

Board of Education

Uniform Grievance Procedure

The Board desires that complaints brought by students, parents/guardians, employees, or community members be resolved through a fair and equitable process. To promote the effective processing of grievances, therefore, the procedure outlined below should be followed when authorized by Board Policy or when a complaint involves any of the following:

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 (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972)
7. **Breastfeeding accommodations for students, 105 ILCS 5/10-20.60**
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 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

The right of a person to prompt and equitable resolution of a complaint filed 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 cyberbullying 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 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.

Decision and Appeal

Within five 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.

Procedures

1. ~~Informal Resolution~~

~~The Complaint Manager will attempt to 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 a complaint brought under this policy 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. All deadlines under this procedure may be extended by the Complaint Manager as he/she deems appropriate. As used in this policy, "days" means days in which the District business office is open.~~

2. ~~Filing a Formal Complaint~~

- a. ~~A person (hereinafter Complainant) who wishes to avail him/herself of this grievance procedure may do so by filing a formal complaint with any District Complaint Manager after attempts at an informal resolution have not been successful. The Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same sex. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with the parent(s)/guardian(s) of a student. The Complaint Manager shall assist the Complainant as needed.~~
- b. ~~Filing a formal complaint involving the Superintendent or a District Complaint Manager~~
~~If a complaint involves allegations against the Superintendent or one of the District Complaint Managers, the complainant may choose to file his/her formal complaint with the Board of Education. The Board will investigate all complaints in a manner consistent with the process described below.~~

- e. ~~Filing a formal complaint involving a member of the Board of Education~~

~~If a complaint involves allegations against a member or members of the Board of Education, the complainant may file his/her formal complaint with the President of the Board (or the Vice President if the allegation is against the President). The Board President will investigate such complaints in a manner consistent with the process described below and may secure an independent party to conduct the investigation.~~

3. Investigation

~~The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. If the Complainant is a student, the Complaint Manager will notify his/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 any collective bargaining agreement, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant, or by the Complainant's parent(s)/guardian(s) if the Complainant is under the age of eighteen (18) years.~~

~~The identity of any witness may remain confidential at the discretion of the Complaint Manager unless required to be disclosed by law or any collective bargaining agreement. The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, or (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 eighteen (18) years of age or older.~~

~~Within 30 days of the date the complaint was filed, the Complaint Manager shall complete a written report of findings. The Complaint Manager may request an extension of time in 5 day intervals, not to exceed 30 days. If a complaint contains allegations involving the Superintendent, the written report shall be filed with the Board of Education, which will make a decision in accordance with Section 4 of this policy. The Superintendent will keep the Board informed of all complaints.~~

4. Decision and Appeal

~~Within 10 days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant by U.S. mail, first class, as well as the Complaint Manager.~~

~~Within 10 days after receiving the Superintendent's decision, the Complainant may appeal the decision to the Board of Education 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 of Education. Within 30 days, the Board of Education shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information for the Board. Within 5 days of the Board's decision, the Superintendent shall inform the Complainant of the Board's action. Individuals alleging that they have been discriminated against on the basis of their sex in the provision of or access to programs, activities, services, or benefits have the right to appeal the Board's decision to the Regional~~

~~Superintendent and, thereafter, to the State Superintendent of Education. The Regional Superintendent retains discretion whether to hear such an appeal.~~

~~This grievance procedure shall not be construed to create an independent right to a Board of Education hearing. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.~~

Appointing 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 2 Complaint Managers, one of each gender. The District's

Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

Dave Palzet
Name
7450 S. Wolf Road, Burr Ridge, IL 60527
Address
dpalzet@d107.org
Email
708-784-2170
Telephone

Complaint Managers:

Dave Palzet
Name
7450 S. Wolf Road, Burr Ridge, IL 60527
Address
dpalzet@d107.org
Email
78-784-2170
Telephone

Catherine Chang
Name
7450 S. Wolf Road, Burr Ridge, IL 60527
Address
cchang@d107.org
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708-784-2172
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- 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 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 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.
 Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
 Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.
 105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 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/.
Equal Pay Act of 2003, 820 ILCS 112/1 et seq.
Victims' Economic Security and Safety Act, 826 ILCS 180/56 Ill.Admin.Code Part 280.
Employee Credit Privacy Act, 820 ILCS 70/.
23 Ill.Admin.Code §§1.240 and 200-40.

APPROVED: April 18, 2012

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