NKEC Board

Uniform Grievance Policy and Procedures

A student, parent/guardian, employee, or community member should notify NKEC, the CEO, or designee if he or she believes that NKEC's Board, its employees, or its 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/; and 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/
15. Misuse of genetic information is 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. Employee Credit Privacy Act, 820 ILCS 70/

The CEO or designee will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the CEO or designee 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 CEO or designee 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, NKEC will continue with a simultaneous investigation under this policy.

Deadlines

All deadlines under this policy may be extended by the CEO or designee as he or she deems appropriate. As used in this policy, *school business days* mean days on which NKEC'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 NKEC, CEO or designee. The Complainant shall not be required to file a complaint with the CEO or designee and may request a designee of the same gender. The CEO or designee 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 cyberbullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other workplace harassment, written complaints shall be filed with the CEO or designee until the *Workplace Harassment Prohibited* policy is formally adopted.

Investigation Process

The CEO or designee 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, (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 CEO or designee 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 CEO or designee shall file a written report of his or her findings with the CEO. The CEO or designee may request an extension of time.

The CEO or designee will keep the Board informed of all complaints.

If a complaint contains allegations involving the CEO 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 CEO or designee's report, the CEO or designee 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 to the CEO or designee. All decisions shall be based upon the *preponderance of evidence* standard.

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

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

For complaints containing allegations involving the CEO or Board member(s), within 30 school business days after receiving the CEO or designee 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 CEO or designee.

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

Appointing a Nondiscrimination Coordinator and Complaint Managers

The CEO or designee shall appoint a Nondiscrimination Coordinator to manage the NKEC's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the NKEC's Title IX Coordinator.

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

The CEO or designee shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

Karissa Munger
Name

840 Campus Drive
Address

Kmunger@clcsstaff.org
Email

(847) 648-9700
Telephone

Complaint Managers:

Karissa Munger
Name

840 Campus Drive
Address

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Alicia Parker
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840 Campus Drive
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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.
29 U.S.C. §2612, Family and Medical Leave Act.
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-Vento Homeless Assistance Act.
42 U.S.C. §12101 et seq., Americans With Disabilities Act.
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, 5/27-23.7, 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/, Ill. Genetic Information Privacy Act.
740 ILCS 174/, Whistleblower Act.
740 ILCS 175/, Ill. False Claims Act.
775 ILCS 5/, Ill. 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 70/2523 Ill.Admin.Code §§1.240, 200.40, 226.50, and 226.570.