

Procedure - Nondiscrimination

I. General Provisions

- A. The District shall use the definitions required in RCW 28A.642.010: Discrimination Prohibited - Definitions, as it now appears or is hereafter amended.
- B. "Complaint" means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws or Policy 3210.
- C. "Complainant" means the person that filed a complaint.
- D. "Compliance officer" or "district's compliance officer" means the person responsible for investigating a complaint. If the respondent is a student, the compliance officer shall be the Assistant Executive Director of Learning and Teaching. If the compliance officer is the respondent in the complaint, then the Superintendent shall appoint a different compliance officer, who shall not be a witness to the alleged discrimination stated in the complaint. If the complainant is a staff member, or the complaint involves a staff member, the compliance officer shall be the Executive Director of Human Resources
- E. "Respondent" means the person alleged to be responsible or who may be responsible for the discrimination alleged in the complaint.
- F. "Superintendent" means the Superintendent of the district, or his or her designee.
- G. Any time period specified in this procedure that falls on a weekend or holiday shall be extended to the next business day.

II. Complaint Procedure

A. Who May File a Complaint

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 discrimination shall be directed toward a just resolution that is satisfactory to the complainant, the administration and the board of directors. This complaint procedure shall 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), and curriculum development and instructional materials (Policy No. 2020). If the complaint alleges that an employee has been discriminated against by the district, the district shall comply with Policy No. 5010 and its accompanying procedure.

B. Time Period for Filing 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, the time period for filing a complaint shall not apply if the complainant was prevented from filing due to:

- (1) Specific misrepresentations by the district that it had resolved the alleged discrimination forming the basis of the complaint; or
- (2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.

C. Filing a Complaint

1. Informal Complaints

Informal complaints are verbal and may be filed with the Superintendent, any district cabinet member, any school principal or vice-principal, or to the compliance officer. Any district employee who receives an informal complaint that alleges discrimination shall promptly notify the district compliance officer. If the district compliance officer is the respondent in the complaint, then the district employee shall promptly notify the Superintendent. The district must notify the complainant (verbally or in writing) of their right to file a formal complaint.

2. Formal Complaints

Formal complaints are written complaints that must set forth the specific acts, conditions or circumstances alleged to be discrimination. Formal complaints may be filed with the district by mail, fax, or e-mail or by hand-delivery to the Superintendent, any district cabinet member, any school principal or vice-principal, or to the district compliance officer. Any district employee who receives a formal complaint that alleges discrimination shall promptly notify the district compliance officer. If the district compliance officer is the respondent in the complaint, then the district employee shall promptly notify the Superintendent.

D. No Retaliation

The district shall not intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with their right to file any complaint under this policy and procedure and from retaliating against an individual for filing such a complaint.

E. Preservation of Records

The file containing copies of documents (hard-copy or electronic) relative to each complaint, including the documents regarding disposition and any corrective measures instituted by the district, shall be retained in the office of the compliance officer for the length of time required by the Local Government Records Retention Schedules.

III. Resolution of Complaint

A. Informal Complaint Process for Resolution

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

the complainant. If able to resolve the concerns at this meeting to the satisfaction of the complainant, no further action by the district is required. If unable to resolve the concerns at this meeting to the satisfaction of the complainant, then complainant may file a formal complaint.

B. Formal Complaint Process for Resolution

1. Level One: Complaint to District

a. Investigation by Compliance Officer

Upon filing of a formal complaint, the compliance officer will provide the complainant a copy of this procedure. Within 20 calendar days following the filing of the formal complaint, the compliance officer shall complete the investigation into the allegations and provide the Superintendent with a copy of the formal complaint, and a written report that includes the details of the investigation and the results of the investigation.

The district and complainant may agree to resolve the complaint in lieu of an investigation. If the complaint is resolved to the satisfaction of the complainant, no further action by the district is required.

b. Decision by Superintendent

i. Time Frame to Issue Decision

The Superintendent will issue a written decision to the complainant as expeditiously as possible, but in no event later than 30 calendar days following the filing of the formal 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 the district will issue the written decision to the complainant.

ii. Contents of Decision

The Superintendent's written decision will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

The written decision of the Superintendent shall include:

- a. A summary of the results of the investigation;
- b. Whether the district has failed to comply with anti-discrimination laws;
- c. If non-compliance is found, corrective measures the district deems necessary to correct it;
- d. Notice of the complainant's right to appeal to the school board; and
- e. Identify where and to whom the appeal must be filed.

iii. Service of Decision

The written decision may be mailed by regular mail to the complainant or personally served upon the complainant. If mailed, service of the written decision shall be deemed complete three (3) school business days after mailing.

c. Corrective Measures

Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the Superintendent's service of a written decision to the complainant unless otherwise agreed to by the complainant.

d. Notice to OSPI

The district must send a copy of the written decision to the Office of the Superintendent of Public Instruction.

2. Level Two: Appeal to Board of Directors

a. Time to Appeal

If a complainant disagrees with the Superintendent's written decision, the complainant may appeal the decision to the district board of directors by filing a written notice of appeal with the secretary of the board within ten calendar days following the date upon which the complainant was served the decision.

b. Review on Appeal

i. Record Before the Superintendent

The board of directors shall review the formal complaint, the written report regarding the investigation, and the Superintendent's decision.

ii. Submission of Additional Material

The complainant and the district shall be allowed to submit additional relevant material to the board, which may include testimony of witnesses provided pursuant to a written declaration signed under penalty of perjury; provided that a copy of such is provided to the other party. Any additional relevant materials must be submitted to the board within seven calendar days following the filing of the written notice of appeal.

c. Decision of Board

i. Timeframe to Issue Decision

Unless otherwise agreed to by the complainant, the board will render a written decision and provide a copy of the decision to the complainant within 30 calendar days following the filing of the written notice of appeal.

ii. Contents of Decision

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 decision shall include:

- a. A finding as to whether the district has failed to comply with anti-discrimination laws;
- b. If non-compliance is found, corrective measures the district deems necessary to correct it;
- c. Notice of the complainant's right to appeal to the Superintendent of Public Instruction; and
- d. Identify where and to whom the appeal must be filed.

iii. Service of Decision

The written decision may be mailed by regular mail to the complainant or personally served upon the complainant. If mailed, service of the written decision shall be deemed complete three (3) school business days after mailing.

d. Corrective Measures

Any corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than 30 calendar days following the board's service of the written decision to the complainant unless otherwise agreed to by the complainant.

e. Notice to OSPI

The district will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

3. Level Three: Complaint to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, or fails to comply with WAC 392-190-065 or WAC 392-190-070, the complainant may file a complaint with the Office of the Superintendent of Public Instruction.

Any complaint filed with the Office of the Superintendent of Public Instruction must comply with WAC 392-190-075, as it now appears or is hereafter amended.

4. Level Four: Administrative Hearing

The complainant or the district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction must comply with WAC 392-190-079, as it now appears or is hereafter amended.

C. Mediation

At any time during the complaint procedure outlined in Level One, Level Two or Level Three, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the resolution of complaint deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process.

The mediation will be conducted according to the procedures set forth in WAC 392-190-0751, as it now appears or is hereafter amended.

IV. Concurrent Claims and Remedies

If a complainant pursues other available administrative, civil or criminal remedies for an alleged violation of the anti-discrimination laws, then the district may hold the complaint in abeyance pending the outcome of any proceeding in state or federal court, or any proceeding before a local, state or federal agency in which the same allegations are at issue.

Adoption Date:

Classification:

Revised Dates: 3.12, 6.12, 8.15, 8.16, 1.23