

**Policy Title: Title IX Grievance Procedure
Non-Discrimination Grievance Procedure**

Policy No: 502.12.2

This procedure is to be used in conjunction with District Policy 502.12 to provide a grievance procedure for the District's Title IX Non-Discrimination and Harassment Policy as well as any other applicable Civil Rights Grievance.

GRIEVANCE PROCEDURE

DEFINITION AND INTERPRETATION

This grievance procedure may be used by students, parents and the general public. Employees may use this procedure or the established employee grievance procedures.

Any claim by any student, parent, member of the general public or employee that there has been a violation or misinterpretation of Title IX shall be treated as a Grievance.

1. Upon reporting and/or as a method of reporting, the Grievance shall be put in writing on a Reporting Form. This form is available from any District Administrator's Office, Superintendent's Office, School Counselor's Office, Student Handbook or School District Website.
 - A. Oral reports will be considered a Grievance but will be reduced into writing by the District employee who is receiving the Grievance from the Grievant.
 - B. Oral reports shall then be shown to the Grievant to assure that the content of the oral report, as documented by a third party, is complete and accurate.
2. The completed Form shall be provided to the Title IX Coordinator. The Coordinator shall retain the original Form provided.
3. To the extent possible, the identity of the Grievant shall be kept confidential.
 - A. In the event that the Grievant is a minor, the Title IX Coordinator shall notify the parent or legal guardian of the Grievant of the filing of the Grievance. The parent shall be given the opportunity to be involved in the filing of the Grievance on behalf of their minor child.
 - B. The parent or legal guardian will be invited to participate in the Grievance process and at any meetings or interviews held with the minor child Grievant.
4. Depending upon the nature and circumstances of the Grievance, the Coordinator may choose to conduct the Grievance process himself/herself or may alternatively retain an appropriately qualified designee to act in the place of the Coordinator.

5. Depending upon the nature and circumstances of the Grievance, the District may take immediate steps, at its discretion, to protect the Grievant, students, teachers, Administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination. If such actions are taken they will be consistent with due process provisions as provided by Idaho Code and District Policy.
6. The Grievant, either personally or accompanied by a person of the Grievant's choice, shall discuss the allegations of the Grievance with the Coordinator (or designee). To assist with the furthering of the discussion and at the discretion of the Coordinator (designee) present at this discussion may also be the appropriate school principal or employee's immediate supervisor.
 - A. If the Grievant's allegations are against the Coordinator, a different individual will be designated for this entire process by the District's Board of Trustees.
7. Informal Resolution Alternative.
 - A. If appropriate as determined by the initial meeting, an effort shall be made to settle all differences informally.
 - B. No Grievant will be forced to settle any Grievance informally but will be given this as an option for potential resolution.
 - C. All persons who are involved in the situation in any manner shall be notified and may be involved to attend informal conferences held to attempt to settle differences. Such persons may be accompanied by others of their choosing.
 - D. Simply because a manner may be settled informally does not mean that the District will not or may not also take appropriate corrective or disciplinary action if they find such to be warranted under the circumstances.
8. Formal Resolution. If after the discussion between the Grievant and Coordinator (including building principal or immediate supervisor) the Grievance still exists and the Coordinator believes grounds exist to conduct a review, the Grievance will proceed into a Formal Grievance Procedure phase for an investigation to be conducted.
 - A. By the authority vested by the District, the Title IX Coordinator (designee) shall promptly undertake or authorize to be taken, an investigation. The investigation may be conducted by a School District Official or by a third party designated by the School District.

- B. The investigation will consist, at minimum, of personal interviews with the Grievant and the alleged violator against whom the Grievance is filed.
- C. Consideration shall be given to personal interviews with any witnesses to the events and others who may have knowledge of the alleged incidents or circumstances giving rise to the Grievance.
- D. Consideration shall be given to personal interviews with any individual requested for interview by the Grievant or the individual against whom the Grievance is filed.
- E. Review shall be conducted of any documentation, electronic media or any other “exhibit” associated with the allegations or events giving rise to the Grievance. Such may include, but are not necessarily limited to: any school computer, electronic mail exchanges and school video camera recordings.
- F. In determining whether alleged conduct constitutes a violation of the Policy, the District can review and consider the surrounding circumstances, the nature of the behavior, past events and incidents or past continuing patterns of conduct and behavior, the relationship between the parties (and witnesses) and the contest in which the alleged events occurred.
- G. Whether or not a particular event as stated in a Grievance constitutes a violation of the District’s policies requires a determination by the Coordinator (designee) of all the facts and circumstances surrounding the events at issue.
- H. The individual who is conducting the investigation shall take all steps necessary to complete the investigative process as soon as possible.
- I. The investigator (whether conducted by the Title IX Coordinator, designee, other designated District Official or other designated third party) shall prepare a written report. This report shall include a factual presentation, a detailed accounting of the actions of the investigator, a determination of whether the allegations have been substantiated or not and an opinion from the investigator as to whether or not Title IX and the District’s policies have been violated.
 - i. The report, if prepared by any individual other than the Title IX Coordinator, shall be submitted to the Title IX Coordinator upon completion.

- ii. If the Grievance involves allegations against the District's Superintendent or Title IX Coordinator, the report shall be submitted to the Chair of the District's Board of Trustees.

- J. Upon conclusion of the investigation and receipt of a report, the Coordinator will commence steps to take appropriate action.
 - i. Such may include, but not be limited to: warning, suspension, exclusion, expulsion, transfer, remediation, administrative leave/suspension, termination, discharge or other disciplinary and educational matters as appropriate for the individual situation.
 - ii. All such actions shall be consistent with the requirements of applicable collective bargaining agreements, student discipline policies, due process rights and procedures of State and federal law and District policies.

- K. The results of the investigation for each Grievance shall be maintained by the Coordinator, with a copy of the original Grievance document, any investigative materials submitted and obtained by the investigator and any statement detailing the resolution of the matter.
 - i. Depending upon the nature of the documentation, a reporting of the events and conclusion of the matter maybe noted in the applicable student record or in the employee's personnel file, in conjunction with applicable laws and District policies.

- L. The results of the investigation, including any corrective or disciplinary action, shall be reported to the Grievant by the Coordinator, in accordance with State and federal law regarding data, records privacy, Federal Education Rights and Privacy Act (FERPA) and personnel confidentiality of the Idaho Code. Pursuant to the above legal limitations, often the Grievant will not legally be able to receive a full report as to the actions taken by the District relating to any individual employee or student, absent a written waiver of disclosure by this individual.

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If after discussion, the Coordinator does not believe grounds to conduct a review exists, the Coordinator shall prepare a report detailing why the Coordinator does not believe a review is necessary or appropriate.

- A. The Coordinator shall meet with the Grievant and discuss why the Coordinator does not believe a review is necessary.
- B. The Grievant will be given the opportunity to provide additional information at this time.
- C. The Coordinator shall file the Coordinator's report and all documentation relating to this Grievance, review activities and discussions in the file addressing this Grievance.

Submission of a good faith compliant Grievance or report of unlawful sexual discrimination toward a student will not negatively affect the complainant's or reporter's further employment, grades, or work assignments. The District prohibits any form of retaliation against any such individual involved in reporting or involved in the investigation or any proceedings relating to the reporting of any such violation.

The School District will respect the privacy of the Grievant, the individual(s) against whom the complaint is made and any witnesses, as much as possible, consistent with the School District's legal obligations to investigate, to take appropriate action and to confirm with any discovery or disclosure obligations.

Any school employee or Administrator, who fails to submit a verbal or written report, received from any employee or student, of a violation of Title IX within 24 hours of receipt of such report, is subject to school discipline.

Any employee of the school who submits any student to action, conduct or conditions in violation of Title IX is subject to appropriate school discipline, up to and including possible termination.

Any student who submits any other student or employee to action, conduct or conditions in violation of Title IX is subject to appropriate school discipline, pursuant to Policy 502.07.

TITLE IX GRIEVANCE REPORTING FORM

General Statement of Policy Prohibiting Unlawful Sexual Discrimination and Harassment:

St. Maries Joint School District No. 41 maintains a firm policy prohibiting all forms of unlawful sexual discrimination and harassment. It is the policy of the District to maintain a learning and working environment that is free from sexual harassment and sexual discrimination. Each student/staff member/patron has the right to be in a school atmosphere that promotes equal opportunities and is free from all forms of discrimination and conduct that can be considered harassing, coercive or disruptive.

School: _____ Date: _____

Name: _____

(If you feel uncomfortable leaving your name, you may submit an anonymous report, but please understand that an anonymous report will be much more difficult to investigate. The District assures the Grievant that it will use its best efforts to keep the Grievant's report confidential.)

Home Address: _____

Home Telephone/Cell Phone/Contact Telephone: _____

Name the person who you believe unlawfully discriminated toward you, a colleague, another employee or any students: _____

If the alleged unlawful sex discrimination or harassment was directed toward another person, please identify that person: _____

Describe the incident(s) as clearly as possible, including such things as what force, if any, was used, what verbal statements (i.e. threats, requests, demands, comments); what, if any, physical contact was involved, etc. Attach additional pages if necessary.

Date(s), time(s), and place(s) the incident(s) occurred. _____

Were other individuals involved in the incident(s)? YES NO

If so, name the individual(s) and explain their roles. _____

Did anyone witness the incident(s)? YES NO

If so, name the witnesses. _____

Did you take any action in response to the incident(s)? YES NO

If yes, what action did you take? _____

Were there any prior incidents? YES NO

If so, describe any prior incidents. _____

Signature of Grievant

If Student/Minor, Signature of Parent/Legal Guardian
(Not Required)

If a minor (under age 18 and not emancipated) please provide name and contact information for parent/legal guardian. _____

Policy Cross Reference:

Board Policy 305.01	District Title IX Coordinator Civil Rights Grievance Coordinator
Board Policy 401.35	Staff Grievance Procedures
Board Policy 500.02	Equal Education, Nondiscrimination and Sex Equity
Board Policy 502.07	Discipline
Board Policy 505.03	Student Grievance Procedures
Board Policy 1003.04	Patron Grievance Procedures

Legal Reference:

Idaho Code §67-5901	Idaho Human Rights Act
20 U.S.C. §1681 et, seq.	Title IX of the Educational Amendments of 1972
34 CFR Part 106	

Policy History:

Reviewed:	11/14/2011
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