

Document Status: Draft Update

BOARD OF EDUCATION

2:260 Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the Board of Education, its employees, or its agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following: [PRESSPlus1](#)

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Title VI of the Civil Rights Act, [42 U.S.C. §2000d](#) *et seq.*
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), [42 U.S.C. §2000e](#) *et seq.*
6. Sexual harassment ([State Officials and Employee Ethics Act](#), Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972) [PRESSPlus2](#)
7. Breastfeeding accommodations for students, [105 ILCS 5/10-20.60](#) ~~(P.A. 100-29, final citation pending)~~
8. Bullying, [105 ILCS 5/27-23.7](#)
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, [820 ILCS 180](#)
12. Illinois Equal Pay Act of 2003, [820 ILCS 112](#)
13. Provision of services to homeless students
14. Illinois Whistleblower Act, [740 ILCS 174/](#).
15. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), [410 ILCS 513/](#) and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), [42 U.S.C. §2000ff](#) *et seq.*)
16. Employee Credit Privacy Act, [820 ILCS 70/](#).

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to ~~the~~[this](#) grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

Right to Pursue Other Remedies Not Impaired [PRESSPlus3](#)

The right of a person to prompt and equitable resolution of a complaint filed ~~here~~[under this policy](#) shall not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc. 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. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

Deadlines

All deadlines under this policy may be extended by the Complaint Manager as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

Filing a Complaint

A person (hereinafter Complainant) who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For any complaint alleging bullying and/or cyber-bullying of students, the Complaint Manager shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying, Intimidation, and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy 2:260, *Uniform Grievance Procedure*.

Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may request an extension of time.

The Superintendent will keep the Board informed of all complaints.

If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed directly with the Board, which will make a decision in accordance with paragraph four of the following section of this policy. ~~The Superintendent will keep the Board informed of all complaints.~~

Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. All decisions shall be based upon the *preponderance of evidence* standard.

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board.

Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within five school business days of the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Superintendent, within 30 school business days after receiving the Complaint Manager's report, the Board shall mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager.

This policy shall not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

Appointing a Nondiscrimination Coordinator and Complaint Managers

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

Nondiscrimination Coordinator and Complaint Managers:

Please refer to either the student handbook or faculty handbook to obtain the names and contact information for the current district discrimination coordinator and complaint Managers.

LEGAL REF.:

Age Discrimination in Employment Act, [29 U.S.C. §621](#) *et seq.*

Americans With Disabilities Act, [42 U.S.C. §12101 et seq.](#)

Equal Employment Opportunities Act (Title VII of the Civil Rights Act), [42 U.S.C. §2000e et seq.](#)

Equal Pay Act, [29 U.S.C. §206\(d\).](#)

Genetic Information Nondiscrimination Act, [42 U.S.C. §2000ff et seq.](#)

Immigration Reform and Control Act, [8 U.S.C. §1324a et seq.](#)

McKinney-Vento Homeless Assistance Act, [42 U.S.C. §11431 et seq.](#)

Rehabilitation Act of 1973, [29 U.S.C. §791 et seq.](#)

Title VI of the Civil Rights Act, [42 U.S.C. §2000d et seq.](#)

Title IX of the Education Amendments, [20 U.S.C. §1681 et seq.](#)

State Officials and Employees Ethics Act, [5 ILCS 430/70-5\(a\).](#)

105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-20.60 (P.A. 100-29, final citation pending), 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.

Illinois Genetic Information Privacy Act, [410 ILCS 513/.](#)

Illinois Whistleblower Act, [740 ILCS 174/.](#)

Illinois Human Rights Act, [775 ILCS 5/.](#)

Victims' Economic Security and Safety Act, [820 ILCS 180/](#), [56 Ill.Admin.Code Part 280.](#)

Equal Pay Act of 2003, [820 ILCS 112/.](#)

Employee Credit Privacy Act, [820 ILCS 70/.](#)

[23 Ill.Admin.Code §§1.240](#) and [200.40.](#)

CROSS REF.: [2:105 \(Ethics and Gift Ban\)](#), [5:10 \(Equal Employment Opportunity and Minority Recruitment\)](#), [5:20 \(Workplace Harassment Prohibited\)](#), [5:30 \(Hiring Process and Criteria\)](#), [6:120 \(Education of Children with Disabilities\)](#), [6:140 \(Education of Homeless Children\)](#), [6:170 \(Title I Programs\)](#), [6:260 \(Complaints About Curriculum, Instructional Materials, and Programs\)](#), [7:10 \(Equal Educational Opportunities\)](#), [7:15 \(Student and Family Privacy Rights\)](#), [7:20 \(Harassment of Students Prohibited\)](#), [7:180 \(Prevention of and Response to Bullying, Intimidation, and Harassment\)](#), [7:310 \(Restrictions on Publications; Elementary Schools\)](#), [8:70 \(Accommodating Individuals with Disabilities\)](#), [8:95 \(Parental Involvement\)](#), [8:110 \(Public Suggestions and Concerns\)](#) [PRESSPlus4](#)

ADOPTED: [February 14, 2018](#)

PRESSPlus Comments

PRESSPlus 1. Including the phrase “guaranteed by the State or federal Constitution, State or federal statute, or Board policy” broadens the scope of this policy beyond the items listed. Consult the board attorney regarding whether to retain this phrase and/or to otherwise limit the scope of this policy. **Issue 97, January/February 2018**

PRESSPlus 2. The State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a), amended by P.A. 100-554, requires school districts to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment by January 15, 2018. Though that date has passed, there are no penalties in the law for failing to pass the resolution by that date. The policy must include, at a minimum: (1) a prohibition on sexual harassment; (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights; (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act (740 ILCS 174/), and the Ill. Human Rights Act (775 ILCS 5/); and (4) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report. See policy 5:20, *Workplace Harassment Prohibited*. **Issue 97, January/February 2018**

PRESSPlus 3. The phrase “prompt and equitable resolution” comes from Title IX implementing regulation 34 C.F.R. §106.8(b) which requires schools to “adopt and publish grievance procedures providing for prompt and equitable resolution of student and

employee complaints” of sex discrimination. **Issue 97, January/February 2018**

PRESSPlus 4. Cross References are added to policies that cross reference 2:260, note it as a mechanism to resolve a complaint, or refer to it as providing opportunities for parental involvement. **Issue 97, January/February 2018**