

XXV. COMPLAINT RESOLUTION PROCEDURES

A. Education Equity or Sexual Harassment

1. PURPOSE:

The purpose of the Educational Equity or Sexual Harassment Complaint Procedure is to afford an opportunity to seek redress for any real or perceived problem in the area of:

Title VI (Race) of the Civil Rights Act of 1964

Title IX (Sex) of the Educational Amendment Act of 1972

Section 504 (Disability) of the Rehabilitation Act of 1973

Sexual Harassment

1.2. WHO MAY REGISTER A COMPLAINT?

Complaints concerning equity or harassment, as indicated in Section I the Purpose section, may be made by students, parents, legal guardians, employees and any concerned citizen.

1.3. WHEN IS A COMPLAINT REGISTERED?

A complaint may be registered by anyone listed in #2 above Section H when a question concerning equity or harassment relative to the areas listed in the Purpose sSection I cannot be resolved at the individual school level.

1.4. PROCEDURE FOR REGISTERING A COMPLAINT:

An equity or harassment complaint by anyone listed in #2 above Section H when a question concerning equity or harassment relative to the areas listed in the Purpose sSection I cannot be resolved at the individual school level.

Fort Smith Public School District
Equity and/or ~~Sexual Harassment~~ Title IX
Coordinator

P. O. Box 1948
Fort Smith, AR 72902-1948

~~Written complaints must be signed and dated. Taped complaints must include the date, and the name and identification of the complaining individual. Reporting may be in person, by mail, by telephone, or by email using the contact information listed for Equity Coordinator or the Title IX Coordinator. Such a report may be made any time, including during non-business hours, by using the telephone number or email address or by mail to the office address.~~

Definitions:

'Complainant' – an individual who is alleged to be the victim of conduct that could an issue by anyone listed in the Purpose section.

'Decision maker' – an individual who makes the determination regarding responsibility with findings of fact, conclusions about whether alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The decision maker cannot be the Equity and/or Title IX Coordinator.

1.5. PROCEDURE FOR HANDLING COMPLAINTS:

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Within seven (7) working days after receipt of a complaint, the Equity and/or Sexual Harassment Title IX Coordinator will appoint a committee composed of a parent, a principal, a teacher, a central office administrator, and a student when appropriate. The central office administrator will act as the chairperson of the Hearing Committee. The chairperson may conduct the hearing or ask another committee member to do so.

The Committee will hold a hearing with the complainant party within fourteen (14) working days of the receipt of the complaint. The hearing will be limited to involved parties only. The chairperson of the Hearing Committee may rule for an open meeting when appropriate. Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's/district's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. Schools/district must create an audiovisual recording, or transcript, of any hearing.

The complainant party and the Committee shall have an opportunity to present evidence, question parties involved, and bring in witnesses. The Committee will make a written report of their findings to the Superintendent. The Superintendent will make a decision based on the findings of the Committee.

The decision will be in writing, and copies will be sent to the complaining party, the President of the Board of Education, the appropriate school principal, and the Equity and Sexual Harassment Coordinator. The decision-maker (who cannot be the same person as the Equity or Title IX Coordinator or the investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The written determination must be sent simultaneously to the parties along with information about how to file an appeal within thirty (30) working days of receipt of the complaint.

5.6. APPEAL:

The complainant party shall have the right to appeal the decision of the Superintendent decision maker to the Board of Education by notifying the President. The appeal must be submitted in writing or on tape audio recording within fifteen (15) working days of receipt of the Superintendent's decision makers's decision. Written appeals must be dated and signed. Taped appeals must include date taped recorded and the identification of the appealing party.

The President of the Board of Education will convene a meeting of the Board within fifteen (15) working days of receipt of the appeal. At least four (4) members of the Board must be present at the meeting. The appealing party and the Board each have the right to present evidence, question parties involved and bring in witnesses. The Board will make a decision based on the evidence presented at the meeting. The decision will be in writing, and copies will be sent to the appealing party, the Superintendent, the appropriate principal, and the Equity and/or Sexual Harassment Title IX Coordinator within ten (10) working days of the hearing.

6.7. SUBSEQUENT APPEALS:

The complainant party has a right to appeal the decision of the Board of Education. Further appeals must be submitted to the State or Federal agency charged with responsibility in the area covered by the complaint.

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7.8. ADDRESSES AND PHONE NUMBERS:

Fort Smith Public School District
Equity and [Sexual Harassment](#) Coordinator
P. O. Box 1948, Fort Smith, AR
72902-1948 (479) 785-2501, Ext.
1207/1208 Arkansas

Equity Assistance Center
#4 Capitol Mall –
Room 402A Little
Rock, AR 72202-1071
(501) 682-4213

B. Federal Funds

Complaints related to district use or administration of federal funds generated through specific programs identified by the Arkansas Department of Elementary and Secondary Education ([DESE](#)) and authorized in the Elementary and Secondary Education Act (ESEA) may be taken directly from a patron or by referral from the Arkansas Department of Elementary and Secondary Education ([ADEDESE](#)). If taken directly from a patron, the complaint may be submitted by either a signed statement or by a certified, recorded deposition or statement in which the complainant is identified.

Complaints related to use of federal funds shall be addressed in the following manner:

1. The complaint shall be referred to the Director of Student Achievement and Accountability, who shall assemble a team of not less than three people (the Director, one administrator, and one teacher) to investigate the complaint.
2. Throughout the investigation, sufficient notes and records will be taken and maintained to substantiate the findings of the investigation.
3. The team will interview the complainant and others as necessary to enable the team to make a determination of the validity of the complaint. The team may consult with individuals with knowledge or expertise in the matter which is the subject of the complaint to include legal counsel.
4. The investigation of complaints referred by the [ADEDESE](#) shall be completed within 30 working days of receipt of the complaint unless a longer time period has been approved by the [ADEDESE](#).
5. The investigation of complaints made directly to the district shall be completed within 40 working days unless there are extenuating circumstances; in such case, a preliminary report shall be made within 40 working days of receipt of the complaint, which shall include an explanation of the unusual circumstances requiring additional time to complete the investigation.

The report of the conclusions of the investigation shall be given to the complainant, to the superintendent of schools, and to the [A&E/DESE](#) if the complaint was a referral from the [A&E/DESE](#). It shall contain a summary of the allegations of the complaint, a summary of the investigative actions taken by the team, a summary of the findings concerning each alleged violation or implied violation, a statement of corrective actions needed to resolve the issues involved in each allegation and finding of complaint.