

CAMBRIAN SCHOOL DISTRICT
Board Policy

Procedure 4030
Adopted: March 26, 2002
Page 1 of 6

PERSONNEL

Non-Discrimination

I. General Procedures

A. Definitions

1. "Days" means working days the District office is open.
2. "District" means the Cambrian School District.
3. "Employee" means a person who is on the payroll of the District.
4. "Discrimination Complaint" is a complaint alleging action or inaction by the District which results in discrimination based on race, color, national origin, ancestry, religion, social-economic status, marital status, gender (including Title IX) age, physical handicaps, or membership in legally constituted organizations.
5. The Director of Personnel or designee handles Title IX and discrimination cases.
6. "Student" means a person enrolled in one of the schools within the District. All references to "student" in these procedures shall mean the student himself/herself or the parent/guardian on his/her behalf.
7. "Superintendent" means the Superintendent of schools.
8. "Administrator" means a school principal or first-line supervisor who has the authority to settle a complaint.

B. Procedure

All discrimination complaints brought by students or employees shall be handled through the procedures and within the time limits delineated in this plan.

C. Failure to Observe Time Limits

In the event the complainant fails to exhaust his/her remedies under this discrimination procedure or to abide by the time limits with respect to each step, the discrimination complaint shall be presumed to be abandoned and the matter shall be settled in accordance with the District's last answer. In the event the District fails to give its answer at any step within the time limits prescribed, the complainant shall have the right to proceed immediately to the next step. Any time limit may be extended by written mutual agreement of the complainant and the District.

D. Effect of Settlement

Any settlement of a discrimination complaint (including Title IX Regulations) shall be applicable to that complaint only and shall not be authority for the disposition of any other complaint. Any complaint initiated under this procedure shall be brought only by the student (or parent of guardian in behalf of the student) or employee alleging action in violation of Title IX or the implementing regulations by the District affecting the individual student or employee initiating the complaint. Since the scope of this procedure is limited to complaints concerning discrimination and Title IX, it should not be considered to be related in any way with the District's normal grievance procedures.

E. Complaints by Other Persons or Groups

Any person (such as an applicant for employment) or group possessing an interest in the area of Title IX in the District and who is not a student or employee of the District may seek redress by initiating the concern with the district's Director of Personnel.

II. Employee Discrimination Complaint Procedure

The primary purpose of this procedure is to secure, at the earliest level possible, an equitable solution to a discrimination complaint.

An employee with a complaint should first discuss the issue with the person they are directly responsible to, with the objective of resolving the matter informally. The complainant may be accompanied by a representative if she/he so desires. The Director of Personnel may be called into this informal discussion.

In the event the matter is not resolved informally within ten (10) days, the following procedure shall be followed:

A. School Level – Step I

A formal written discrimination complaint, indicating the specific details of the complaint, shall be presented to the Principal or immediate supervisor. This complaint must be filed on the District's

Discrimination Complaint Form and shall be filed within fifteen (15) days after the complainant knew or should have known of the circumstances which gave rise to the complaint.

Within ten (10) days after receiving the complaint, the Principal or supervisor shall render a decision in writing, together with the supporting reasons, to the complainant. A copy of the decision will also be forwarded to the District's Director of Personnel.

B. District Level - Director of Personnel - Step II

1. Within fifteen (15) days after receiving the decision of the Principal or supervisor, the complainant may appeal the decision of Step I to the Director of Personnel. The appeal shall be in writing on the appropriate section of the District's Discrimination Complaint Form, and the entire Form must be submitted to the Director of Personnel. The appeal shall be in writing on the appropriate section of the District's Discrimination Complaint Form, and the entire Form must be submitted to the Director of Personnel.
2. Within fifteen (15) days after delivery of the appeal, the Director of Personnel shall investigate the complaint, and give all persons who participated in Step I a reasonable opportunity to be heard.
3. Within fifteen (15) days after delivery of the appeal, the Director of Personnel shall render a written decision, with supporting reasons to the complainant and to the Principal.

C. District Level – Superintendent - Step III

1. Within ten (10) days after receiving the decision of the Director of Personnel, the complainant may appeal the decision of Step II to the Superintendent of schools. The appeal shall be in writing on the appropriate section of the District's Discrimination Complaint Form. The entire Form must be submitted in this process.
2. Within fifteen (15) days after delivery of the appeal, the Superintendent shall investigate the complaint and give all persons who participated in Step II a reasonable opportunity to be heard.
3. Within fifteen (15) days after delivery of the appeal, the Superintendent shall submit a decision in writing, together with the supporting reasons, to the complainant, the Principal and the Director of Personnel.

D. Board of Trustees - Step IV

1. Within fifteen (15) days after receiving the decision of the Superintendent, the complainant may appeal the Superintendent's decision in writing to the Board. The Board will determine the form of the review. The Board's decision shall be final and binding to the extent that no rights of the complainant to further legal action are abrogated.

III. Student Discrimination Complaint Procedure

By a Student or Parent/Guardian on behalf of a Student

The primary purpose of this procedure is to secure, at the earliest level possible, an equitable solution to a discrimination complaint.

A. School Level

The school level informal discrimination complaint procedures (steps A and B) must be initiated by the student within ten (10) days of the time that the student knew or reasonably should have known of the alleged discrimination complaint.

1. A student with a complaint should first discuss the issue with the District employee involved with the objective of resolving the matter informally.
2. If the complaint is not resolved informally between the student and District employee, the student will present the discrimination complaint orally and informally to the school Principal. If, within ten (10) days, the complaint is not resolved informally between the student and the Principal, the student will present a formal written complaint to the Principal stating the specific details of the complaint with supportive evidence.
3. The Principal will respond in writing, on the District Discrimination Complaint Form, within ten (10) school days to the student stating his/her decision. A copy of this decision will also be forwarded to the District's Director of Personnel.

B. District Level - Director of Personnel

1. If the student is not satisfied with the decision at the school level, the student may within ten (10) days of receipt of the Principal's decision, appeal the decision to the district's Director of Personnel. This appeal must be in writing on the District Discrimination Complaint Form and must include the original complaint with the Principal's decision.

2. The District's Director of Personnel will investigate the complaint and render a decision in writing within fifteen (15) days after receiving the appeal. This decision will be mailed to the student's home.

C. District Level - Superintendent

1. If the student feels it is necessary to appeal the complaint beyond the decision of the Director of Personnel, the appropriate section of the complaint form must be completed and the entire form submitted to the Superintendent. This appeal must be filed within (15) days of receipt of the Director of Personnel's decision.
2. The Superintendent will evaluate the evidence, meet with the student and his/her parent or guardian if appropriate, and render a decision within fifteen (15) days after receiving the appeal. The Superintendent's decision will be mailed to the student's home.

D. Board of Trustees' Level

At the written request of the student, the Board will review the decision of the superintendent. This request to the Board must be made within fifteen (15) days of the receipt of the Superintendent's decision. The Board will determine the form of review. The Board's decision shall be final and binding to the extent that no rights of the student to further legal action are abrogated.

IV. Administrative Guidelines for Processing Discrimination Complaints

In addition to the procedures delineated on the District's Discrimination Complaint and Procedure Forms, the following guidelines should be followed:

- A. Maintain a discrimination Complaint File, with all pertinent Title IX discrimination information, for easy access should questions or formal complaints be received.
- B. Become familiar with the Title IX regulations.
- C. Keep staff members informed about Title IX guidelines and the complaint process.
- D. Post Title IX and discrimination complaint procedures on staff bulletin boards.
- E. Principals/supervisors must consult with the District's Director of Personnel prior to responding in writing to a formal discrimination complaint.
- F. Principals should contact parents by telephone prior to responding in writing to a student discrimination complaint.

- G. Make a copy of the written response to a student or employee.
- H. If there are any questions in regard to the discrimination complaint process, do not hesitate to contact the Director of Personnel.