

**GRIEVANCE PROCEDURE – TITLE IX/504**

It is the policy of the Afton Public School to provide equal opportunities without regard to race, color, national origin, sex, age, qualified handicap, or veteran in its educational programs and activities. This includes, but is not limited to, admissions, educational services, financial aid and employment. Inquiries concerning application of this policy may be referred to the superintendent or his designee (Title IX and 504 Coordinator).

**Nondiscrimination Statement**

The Afton Public School does not discriminate on the basis of race, color, national origin, sex, age, qualified handicap or veteran.

**A. Definitions**

1. **Discrimination Complaint:** A written complaint alleging any policy procedure or practice which discriminates on the basis of race, color, national origin, sex or qualified handicap.
2. **Student Grievant:** A student of the Afton School District who submits a complaint alleging discrimination based on race, color, national origin, sex or qualified handicap.
3. **Employee Grievant:** An employee of the Afton School District who submits a complaint alleging discrimination based on race, color, national origin, religion, sex, age, qualified handicap or veteran.
4. **Title IX and 504 Coordinator:** The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and other State and Federal laws addressing equal educational opportunity. The Title IX/504 Coordinator is responsible for processing complaints and serves as moderator and recorder during hearings.
5. **Respondent:** The person alleged to be responsible for the violation alleged 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.
6. **Day:** Day means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays and holidays.

**B. Pre-Filing Procedures**

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the superintendent and reasonable effort should be made to resolve the problem or complaint.

**C. Filing and Processing Discrimination Complaints**

1. **Grievant** Submits written complaint to Title IX/504 Coordinator stating name, nature and date of alleged violation: names of persons responsible (where known): and requested action. Complaint must be submitted within 30 days of alleged violation.
2. **Title IX/504 Coordinator** Notifies respondent within 10 days and asks respondent to:
  - a. Confirm or deny facts.
  - b. Indicate acceptance or rejection of student or employee's requested action, or

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- c. Outline alternatives.
3. Respondent Submits answer within 10 days to Title IX/504 Coordinator.
  4. Title IX/504 Coordinator Within 10 days after receiving respondent's answer, Title IX/504 Coordinator refers the written complaint and respondent's answer to the principal. The Title IX/504 Coordinator also schedules a hearing with the grievant, the respondent and the principal.
  5. Principal, Grievant Respondent and Title IX/504 Coordinator: Hearing is conducted.
  6. Principal Issues within 10 days after the hearing a written decision to the student or employee, respondent and Title IX/504 Coordinator.
  7. Grievant or Respondent If the grievant or respondent is not satisfied with the decision, they must notify the Title IX/504 Coordinator within 10 days and request a hearing with the superintendent.
  8. Title IX/504 Coordinator Schedules within 10 days of request a hearing with the grievant, respondent and superintendent.
  9. Superintendent, Grievant, Respondent and Title IX/504 Coordinator Hearing is conducted.
  10. Superintendent Issues a decision within 10 days following the hearing.
  11. Grievant If the grievant or respondent is not satisfied with the decision, they must notify the Title IX/504 coordinator within 10 days and request a hearing with the governing board.
  12. Title IX/504 Coordinator Notifies governing board within 10 days after receiving request. Title IX/504 Coordinator schedules hearing with the governing board. Hearing is to be conducted within 30 days from the date of notification to the governing board.
  13. Governing Board or hearing panel established by the board: Grievant and Title IX/504 Coordinator Hearing is conducted.
  14. Governing Board Issues a final written decision within 10 days after the hearing regarding the validity of the grievance and any action to be taken.
- D. General Provisions
1. Extension of time: Any time limits set by those procedures may be extended by mutual consent of parties involved. The total number of days from date that complaint is filed until complaint is resolved shall be no more than 180 days.
  2. Access to Regulations The Afton School District shall provide copies of all regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, qualified handicap or veteran upon request.
  3. Confidentiality of Records Complaint records will remain confidential unless permission is given by the parties involved to release such information. No complaint record shall be entered in the personnel file. Complaint records shall be maintained on file for three years after complaint resolution.

## **GRIEVANCE PROCEDURE**

The Board of Education believes that good communication between district employees, the administrative staff and the board is essential for the effective operation of the schools. The superintendent is directed to prepare, subject to board approval, a grievance procedure for employees as the prescribed means of resolving issues that may arise with respect to terms and conditions of employment.

### **Procedure:**

In accordance with the policy of the board of education, this procedure sets forth the necessary steps to follow in registering and processing a grievance with the school district.

### **Definitions:**

A grievance is a complaint by a district employee alleging a violation or misinterpretation of any district policy or regulation directly and specifically governing that employee's terms and conditions of employment.

A grievant or complainant is any employee of this district filing a grievance.

Terms and conditions of employment means the hours of employment, the compensation, including fringe benefits: and the district's personnel policies which affect the employee.

A day means any day in which the schools are in operation.

Administrator is the lowest-level administrator having supervisory authority over the grievant.

The following steps will be used in presenting a complaint of grievance:

- Step #1      The complainant must present the complaint orally or in writing to the complainant's administrator. The administrator will attempt to resolve any issue within his or her authority and area of responsibility. (use Grievance Report Form A)
- Step #2      If the complaint cannot be resolved by the complainant's administrator, the complainant must present in written form within ten days (two working weeks) he complaint to the grievance officer. The superintendent will serve as the grievance officer. (Use Grievance Report Form B)
- Step #3      The grievance officer has a working week (five days) in which to investigate and respond. (Use space provided on the Grievance Report Form B)
- Step #4      If the complainant is not satisfied at this level, an appeal may be made within ten days (two working weeks) to the board of education which will hear the complaint at the next regular meeting or within thirty calendar days. (Use Appeal Form C) Board hearings shall be conducted so as to accord due process to all parties involved in the complaint such as written notice of hearings dates and specific charge, right to counsel, right to present

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Step #5 witnesses, right to cross examine, and to present written statements. The decision of the board shall be by a majority of the members. The local board of education will respond to the complainant within thirty calendar days. (Use space provided on Appeal Form C)