

## **GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION**

The following grievance procedure applies to claims of sex, disability, and racial discrimination:

### **I. REPORTING GRIEVANCE PROCEDURES**

A. Any person who believes he or she has been the victim of unlawful discrimination by a student, teacher, administrator, other school district personnel, or any third party or any person with knowledge or belief of conduct which may constitute unlawful discrimination should report the alleged acts immediately to an appropriate school district official designated by this policy or may file a grievance. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful discrimination directly to a school district human rights officer or to the superintendent.

B. In Each School Building. The building principal is the person responsible for receiving oral or written reports or grievances of unlawful discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful discrimination shall inform the building principal immediately.

C. Upon receipt of a report or grievance, the principal must notify the school district human rights officer immediately, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the human rights officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful discrimination as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

D. The school board hereby designates the Principal as the school district human rights officer(s) to receive reports, complaints or grievances of unlawful discrimination. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.

E. The school district shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.

F. Submission of a good faith complaint, grievance or report of unlawful discrimination will not affect the complainant or reporter's future employment, grades or work assignments.

G. Use of formal reporting forms is not mandatory.

H. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

## **II. INVESTIGATION**

A. By authority of the school district, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful discrimination shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.

B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful discrimination toward a student.

E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **III. APPEAL**

A. If the grievance has not been resolved to the satisfaction of the complainant, she or he may appeal to the superintendent or school board chair within ten (10) school

days of receipt of the findings of the school district investigation. The school district investigator shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall affirm, reverse, or modify the findings of the report. The decision of the school district investigator is final but does not preclude pursuit of alternative complaint procedures noted in the section entitled "Right to Alternative Compliant Procedures."

#### **IV. SCHOOL DISTRICT ACTION**

A. Upon conclusion of the investigation and receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.

B. The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

#### **V. REPRISAL**

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful discrimination toward an employee or a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

#### **VI. DISSEMINATION OF POLICY AND EVALUATION**

The school district shall adopt and publish these procedures.

#### **VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the agencies listed below or initiating action in state or federal court.

**Claims of discrimination may also be pursued through the following agencies where appropriate:**

U.S. Department of Education  
Office for Civil Rights, Region V  
500 W. Madison Street - Suite 1475  
Chicago, IL 60661  
Tel: 312-730-1560

IDD: 312-730-1609

MN Department of Human Rights  
190 E 5th Street  
St. Paul, MN 55101  
800-657-3704  
651-296-5663  
TDD: 651-296-1283

**For complaints of employment discrimination:**

Equal Employment Opportunity Commission  
330 S. 2<sup>nd</sup> Avenue  
Suite 430  
Minneapolis, MN 55401  
800-669-4000  
612-335-4040  
TDD 612-335-4045

Sexual Harassment References from the Office of Civil Rights can be found at:  
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>  
<https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

This document provides general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.

***Legal References:***

34 C.F.R. Section 104.7(b) (Section 504 of the Rehabilitation Act)  
34 C.F.R. Section 106.8(b) (Title IX of the Education Amendments of 1972)

***Resources:***

U.S. Department of Education  
Office for Civil Rights, Region V  
500 W. Madison Street – Suite 1475  
Chicago, IL 60661  
Tel: 312-730-1560  
TDD: 312-730-1609

Reading Room, U.S. Department of Education, Office for Civil Rights:  
<http://www2.ed.gov/about/offices/list/ocr/publications.html>