal to the Office of the Superintendent of Public Instruction

In the event a complainant disagrees with the decision of the Board of Directors, or if the District fails to comply with this procedure, the complainant may file a complaint with the Office of the Superintendent of Public Instruction.

1. A complaint must be received by the Office of the Superintendent of Public Instruction (OSPI) on or before the twentieth (20) day following the date upon which the complainant received written notice of the Board's decision, unless the OSPI grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint to OSPI must be in writing and include information required by OSPI.

C. Preservation of Records

The files containing copies of all records collected, including correspondence relative to each complaint communicated to the District and the disposition, including any corrective measures instituted by the District, will be retained in the office of the District Title IX Coordinator for a period of six (6) years.

Adoption Date: March 25, 1998

Revision Dates: September 20, 2013
February 12, 2014
August 22, 2018