

Administrative Procedure

December, 2003

Adopted
Revised

403 Title IX Grievance Procedure

I. Purpose

A student or employee of Independent School District No. 879 who feels that he or she has been discriminated against in violation of this District's policy shall avail himself or herself of the following grievance procedure.

II. Procedure

A. Filing, Time Limit for Filing:

A student or employee who believes himself or herself to be a victim of sex discrimination in violation of Title IX of the Education Amendments of 1972, may file a grievance in writing with the district's Title IX compliance officer if not grievable by means of another grievance procedure. The grievance must be filed within 7 calendar days of the alleged discriminatory act/conduct or it is waived.

B. Investigation: Informal Conference:

Subd. A. The district compliance officer shall make a prompt investigation of each charge filed. If after investigation it is the compliance officer's opinion the charge lacks foundation, he shall so inform the complainant within 15 calendar days of the date of filing of the charge,

Subd. B. However, should the compliance officer's investigation disclose the possibility that the charge is valid or has some foundation, he shall meet informally with the complainant and the district officials/employees involved and endeavor to arrive at an equitable solution to the problem.

C. Appeal and Time Limits on Appeals:

If the complainant is dissatisfied with either the results of the informal conference or the compliance officer's finding that no violation of Title IX has occurred, he or she may appeal that decision to the school board. Such an appeal must be taken within 5 days from the date the complainant was informed of the compliance officer's decision.

The appeal must be in writing and state with particularity the reasons the complainant disagrees with the compliance officer's disposition of his/her case.

D. Optional Hearing Procedures, Decisions, Review by Board:

Subd. A. If the grievance is not informally resolved, both the complainant and the alleged discriminator shall have an opportunity to be heard on their own behalf.

Subd. B. The hearing will be held before any of the following, at the option of the school board: (1) the full school board; (2) a committee of three school board members appointed by the board chairman; (3) a district administrator recommended by the Compliance Officer and approved by the board.

Subd. C. The written decision issued as a result of a hearing held pursuant to this section shall be final, subject to review by the full school board as provided in Subd. D.

Subd. D. The school board may accept, reject or modify the relief recommended by its designee or the committee of three board members.

Implementing the Model Grievance Procedure.

- A. When a complaint is received, the first point to check is whether it is timely filed as set out in Section 1.
- B. When making an investigation of a charge, the Title IX compliance officer should document as fully as possible, the facts the officer gathers as the investigation proceeds.
 - 1. If a district record is important, make sure the investigation file has a copy.
 - 2. If district officials/employees/students are interviewed, a form should be devised showing, among other items:
 - (a) Full name of person interviewed.
 - (b) Status in district, e.g., employee, student.
 - (c) Date, time, place interviewed.
 - (d) Recap of points discussed.
 - (e) File of number and name of complainant.
- C. In Section 2, if an informal conference is held, the compliance officer should, immediately after the meeting, prepare a memorandum fully and completely setting out all topics discussed, the positions taken by all parties present, the course(s) of action agreed upon or, if the compliance officer believes the complaint is without merit, a comprehensive analysis should be included as a basis for that decision.
- D. Section 3, as noted above in connection with Section 1, when an appeal is filed with the board, check to insure that it is timely.
- E. Should an appeal be lodged with the board, it should immediately consult with the district's counsel. The district's attorney should be given an opportunity to review the file compiled by the compliance officer. Early examination of the file covering the complaint is crucial to the preparation of a strong presentation at the hearing of the district's position.