

**Administrative Regulation 1201-AR(2): Non-Discrimination - Civil Rights Grievance Policy and Complaint Procedure**

**Status:** DRAFT

**Original Adopted Date:** Pending

It is the policy of the District to provide a learning and working environment free from unlawful discrimination and harassment. Accordingly, any form of illegal discrimination or harassment of any of the protected classifications detailed herein is prohibited. This Civil Rights Grievance Policy is provided as a method for the expeditious processing of grievances and a means to eliminate unlawful discrimination or harassment within the District.

Anyone who believes that they have been the recipient of or subject to illegal discrimination or harassment, based on race, ethnicity, sex, religion, color, national origin, ancestry, immigration status, physical or mental disability, medical condition, military and veteran status, age, or association with a person or group with one or more of these characteristics pursuant to Federal law or the Idaho Human Rights Act, may file a grievance in accordance with this policy.

Numerous types of complaints or grievances are addressed through policies/procedures other than this Civil Rights Grievance Policy and Complaint Procedure:

- If a complaint alleges a violation of Title IX, the provisions of Policy 403.80 will be applied to the complaint. [CLICK HERE](#)
- If a complaint alleges a violation of student's Section 504 education/denial of FAPE, complaints shall be addressed by Policy 602.63. [CLICK HERE](#)
- If a complaint alleges a violation of IDEA, complaints shall be addressed pursuant to the District's Special Education Manual.
- Certified staff with a workplace grievance (as the term is defined in such policy) should refer to Policy 401.16. Certificated Personnel Problem-Solving Mechanism. [CLICK HERE](#)
- Classified staff with a workplace grievance (as the term is defined in such policy) should refer to Policy 402.50, Grievance Procedures for Non-Certificated Employees. [CLICK HERE](#)
- Policy 1203, Accommodating Individuals with Disabilities, Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act. [\[LINK\]](#)
- Policy 402.50 Grievance Procedure - [CLICK HERE](#)
- Web Accessibility Compliance Procedure - [CLICK HERE](#)
- Policy 502.70 Student Harassment/Relationship Abuse - [CLICK HERE](#)
- Policy 403.71 Harassment (Employment) - [CLICK HERE](#)
- Policy 1003.50 Service Animals in Schools - [CLICK HERE](#)

**Filing of a Complaint/Grievance**

Any individual, whether a student, employee or other individual may file a complaint/grievance, if such individual believes that the individual has been subjected to illegal discrimination, harassment, bullying or retaliation on the basis of race, ethnicity, sex, religion, color, national origin, ancestry, immigration status, physical or mental disability, medical condition, military and veteran status, marital status, age, or association with a person or group with one or more of these characteristics. Such may likewise be filed by the complainant's representative or parent/guardian.

If a District Employee becomes aware of an allegation of illegal discrimination or harassment based on race, ethnicity, sex, religion, color, national origin, ancestry, immigration status, physical or mental disability, medical condition, military and/or veteran status, age, or association with a person or group with one or more of these characteristics pursuant to Federal law or the Idaho Human Rights Act, such employee shall communicate with their District Administrator or direct supervisor. Whether learning of the event from an employee or through independent knowledge, the District's Administrator or supervisor shall contact Dr. Shana Hawkins, the District's Civil Rights coordinator, in order to address such concern. Depending on the factual situation, the District Administrator may be directed to formally document and submit the events utilizing the District's Discrimination and/or Harassment Reporting Form. The employee, District Administrator and/or supervisor may also direct the student or the parent or legal guardian of the student to the District's website to make a direct report through the District's formal reporting process.

With regard to Section 504 and/or Title II, complainants are not restricted to individuals who have disabilities. While such a complaint may be filed by an individual with a disability, such may also be filed by a third party, such as a parent without a disability filing a complaint alleging that playgrounds are inaccessible to students with disabilities.

Such complaint shall be filed, in writing, to the appropriate District designated Non-Discrimination Coordinator or Compliance Officer through use of the District's [Discrimination and/or Harassment Reporting Form](#) which can be found on the [District's Non-Discrimination page](#) of its website or in writing with the District's Director of Accountability and Support. Such may also be filed with Dr. Shana Hawkins, the District's Civil Rights Coordinator - <https://www.westada.org/page/notice-of-non-discrimination>.

At minimum, a written complaint shall include the following information:

- The nature of the grievance
  - What occurred
  - When it occurred
  - Where it occurred
  - Wh was involved
  - Any known witnesses
- The remedy requested
- The signature of the grievant/reporting party and the date

Such complaint/grievance must be filed within one-hundred eighty (180) calendar days of the alleged violation/discrimination. A grievance will not be accepted or reviewed if it is submitted more than 180 days after the alleged civil rights violation, or from the date the grievant could reasonably become aware of such an occurrence.

This policy does not deny the right of a grievant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination or harassment. Possible appropriate state or federal agencies include:

Idaho Human Rights Commission,  
317 West Main Street  
Boise, ID 83735- 0660,  
phone: (208) 334-2873,  
fax: (208) 334-2664

U.S. Department of Education  
Office for Civil Rights, Seattle Office,  
915 Second Avenue Room 3310,  
Seattle, WA 98174-1099,  
phone: (206) 607-1600,  
fax: (206) 607-1601  
TTD: 1-800-877-8339

Idaho State Department of Education (complaints relating to the District's child nutrition program)  
Child Nutrition Program Director  
P.O. Box 83720  
Boise, Idaho 83720-0027

The District, through the Director of Accountability and Support, a Non-Discrimination Coordinator, or Non-Discrimination Compliance Officer shall contact the complaining party within a period of no greater than fourteen (14) operational school days (days when school is in session) to confirm receipt of the complaint/grievance. During such communication, discussion may occur regarding possible informal resolution as well as the investigation process.

#### **Parent Notification**

Pursuant to the Idaho Parental Rights Act, Section 33-6001, Idaho Code, the District's Director of

Accountability and Support or designee shall review a complaint/grievance filed in relation to a minor child and consistent with such provisions of the Idaho Code, notify the parent(s)/guardian(s) of the child of allegations of harassment/discrimination involving their student, and/or in order to protect the student's mental, physical or emotional well-being.

### **Investigation**

It shall be the responsibility of the designated Non-Discrimination Coordinator or Compliance Officer to investigate the alleged violation/alleged discrimination.

- Such investigation shall be completed within one hundred twenty (120) calendar days of the District's receipt of the written grievance/complaint.
- The investigation may include, but not necessarily be limited to interviews with the complaining party, witnesses and a review of any related documentation, video, recording, or other item relating to the complaint/grievance.
- The investigator will allow for both the complaining party and any responsive party to provide any written statements of any witnesses or other documentation or tangible evidence that they wish to produce. It shall be the responsibility of the investigator to decide whether such is relevant to the investigation and complaint/grievance.
- The investigator shall issue a written finding. A copy of the investigation report and proposed remedy, if any, shall be provided to the complainant/grievant, with appropriate redactions as applicable. Such finding may include:
  - A clear statement of the allegations of the grievance and remedy sought
  - A statement of the facts as presented by each of the parties
  - A statement of facts as found by the Director of Accountability and Support or designee and identification of evidence to support each fact
  - A list of all witnesses interviewed and documents reviewed during the investigation
  - A narrative describing attempts to resolve the grievance
  - A conclusion as to whether the allegations in the grievance have merit

### **Appeal/Submission of Additional Information**

If the complaining party or responding party does not agree with the written findings at the conclusion of the investigation, the party shall have a period of fifteen (15) calendar days to provide additional information to the applicable Non-Discrimination Coordinator or Compliance Officer for additional consideration or to appeal the findings to the District Superintendent.

- If additional materials are provided, the investigator shall consider such additional materials and determine if an amended report need be issued. There shall only be one opportunity for the parties to provide additional materials.
- If an appeal is advanced during the fifteen (15) calendar days after the initial written findings are released or upon fifteen (15) calendar days after an amended written findings are issued, the Superintendent has sole discretion in the manner and method of which the appeal shall be reviewed and decided.
- Upon conclusion of any appeal, the Superintendent shall issue a final written report.

### **Retaliation**

Intimidation, harassment, or retaliation against any person filing a grievance/complaint, participating in the investigation process, and/or who assert their rights under these laws (e.g., opposing unlawful discrimination in a school meeting), is a violation of the law and District Policy, and constitutes the basis for filing a separate grievance/complaint. See also <https://www2.ed.gov/policy/rights/guid/ocr/retaliationoverview.html> for more information.

District students, employees, or visitors shall not retaliate against an individual who in good faith reports, associates with the reporting individual, participates in an investigation, or conducts the investigation of a grievance filed in accordance with this policy.

Any person engaged in retaliatory actions may be subject to disciplinary action up to and including

termination of staff, expulsion of students, or a trespass or other consequences for those who are otherwise present on the school's property. Depending on the situation of a finding of retaliatory actions, a complaint may be filed with the Idaho Professional Standards Commission and/or appropriate law enforcement.

#### **Corrective Action/Remedy if Discrimination is Found**

The Superintendent or designee will review the grievance in relation to current District and/or school policies and practices, determining if there are steps which the District should take to prevent a recurrence of a similar type of discrimination or harassment. Where a complaint is substantiated, the District, through the Superintendent or designee will take steps to remedy the discriminator effects on the individual student.

The Superintendent or designee shall be responsible for reporting on matters associated with this procedure, including proposed remedies, if any, to the District's Board of Trustees.

#### **Records**

All records compiled pursuant to the grievance shall be maintained by the District for a period of not less than three (3) years.

In the event an investigation reveals a violation of this policy by an employee or student, any disciplinary action taken as a result of the investigation will be placed in the appropriate employee or student file.

Upon separation of employment, any investigative file maintained pursuant to this policy involving an employee shall be moved into the personnel file and shall be redacted as required by Idaho Code 33-1210.

#### **Training**

Appropriate District personnel shall receive periodic training on civil rights and compliant procedures in accordance with applicable federal law and regulations for the programs in which they work.

#### **Employee Actions**

All employees of the District shall be responsible for acting in accordance with this policy.

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