

Descriptor Term: COMPLAINTS AND GRIEVANCES

Descriptor Code: JCEA

Rescinds: JCEA

Board Approved: 2/06/89

Previously Approved: 4/04/88

The Board of Trustees realizes that there may be conditions in the school system that need improvement and that students should have some means to effectively express their concerns which will be considered and handled with fairness.

Students' complaints and grievances will be resolved through orderly processes and at the lowest possible level. However, the Board will provide channels for eventual hearing, should circumstances dictate.

Complaints and grievances will be approached in the following manner:

1. the opportunity will be provided any student or his parents to discuss with his teacher a decision or situation which he considers unjust or unfair;
2. if the matter remains unresolved, the student or his parents, or the teacher, may bring the matter to the principal's attention for his consideration and action;
3. the student may also bring the matter to the class officers or the student council for possible presentation to the principal;
4. if the matter is still unresolved, it may be brought to the Superintendent for his consideration;
5. complaints that remain unresolved following any action of the Superintendent may be referred in writing to the Board.

It is the policy of the Board of Trustees not to discriminate on the basis of sex in educational programs as required by Title IX of the 1972 Education Amendments. The procedure outlined below is applicable for the processing of any complaint by a student or qualified advocates of a student involving alleged instances of sex discrimination which may be in conflict with district policies or regulations of Title IX, 1972 Education Amendments.

Step 1: A student who believes she/he has been discriminated against because of his/her sex should first initiate a discussion with her/his teacher (or have his/her parents to do so) in an effort to effect an informal solution to the issue. If this effort results in common understandings and agreements, the complaint will be considered to have been resolved.

Step 2: If the teacher lacks the authority to make any necessary adjustments to effect a solution or if the teacher is reluctant to attempt to resolve the complaint to the student's satisfaction or if no action has been taken toward effecting a solution within five (5) school days after the complaint has been orally presented to the

teacher, then the student or his/her advocate(s) should write a letter to the school principal detailing the complaint and request a conference to seek a resolution. Within five (5) school days after receipt of the letter, the principal will set a date and time for the

conference. The conference should be informal and should include any personnel determined needed by both the principal and the student-grievant or his/her advocate(s). Following the conference, the principal will provide a written statement of his/her decision within ten (10) school days to the student and/or parents or other qualified advocate(s) of the student. The principal will make a photocopy of the letter of complaint and his/her written response following the conference and forward both documents to the district's Title IX coordinator.

Step 3: If the complaint is unresolved after the actions of Step 2, the complainant may, within five (5) school days after receipt of the principal's written response of Step 2, submit a written request to the Title IX coordinator to arrange a meeting with the Superintendent or his designee for the purpose of appealing the principal's decision of Step 2. Within ten (10) school days after receipt of this written request or an otherwise agreed by the complainant, the Title IX coordinator, after conferring with the Superintendent or his designee, will schedule the meeting to be held. The same persons eligible for the Step 2 conference, to the degree their presence may be needed or desired, will be eligible to attend the Step 3 meeting. The process for the Step 3 meeting should be as informal as possible, but notes, tapes or transcripts should be made of the meeting.

The role of both the Title IX coordinator (if not previously included in the Step 2 conference, will be a witness in the Step 3 conference) and the Superintendent or his designee in the Step 3 conference will be that of arbitrators who listen to both sides in order to provide a subsequent written decision which will conform to district policies and regulations of Title IX.

Within ten (10) school days following the meeting with the Superintendent or his designee, the arbitrating party(ies) will provide the complainant with a written decision to resolve the issue.

Step 4: If the complainant finds the decision from Step 3 unacceptable, he/she may appeal the decision to the Board of Trustees within thirty (30) days by submitting a written request for a hearing before the Board. Within thirty (30) days after receipt of a request for a hearing, the Board will respond to the request. The Board may review transcripts, notes, and other documents or listen to tapes of the Step 3 meeting and render a decision based solely on the Step 3 data, may appoint a hearing officer to conduct a full hearing on the complaint, may choose to conduct a hearing by the full Board, or may simply affirm the results of the Step 3 meeting and reject any further hearings for the issue. If the complainant cannot accept the decision of the Board, the complainant may take the complaint to an external agency or court of jurisdiction within sixty (60) days following the decision of the Board. If no further

appeal is made within the allotted time, the decision of the Board shall be final.

LEGAL REF.: 1972 Education Amendments, Title IX; 45 CFR Part 86; 1964 Civil Rights Act, Title VI; 1973 Rehabilitation Act, Section 504; 45 CFR Part 84