

## **School Board**

### **Uniform Grievance Procedure**

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following:

1. Title II of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
2. Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., excluding Title IX sexual harassment complaints governed by policy 2:265, *Title IX Sexual Harassment Grievance Procedure*
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
6. Sexual harassment prohibited by the State Officials and Employees Ethics Act, 5 ILCS 430/70- 5(a); Illinois Human Rights Act, 775 ILCS 5/; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (Title IX sexual harassment complaints are addressed under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*)
7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7.
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, 820 ILCS 180
12. Illinois Equal Pay Act of 2003, 820 ILCS 112
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/1 et seq.
15. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act), 410 ILCS 513/; and Titles I and II of the Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
16. Employee Credit Privacy Act, 820 ILCS 70/

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

### **Right to Pursue Other Remedies Not Impaired**

The right of a person to prompt and equitable resolution of a complaint filed under this policy shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. Use of this

grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

#### Deadlines

All deadlines under this procedure may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, "school business days" means days on which the District's main office is open.

#### Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyber-bullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:192, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy.

#### Investigation Process

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parents/guardians that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days after the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time. The Superintendent will keep the Board informed of all complaints.

If a complaint contains allegations involving the Superintendent or Board member(s), the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy.

#### Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by registered mail, return receipt requested, and/or personal delivery, as well as the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board.

Within 30 school business days after an appeal of the Superintendent's decision, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within 5 school business days after the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Superintendent or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall mail its written decision to the Complainant and the accused by registered mail, return receipt requested, and/or personal delivery as well as to the Complaint Manager.

This policy shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

#### Appointing Nondiscrimination Coordinator and Complaint Managers

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Superintendent shall appoint a Title IX Coordinator to coordinate the District's efforts to comply with Title IX.

The Superintendent shall appoint at least one Complaint Manager to administer this policy. If possible, the Superintendent will appoint two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses and telephone numbers of the Nondiscrimination Coordinator, Title IX Coordinator, and the Complaint Managers.

<b>Nondiscrimination Coordinator for Personnel</b>	
<p><b>Kenneth Miller</b>  Executive Director of Human Resources  District Administration Center  4175 Route 71  Oswego, IL 60543  (630) 636-3092  <a href="mailto:kmiller01@sd308.org">kmiller01@sd308.org</a></p>	

<b>Complaint Managers</b>	
<b>Kenneth Miller</b>	<b>Claudia Ruiz</b>
Executive Director of Human Resources	Assistant Director of Human Resources
4175 Route 71	4175 Route 71
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LEGAL REF:

- 8 U.S.C. §1324a et seq., Immigration Reform and Control Act.
- 20 U.S.C.. §1232g, Family Education Rights Privacy Act..
- 20 U.S.C. §1400, The Individuals with Disabilities Education Act.
- 20 U.S.C. §1681 et seq., Title IX of the Education Amendments; 34 C.F.R. Part 106.
- 29 U.S.C. §206(d), Equal Pay Act,
- 29 U.S.C. §621 et seq., Age Discrimination in Employment Act.
- 29 U.S.C. §791 et seq., Rehabilitation Act of 1973.
- 42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act.
- 42 U.S.C. §2000e et seq., Equal Employment Opportunities Act (Title VII of the Civil Rights Act).
- 42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act.
- 42 U.S.C. §11431 et seq., McKinney Homeless Assistance Act.
- 42 U.S.C. §12101 et seq., Americans with Disabilities Act.

State Officials and Employees Ethics Act, 5ILCS 430/70-5(a)  
 105 ILCS 5/2-3.8, 5/3-10, 5/10-20, 5/10-20.5, 5/10-20.7a, 5/10-20.60, 5/10-20.69,  
 5/10-20.75 (final citation pending), 5/10-22.5, 5/22-19, 5/24-4, 5/27.1,  
 and 45/1-15.  
 5 ILCS 415/10(a)(2), Government Severance Pay Act.  
 5 ILCS 430/70-5(a), State Officials and Employees Ethics Act.  
 410 ILCS 513/, Illinois Genetic Information Privacy Act..  
 740 ILCS 174/, Illinois Whistleblower Act.  
 740 ILCS 175/, Ill. False Claims Act.  
 775 ILCS 5/, Illinois Human Rights Act .  
 820 ILCS 180/, Victims' Economic Security and Safety Act., 56 Ill.Admin.Code Part  
 280.  
 820 ILCS 112/, Equal Pay Act of 2003.  
 820 ILCS 70/, Employee Credit Privacy Act, 70/10(b), and 70/25..  
 23 Ill.Admin.Code §§1.240, 200.40, 226.50, and 226.570.

CROSS REF: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance  
 Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20  
 (Sexual Harassment), 5:90 (Abused and Neglected Child Reporting), 6:120  
 (Education of Children with Disabilities); 6:140 (Education of Homeless Children),  
 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional  
 Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and  
 Family Privacy Rights), 7:20 (Harassment of Students Prohibited), 7:185 (Teen Dating  
 Violence Prohibited), 7:192 (Preventing Bullying, Intimidation, and Harassment),  
 7:310 (Restrictions on Publications and Written or Electronic Material: Elementary),  
 7:315 (Restrictions on Publications: High Schools), 8:70 (Accommodating Individuals  
 with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and  
 Complaints)

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