

**GRIEVANCE PROCEDURE
FOR FILING, PROCESSING AND RESOLVING
COMPLAINTS ALLEGING DISCRIMINATION,
HARASSMENT AND RETALIATION**

Definitions

Complaint: A written complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment and retaliation).

Grievant: Any person enrolled in or employed by the district or a parent/guardian, or member of the public who submits a complaint alleging discrimination based on race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment or retaliation). For purposes of this policy, a parent’s/guardian’s complaint or grievance shall be handled in the same manner as a student’s complaint would be.

Coordinator(s): The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity. The Coordinator under Title VI, IX, Section 504/Title II and the Age Act is responsible for processing complaints and serves as moderator and recorder during hearings.

The following administrator has been designated to handle inquiries regarding the district’s non-discrimination policies:

Superintendent of Schools
Perry Public Schools
900 Fir Street
Perry, OK 73077
580-336-4511

- Section 504/Title II of the Americans with Disabilities Act (for questions or complaints based on disability)
- Title VI of the Civil Rights Act (for questions or complaints based on race, color and national origin)
- Title IX (for questions or complaints based on sex, pregnancy, gender, gender expression or identity)
- Age Act (for questions or complaints based on age)
- In addition, any individual who has experienced some other form of discrimination, including discrimination not listed above, may contact this coordinator.

Respondent: The person alleged to be responsible for the alleged discrimination contained in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

Day: Day means a working day when the district’s main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

GRIEVANCE PROCEDURE FOR FILING, PROCESSING AND RESOLVING COMPLAINTS ALLEGING DISCRIMINATION, HARASSMENT AND RETALIATION (Cont.)

Pre-Filing Procedures

Prior to the filing of a written complaint, the student, parent/guardian, employee or patron is encouraged to visit with the building principal or the coordinator, as applicable, and reasonable effort should be made by the district at this level to resolve the problem or complaint.

Filing, Investigation, Hearing and Review Procedures

The grievant submits a written complaint to the coordinator, as applicable, stating the basis, nature and date of the alleged discrimination, harassment or retaliation, the names of persons responsible (where known) and requested action. If the coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the superintendent for assignment to an acting coordinator. Complaint forms are available from the offices of the district's coordinator.

The coordinator conducts a complete and impartial investigation within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to, interviewing the grievant and any witnesses, review of documents and interviewing the respondent. The coordinator will ask the respondent to

- confirm or deny facts;
- indicate acceptance or rejection of the grievant's requested action; and
- outline alternatives.

As to complaints of discrimination by students, parents/guardians and school employees, the coordinator will disclose the complaint, the identity of the grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If a grievant wishes to remain anonymous, the coordinator will advise him or her that such confidentiality may limit the district's ability to fully respond to the complaint. If a grievant asks to remain anonymous, the coordinator will still proceed with the investigation.

Within 5 days after completing the investigation, the coordinator will issue a written decision to the grievant and respondent.

If the grievant or respondent is not satisfied with the decision, he or she must notify the coordinator, in writing, within 5 days and request an appeal to the superintendent. The written appeal shall contain a specific statement explaining the basis for the appeal.

Within 5 days after receiving the appeal request, the coordinator will refer the matter to the superintendent for a hearing. If the superintendent is the person alleged to have committed the discriminatory act(s), then a different decision maker will be appointed to maintain impartiality. The coordinator will schedule the hearing with the grievant, the respondent and the superintendent. The hearing will be conducted within 10 days after the coordinator refers the matter to the superintendent for hearing.

At the hearing, the superintendent will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The coordinator will make arrangements to audio record any oral evidence presented. In circumstances involving allegations of sexual harassment, the coordinator may determine that it is appropriate and reasonable to separate the individual who is allegedly being sexually harassed from the alleged harasser in the hearing.

GRIEVANCE PROCEDURE FOR FILING, PROCESSING AND RESOLVING COMPLAINTS ALLEGING DISCRIMINATION, HARASSMENT AND RETALIATION (Cont.)

Within 5 days after completing the investigation the superintendent will issue a written decision to the grievant and respondent.

If the grievant or respondent is dissatisfied with the decision, he or she must notify the superintendent, in writing, within 5 days, and request an appeal to the board of education. The written appeal shall contain a specific statement explaining the basis of the appeal.

The superintendent will notify the board of education, in writing, within 5 days after receiving the appeal. The clerk will place the appeal on a board agenda within 30 days from the date of notification to the board of education.

The board will act as an appellate body by reviewing the decisions and the oral and written evidence presented below and making a decision. At the board meeting, the board may ask for oral or written evidence from the parties and any other individual it deems relevant. The clerk will make arrangements to audio record any oral evidence presented. Within 5 days of the meeting, the board will issue a final decision in writing to all parties involved.

General Provisions

Extension of time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the board of education issues a final decision shall be no more than 120 days.

Access to Regulations: Upon request, the coordinator shall provide copies of any regulations prohibiting discrimination on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the district. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

Representation: The grievant and the respondent may have a representative assist them through the grievance process and accompany them to any hearing.

Corrective Action: After all facts and circumstances are reviewed, the district shall take any and all disciplinary actions to prevent further harassment or discrimination. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, or suspension of a student, and education, training, counseling, transfer, suspension or termination of an employee.

Retaliation: The district prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the district's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The district will take steps to prevent the alleged perpetrator or anyone else at the district from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future

GRIEVANCE PROCEDURE FOR FILING, PROCESSING AND RESOLVING COMPLAINTS ALLEGING DISCRIMINATION, HARASSMENT AND RETALIATION (Cont.)

problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the district will take strong responsive action.

Basis of Decision: At each step in the grievance procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents.

Section 504 Due Process Procedures: For information concerning the impartial hearing and review procedures under Section 504, the Grievant should contact:

Superintendent of Schools
Perry Public Schools
900 Fir Street
Perry, OK 73077
580-336-4511

Notice: The district will notify all students, parents/guardians, members of the public and employees of the name, office and telephone number of the coordinator and this Grievance Procedure in writing via school publications or postings at each school site to which employees or students are assigned.

Outside Assistance: Individuals may also file complaints alleging discrimination, harassment or retaliation with the Office of Civil Rights. The OCR may be contacted at:

U.S. Department of Education, Office for Civil Rights
One Petticoat Lane
1010 Walnut Street, Suite 320
Kansas City, MO 64106 (816)
268-0550
(816) 268-0599 (Fax)
(877) 521-2172 (TTY)
E-mail: OCR.KansasCity@ed.gov