

GRIEVANCE PROCESS

TITLE VI, TITLE VII, TITLE IX, SECTION 504, AMERICANS WITH DISABILITIES ACT, AND AGE DISCRIMINATION IN EMPLOYMENT ACT GRIEVANCE PROCEDURE (BOE Approved June 29, 2016)

Policy: The District complies with the Civil Rights Laws (Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (“ADA”), the Age Discrimination in Employment Act, and Section 504 of the Rehabilitation Act of 1973) in assuring the students, parents, patrons, and employees of the District that the District does not discriminate on the basis race, color, religion, sexual orientation, gender or gender identity, national origin, age, marital status, veteran status, or disability. The Superintendent is designated by the Board to coordinate the District's efforts to comply with this assurance. The purpose of this Grievance Procedure is to provide for an orderly method of resolving grievances based upon charges of discrimination on the basis of race, color, religion, sexual orientation, gender or gender identity, national origin, age, marital status, veteran status, or disability.

Definitions:

- A. District Equity Coordinators: The Director of Human Resources shall coordinate compliance efforts and investigate complaints of discrimination on the basis of race, color, religion, sexual orientation, gender or gender identity, national origin, age, marital status, veteran status, or disability under Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (“ADA”), the Age Discrimination in Employment Act, and Section 504 of the Rehabilitation Act of 1973 with respect to employees. The Assistant Superintendent of Instruction shall coordinate compliance efforts and investigate complaints of discrimination on the basis of race, color, religion, sexual orientation, gender or gender identity, national origin, age, marital status, veteran status, or disability under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (“ADA”), the Age Discrimination in Employment Act, and Section 504 of the Rehabilitation Act of 1973 with respect to students. Prior to acting as a District Equity Coordinator, he/she will be trained in the Federal laws prohibiting discrimination. A District Equity Coordinator may delegate any duties specified in this policy to another District employee as the District Equity Coordinator deems appropriate. The District Equity Coordinators may be contacted at

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- B. Site Equity Officers: The Instructional Directors, Assistant Instructional Directors, and Campus Administrator shall serve as the site equity officer to receive and investigate complaints of discrimination or harassment made by students. The Director/Assistant Director or Campus Administrator may designate an employee of the school of the same gender as the Claimant to investigate claims of gender discrimination. Prior to acting in the role of Equity Officer, he/she will be trained in the Federal laws prohibiting discrimination.
- C. Complaint: A written complaint alleging that a policy, procedure, or practice of the District discriminates on the basis of race, color, sexual orientation, gender or gender identity, national origin, religion, age, or disability.
- D. Day: Day means a working day; the calculation of days in processing a complaint shall exclude Saturdays, Sundays, school closings, and holidays.
- E. Claimant: An employee or a student of the District or any other person who submits a complaint alleging discrimination on the basis of race, color, religion, sexual orientation, gender or gender identity, national origin, age, marital status, veteran status, or disability.
- F. Respondent: The person alleged to be responsible for the violation alleged in the complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

Procedures:

The District shall promptly investigate discrimination complaints; take appropriate action against any student or employee who violates this policy; and take any other action reasonably calculated to end and prevent further discrimination against students, employees, or others. All employees shall cooperate with any investigation of alleged discrimination conducted under this procedure or by an appropriate state or federal agency.

Informal Pre-Filing Procedures:

Prior to the filing of a formal Complaint, any student, employee or other person who believes he or she has been discriminated against on the basis of race, color, religion, sexual orientation, gender or gender identity, national origin, age, marital status, veteran status, or disability is encouraged to visit with the Equity Coordinator or Equity

Officer and to make a reasonable effort to informally resolve the problem or concern. In the event the Claimant is under the age of 18, the Equity Coordinator or Equity Officer will notify his/her parent(s).

Formal Complaint Procedures:

- A. Any student, employee or other person who believes he or she has been discriminated against on the basis of race, color, religion, sexual orientation, gender or gender identity, national origin, age, marital status, veteran status, or disability, who desires to proceed with a complaint, shall, within twenty (20) days of an alleged violation, submit a written complaint to the Equity Coordinator or Equity Officer.
- B. In addition to taking action with respect to a written complaint, an Equity Coordinator or Equity Officer may investigate allegations of discrimination without a written complaint according to the procedures set forth in this Policy whenever an Equity Coordinator or Equity Officer deems such action to be appropriate.
- C. The complaint shall state the Claimant's name, the nature of the alleged violation, the date of the alleged violation, the names of persons responsible, any witnesses to the alleged action, and the requested action or relief sought.
- D. Upon the receipt of the complaint, the Equity Coordinator or Equity Officer shall authorize or undertake an investigation. In the event the Claimant is under the age of 18, the Equity Coordinator or Equity Officer will notify the parent(s) of the student.
- E. The Equity Coordinator or Equity Officer may determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the claimant from the person who allegedly harassed or discriminated against the claimant, suspending the implementation of a policy, practice, or procedure and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified.
- F. Within ten (10) days of receiving the Complaint, the Equity Coordinator or Equity Officer, shall notify the Respondent of the Complaint in writing.
- G. Within ten (10) days of notification, the Respondent shall submit to the applicable Equity Coordinator or Equity Office, a written answer which shall confirm or deny the facts upon which the allegation is based, indicate acceptance or rejection of the Claimant's requested action, and/or outline alternatives. The Respondent may also identify witnesses who should be contacted to provide input during the investigation.
- H. Within ten (10) days of receiving the Respondent's answer, the applicable Equity Coordinator or Equity Officer shall initiate an appropriate investigation which may include, but is not limited to, interviewing both the Claimant and the Respondent and any witnesses identified by either party, identifying any documents or tangible evidence in support of or opposition to the complaint, and conducting any further investigation deemed appropriate by the Equity Coordinator or the Equity Officer. The investigation should be concluded within thirty (30) days but the Equity

Coordinator or Equity Officer may extend the period of time for an investigation by notifying the Claimant and the Respondent.

- I. Within ten (10) days after completion of the investigation, the applicable Equity Coordinator or Equity Officer shall render a written decision as to the complaint and shall provide a copy of the written decision to the Claimant and the Respondent. The written decision shall be a summary report containing a synopsis of the evidence, findings of facts, determination of policy violation, and resolution. Additionally, if the Equity Coordinator or Equity Officer determines that the allegations of the complaint are in violation of the policy, prompt and appropriate action shall be taken to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or termination.
- J. Within ten (10) days of receipt of a decision from the applicable Equity Coordinator or Equity Officer, if unsatisfied with the decision, either the Claimant or the Respondent may submit a written request to the Superintendent for a review by the Board of Education.
- K. Within ten (10) days of receiving a request for review by the Board, the Superintendent shall notify the Board of the request, shall place an agenda item for a review of the complaint on the next regularly scheduled Board meeting, and shall notify the Claimant and the Respondent of the date of the Board's review.
- L. The review by the Board shall involve a review of all documents submitted to the Equity Coordinator or Equity Officer, and, if the Board desires, a statement from the Claimant and the Respondent or the representatives of either of the parties. The Board shall render a decision which either modifies, affirms, or reverses the decision of the Equity Coordinator or Equity Officer.
- M. Within ten (10) days of conducting the review, the Board or the Board's designee shall provide the Claimant and the Respondent with written notice of the Board's decision on the complaint. The Board's decision shall be final and non-appealable.

Extension of Time: Except as otherwise provided, any time limits established by this policy and these procedures may be extended by mutual consent of the parties involved.

Confidentiality of Records: All records, complaints, notes, documents, and statements made during or relating to allegations of discrimination shall be maintained on a confidential basis by the Equity Coordinator or Equity Officer, and no information concerning any complaint shall be documented in an employee's personnel file. However, in the event official proceedings relating to such allegations are initiated by a party or the District, such records may become public in accordance with law. Information pertaining to complaints shall be maintained for three (3) years after resolution of the Complaint.

Non-retaliation Provision: No person filing a complaint nor anyone participating in the complaint process under this policy will be subjected to any form of reprisal, retaliation, intimidation or harassment because he or she has utilized this complaint procedure in good faith or because he or

she has in any way participated in any investigation or hearing involving or related to any complaint filed under this policy. The School District will discipline or take appropriate action against any student, employee, agent, or representative of the District who is determined to have engaged in such retaliatory behavior.

Office for Civil Rights: Any person may file a complaint with the Office for Civil Rights:

U.S. Department of Education

Office for Civil Rights

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1010 Walnut, Suite 320

Kansas City, MO 64106-2106

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