

It is the policy of this district to provide a learning and working environment free from discrimination and harassment. This Civil Rights Grievance Procedure is provided as a method for the expeditious processing of grievances and a means to eliminate unlawful discrimination or harassment within the district.

Grievances by employees, students or other persons alleging illegal discrimination by this district, its employees, other students, or third parties in any of the district's public facilities, programs or activities based on race, sex (including sexual orientation or gender identity), national origin, color, age (persons forty (40) years of age or older), religion, marital/family status, political beliefs, or disability may be filed as follows:

### **FILING A CIVIL RIGHTS GRIEVANCE COMPLAINT**

The district's Superintendent Designee is responsible for receiving grievances, actively and independently investigating the merits of grievances, and assisting the parties in resolving grievances. The Superintendent Designee may be used as a resource by any party at any level of procedures set forth in this policy.

A complaint should be filed in writing by the complainant, by the complainant's representative, parent or guardian or both. Any complaints received by this district by telephone or verbally will be recorded by the district in written form. Grievances that allege sexual harassment or sexual assault as defined in the district's Title IX Policy and Procedures (296 and 296P1) will be processed under the applicable Title IX procedures. The complaint should set forth the date, place, and nature of the discriminatory action and specify the remedy sought by the complainant. It is the policy of the district to process all grievances in a fair and expeditious manner. Confidentiality will be maintained to the extent required by law.

The complaint must be filed with the office of the superintendent within one hundred eighty (180) days of the alleged discriminatory action. A grievance will not be accepted or reviewed if it is submitted more than one hundred and eighty (180) days after the alleged civil right violation, or from the date the grievant could reasonably become aware of such occurrence.

### **INVESTIGATION AND REPORT**

**Step 1: Informal Resolution (Optional):** An individual with a grievance is encouraged to first discuss it with a district official (e.g., a teacher, school counselor, school nurse, coach, principal, etc.) with the objective of resolving the matter promptly and informally. Employees with a grievance are encouraged to first discuss it with their principal or immediate supervisor with the same objective. However, all grievances under this section should be discussed with the administrator, supervisor, or designee not involved in the alleged discrimination or harassment. All informal or verbal complaints must be documented in writing by the grievant.

**Step 2: Superintendent Designee:** If the individual feels that the grievance was not satisfactorily resolved at Step 1, or if the individual elects to bypass Step 1, he/she may file a

written, signed statement of the grievance with the Superintendent Designee. The statement must fully set forth the nature of the grievance; the remedy requested; and the signature of the grievant and date. The grievance shall be made in writing and addressed to:

Staff member name  
Title  
Address  
Phone:  
Fax:  
Email:

The school district will contact the complainant in writing within ten (10) working days of receipt of the complaint to let him or her know the complaint was received and what action the district has taken or will take in an attempt to resolve the complaint.

Within ninety (90) calendar days after receiving the complaint, the Superintendent Designee, must investigate the incident and issue a written finding of whether or not discrimination was found. The investigation will include, but not be limited to, interviews with the complainant and school district personnel. The investigator will allow both parties an opportunity to present written statements of witnesses and/or other evidence. If possible, the Superintendent Designee will resolve the grievance. If the parties to the grievance cannot agree on a resolution, a written report of the investigation report shall be prepared by the Superintendent Designee which will include:

- A clear statement of the allegations of the grievance and remedy sought.
- A statement of the facts as contended by each of the parties.
- A statement of facts as found by the Superintendent Designee and identification of evidence to support each fact.
- A list of all witnesses interviewed and documents reviewed during the investigation.
- A narrative describing attempts to resolve the grievance.
- The Superintendent Designee’s conclusions as to whether the allegations in the grievance have merit.

If the Superintendent Designee believes the grievance is valid, he/she will recommend appropriate action to the superintendent. The report must be completed and filed with the superintendent within the ninety (90) day investigation period, unless both parties agree to an extension of time. A summary report shall be sent to the parties of the grievance consistent with confidentiality requirements of federal and state law. Upon approval of the superintendent, the recommendations of the Superintendent Designee shall be implemented.

If the complainant does not agree with the findings of the superintendent or designee, he or she will have thirty (30) days to provide additional information to the designee of the superintendent to facilitate further review of the complaint.

The superintendent's decision is a final decision and is not appealable, except that the grievant may, in writing, request that the board review the record of the grievance procedure to ensure that board policy and procedures, as set forth herein, have been followed. The complainant will be notified of his or her right to appeal the findings of the district to the proper state or federal compliance agency. A complainant may at any time file a complaint directly with other agencies identified in this policy or may see private counsel.

The timelines set forth herein may be waived at the discretion of the Superintendent Designee if such waiver is determined to be in the best interest of the individuals involved. The Superintendent Designee will provide written notice to all parties of the reason for the waiver.

All investigators and decision makers are to remain objective in regards to each grievance. Any personal affiliation with any party to the grievance shall be disclosed to the superintendent or designee prior to any actions taking place.

### **REMEDY IF DISCRIMINATION IS FOUND**

If the superintendent or designee finds that the alleged discrimination occurred, the superintendent will take immediate steps to remedy such discrimination and to prevent the recurrence of discrimination. The superintendent will report the investigation findings and proposed remedy, if any, to the board at the next special or regular meeting.

### **FILING OTHER COMPLAINTS**

This policy does not deny the complainant the right to seek private counsel or to file a complaint with the following state and federal agencies:

1. Idaho Human Rights Commission, 317 W. Main Street, Boise, Idaho 83735-0060, phone: (208)334-2873, fax: (208) 334-2664
2. Office for Civil Rights, U.S. Department of Education, 810 3<sup>rd</sup> Avenue, Suite 7509, Seattle, WA 98104, phone: (206) 607-1600, fax: (206) 607-1601.
3. U.S. Department of Justice, Washington, D.C. 20530.
4. Employment complaints may be filed with the Equal Employment Opportunity Commission, 909 1<sup>st</sup> Avenue #400, Seattle, Washington 98104.

### **NO RETALIATORY ACTION**

No individual who has in good faith filed a complaint, testified, assisted or participated in any manner in the investigation of a complaint will be intimidated, coerced or otherwise discriminated against. Any such intimidation, harassment or retaliation is a violation of law and constitutes the basis for filing a separate grievance. Any person who engages in retaliation may be subject to disciplinary action in accordance with applicable district policies.

**RETENTION OF RECORDS**

All records of complaints and investigations filed under this procedure will be retained with the district for a period of three (3) years. In sexual harassment cases, the records shall not be purged. In the event an investigation reveals a violation of this policy by an employee or student, any disciplinary action taken as a result of the investigation will be placed in the appropriate employee or student file. Upon separation of employment, any investigative file maintained pursuant to this policy involving an employee shall be moved into the personnel file and shall be redacted as required by Idaho Code §33-1210.

**SCHOOL DISTRICT ACTIONS**

All employees, students, and third parties of the district will be responsible for acting in accordance with this policy.



**LEGAL REFERENCE:**

Idaho Code Sections:

- 33-205 – Denial of School Attendance
- 33-512 – Governance of Schools
- 33-1210 – Information on Past Job Performance
- 67-5901 et seq. – Idaho Human Rights Act

Title VII of the Civil Rights Act of 1965

42 USC §2000e, et seq.

Title VI of the Civil Rights Act of 1964

42 USC §2000d, et seq.

Section 1981 of the Civil Rights Act of 1866

42 USC §1981

Section 1983 of the Civil Rights Act of 1871

42 USC §1983

The Equal Pay Act 1963

29 USC §206d

Title IX of the Education Amendments of 1972

20 USC §1681

Age Discrimination and Employment Act of 1967

29 USC §621, et seq.

Americans with Disabilities Act of 1990

42 USC §12101, et seq.

Section 504 of the Rehabilitation Act 1973

29 USC §794

**ADOPTED: November 9, 2009**

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