

Byron Area Schools Administrative Guidelines

2260B - GRIEVANCE PROCEDURE

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

TITLE IX OF THE EDUCATION AMENDMENT ACT OF 1972

TITLE II OF THE AMERICANS WITH DISABILITIES ACT OF 1990

SECTION 504 OF THE REHABILITATION ACT OF 1973

AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

Section I - Right to Invoke Grievance Procedure:

Any person who believes that they have been discriminated against or denied equal opportunity or that the Byron Area School District or any part of the school organization has inadequately applied the principles and/or regulations of (1) Title VI of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, (4) the Age Discrimination in Employment Act of 1967, and (5) Title II of the Americans with Disabilities Act of 1990 may bring forward a complaint, which shall be referred to as a grievance to:

Patricia Murphy-Alderman

Civil Rights Coordinator

312 Maple Street

Byron, Michigan 48418-9797

(810) 266-4881

Section II - Civil Rights Coordinator:

The District's Civil Rights Coordinator is responsible for overseeing legal requirements of the laws identified in Section I and provide for proper administration of this grievance procedure. The Civil Rights Coordinator may also be contacted through the District's Administration Offices: c/o Patricia Murphy-Alderman, Superintendent, 312 Maple Street, Byron, Michigan 48418-9797.

Section III - Notice of Policy:

Notice of the existence of this procedure will be provided on a regular basis to students, parents of students, employees, visitors and applicants for employment by placement of the procedure in student

handbooks, on the District's online website, in conspicuous locations in each building, and distribution of the procedure to all staff and applicants.

Section IV - Reporting and Investigative Requirements:

All responsible employees of the District must report all allegations of discrimination on the basis of sex, including sexual harassment, to the Civil Rights Coordinator even if the allegations may also raise criminal or other disciplinary concerns. The District will conduct an impartial investigation of any allegations that fall within the purview of Title IX and/or that assert that sexual harassment has occurred, regardless of any criminal investigation related to the same or similar grievance or complaint. An impartial investigation may include interviewing all witnesses reasonably likely to have relevant information and provide the parties with the opportunity to present witnesses, other evidence and review relevant records. Criminal investigations may not eliminate the need for an independent investigation of Title IX violations.

Section V - Remediation:

The District will make reasonable efforts and take reasonable interim measures to 1) prevent the occurrence or reoccurrence of any harassment, 2) provide a safe and nondiscriminatory environment for students, parents, employees, visitors and applicants for employment, and 3) to the extent provided by law without impeding the investigation, protect the confidentiality of complainants, the accused and witnesses. To the extent reasonably practicable, the District will take reasonable, timely, age appropriate and effective action designed to remediate the effects of any sexual harassment confirmed by the District's investigation on any complainant or others, to eliminate to the extent reasonably possible, any hostile environment that has been created, and to prevent the recurrence of any harassment.

Section VI - Protection Against Retaliation:

This Policy and the laws in Section I prohibit retaliation against any individual who files a complaint or participates in an investigation pursuant to this procedure.

Section VII - Grievance Procedure:

Any person who believes a valid basis for a grievance exists may discuss the grievance informally and on a verbal basis with the Civil Rights Coordinator who shall, in turn, investigate the complaint and reply with an answer to the complainant within five (5) business days. This complaint procedure applies to complaints by employees, other students, and third parties.

Any complainant may initiate formal procedures at any time before, during, or after the informal process has been initiated according to the following steps:

Step 1

A written statement of the grievance signed by the complainant shall be submitted to the local Civil Rights Coordinator. The coordinator shall investigate the matters of grievance and reply in writing to the complainant within five (5) days. If the investigation takes longer than five (5) business days, the Coordinator shall notify the complainant in writing within five (5) days, and shall furnish the complainant with the reason for the delay and an estimation of when the investigation will be completed.

Step 2

If the complainant wishes to appeal the decision of the local Civil Rights Coordinator, s/he may submit a signed statement of appeal to the Superintendent of Schools within five (5) business days of receipt of the

Coordinator's response. The Superintendent shall meet, when appropriate, with all parties involved, formulate a conclusion, and respond in writing to the complainant within ten (10) days. The District recognizes that, in certain circumstances, it may be inappropriate to require an alleged victim to confront the alleged discriminator/harasser. In these circumstances, the Superintendent will meet with the parties separately.

Step 3

If the complainant remains unsatisfied, s/he may appeal through a signed, written statement to the Board of Education within five (5) business days of receiving the Superintendent's response in Step 2. In an attempt to resolve the grievance, the Board of Education shall meet, when appropriate, with the concerned parties, and their representative within forty (40) days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) days of this meeting. The District recognizes that, in certain circumstances, it may be inappropriate to require an alleged victim to confront the alleged discriminator/harasser. In these circumstances, the Board will meet with the parties separately.

Section VIII - US Department of Education Contacts:

A complaint may pursue the formal procedures (Steps 1-3) at any time before, during or after any informal process has been initiated.

Anyone at any time may contact the U.S. Department of Education Office for Civil Rights for information and/or assistance at 216-522-4970.

The local coordinator, on request, will provide the complainant with a copy of the District's grievance procedure and investigate all complaints in accordance with this procedure.

A copy of each of the Acts and the regulations on which this notice is based may be found in the Civil Rights Coordinator's Office.

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