

Cottonwood Joint School District No. 242

STUDENTS

3210

Uniform Grievance Procedure

All individuals should use this grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitution, State or federal statute, or Board policy.

The District will endeavor to respond to and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. 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.

Level 1: Informal

An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

Level 2: Principal

If the complaint is not resolved at Level 1, the grievant, their parent/guardian, or representative may file a written grievance stating:

1. The date, place, and nature of the grievance; and
2. The remedy requested.

It must be signed and dated by the grievant. Any civil rights complaints received by the District verbally will be recorded by the District in written form. The Level 2 written grievance must be filed with the principal within 60 days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

If the complaint alleges a violation of Board policy or procedure, the principal shall investigate and attempt to resolve the complaint. If either party is not satisfied with the principal's decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the principal's decision. This request must be submitted to the Superintendent within 15 days of the principal's decision.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the principal shall turn the complaint over to the Civil Rights Director to

assist in the handling of discrimination complaints. The director will explain District policy and attempt to answer any and all questions and resolve any grievance with the aggrieved party. The director will complete the investigation and may hire an outside investigator if necessary. Minor infractions such as improper language or improper joke telling may be handled in house. More serious infractions that might lead to criminal charges should be referred immediately to the county sheriff's office for professional investigation. An investigation may include obtaining a statement from the complainant regarding the times, dates, places, and circumstances surrounding the allegations and discussing the matter with the accused.

The aggrieved party may have present any representative of his or her choice. If the problem is not resolved within five school days, the aggrieved party may present the grievance to the civil rights committee.

The civil rights committee chair, the District secretary, will, upon written request of the aggrieved party arrange for an informal hearing by the civil rights grievance committee within ten school days. A written copy of the procedures taken so far will be available for the informal hearing. The committee chair will inform the aggrieved party of its recommendation within five school days.

If either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within 15 days of receiving the report of the committee to the Board for a hearing. The Board Chair shall call for a hearing, conducted by the Members of the Board, within ten school days. A written copy of the procedures taken so far will be available to all parties concerned. After conducting a hearing, the Board will render a decision within 30 calendar days after the appeal to the Trustees was filed. All parties will be notified of the decision.

Level 3: Superintendent

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the principal. The parties shall be afforded the opportunity to either dispute or concur with the principal's report. The Superintendent shall decide the matter within ten days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the principal, the recommendation will be implemented. If the Superintendent rejects the recommendation of the principal, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

If either party is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within 15 days of receiving the Superintendent's decision. The Board is the policy-making body of the school, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

Level 4: The Board

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within 30 days of that meeting. The decision of the Board will be final.

Additional Resources

The law also makes the following agencies available for mediation or rectification of equal opportunity/affirmative action grievances:

The Office of Civil Rights
Health Education and Welfare
1321 Second Avenue
Seattle, WA 98101
Phone - (206) 442-0473

Idaho Human Rights Commission
506 North 5th Street
Boise, ID 83720
Phone - (208) 384-2873

Policy History:

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Revised on: