

## **Regulation**

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### AFFIRMATIVE ACTION GRIEVANCE PROCEDURE (STUDENTS)

#### Definitions

A. Grievance:

Is a claim based on the interpretation, applications violation of policies, agreements, or administrative decisions, that appear to be based on race, sex, age, creed, color, religion, ancestry, national origin, disability, social, or economic status discrimination.

It does not include:

1. The failure or refusal of the Board to renew a contract of a non-tenured employee.
2. Any claim where a method of review has heretofore been or hereafter is established by law, rule or regulations, by way of appeal to any Commissioner, commission, board, agency, or court, whether said rights having been created for general application (e.g. civil service) or specific application (e.g. to the Commissioner of Education.)
3. Matters where the Board is prohibited by law, regulation, or decision from acting.
4. Matters beyond the contract involving the sole discretion of the Board.

B. Aggrieved Person:

Any student, employee, or parent/guardian aggrieved by a decision or condition falling under the guidelines of federal and/or state anti-discrimination laws.

C. Representation:

Any individual who files a grievance may be represented at all formal stages of the grievance procedure by himself. If an individual selects a person to counsel, advise, and represent him, the aggrieved person must be present at all times.

D. District Affirmative Action Officer:

Has the primary responsibility for coordinating activities related to the investigation of discrimination complaints. Those activities should include the implementation, publication, record keeping, and processing of the grievance. The district Affirmative Action Officer should receive copies of all discrimination grievances filed and be kept informed of their outcomes.

#### Purpose

- A. To provide students, employees, and parents/guardians a procedure by which they can seek a remedy for alleged violations related to discrimination on the basis of race, color, age, creed, religion, sex, disability, ancestry, national origin, or social or economic status.
- B. The purpose of this procedure is to resolve differences at the lowest possible level. Both parties agree that these proceedings will be kept as informal and confidential as may be appropriate at any level of the procedure.
- C. Nothing herein contained shall be construed as limiting the right of an aggrieved person to discuss the matter informally with the appropriate member of the administration.

AFFIRMATIVE ACTION GRIEVANCE PROCEDURE (continued)Procedure

## A. Time Limits

A grievance must be filed in writing within twenty (20) calendar days of the event, or the date on which the aggrieved person knew or could have reasonably known of the event. The number of days indicated at each level should be considered as a maximum and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement.

## B. Year End Grievances

In the event a grievance is filed at such a time that it cannot be processed through all the steps in this grievance procedure by the end of the school year, the time limits set forth herein may be reduced so that the grievance procedure may be exhausted prior to the end of the school year or as soon as thereafter as is practicable.

## C. Level One

Informal - An aggrieved person may first discuss it with the principal, supervisor, and/or Affirmative Action Officer with the objective of resolving the matter informally prior to formally filing the grievance.

Formal - A grievance to be considered under the procedure shall be initiated by the aggrieved person, in writing, within twenty (20) calendar days of its occurrence or when the person could have reasonably known of the occurrence, to the Affirmative Action/Grievance Officer using the Affirmative Action Grievance Form. A decision shall be made within (7) school days after presentation of the grievance at this level. Grievance Officer is to use the space provided on the grievance form. A copy of the report is to be filed with the Superintendent.

## D. Level Two - Director of Curriculum, Instruction and Staff Development

If the aggrieved person is not satisfied with the disposition of the grievance at Level One, or if no decision has been rendered within seven (7) school days after the presentation of the grievance at Level One, the grievance may be filed in writing with the Director of Curriculum, Instruction and Staff Development within seven (7) school days of receipt or the latest date when response was due using the Affirmative Action Grievance Appeal Form A. The Director shall render his decision in writing within seven (7) school days after receiving the written grievances, using space provided on Grievance Appeal Form. A copy of the report is to be filed with the Affirmative Action/Grievance Officer and the Superintendent.

## E. Level Three - Superintendent

If the aggrieved person is not satisfied with the disposition of the grievance at Level Two, or if no decision has been rendered within seven (7) school days after the presentation of the grievance at Level Two, the grievance may be filed in writing with the Superintendent within seven (7) school days of receipt or the earliest date when response was due using the Grievance Appeal Form B. The Superintendent shall render his decision in writing within seven (7) school days after receiving the written grievance, using the space provided on Grievance Appeal Form B. A copy of the report is to be filed with Affirmative Action/ Grievance Officer.

AFFIRMATIVE ACTION GRIEVANCE PROCEDURE (continued)

F. Level Four - Board of Education

If the aggrieved person is not satisfied with the disposition of his grievance at Level Three, or if no decision has been rendered within seven (7) school days after the grievance was delivered to the Superintendent, he may within seven (7) school days after a decision by the Superintendent or ten (10) school days after the grievance was delivered to the Superintendent, whichever is sooner, submit the grievance to the Board using Grievance Appeal Form C. The appeal shall be submitted in writing through the Superintendent who shall attach all related papers and forward the appeal. The Board shall review the grievance and shall, at the option of the Board, hold a hearing with the aggrieved person and render a decision in writing within thirty-five (35) calendar days of receipt of the grievance by the Board. The decision shall be communicated through the Superintendent to the aggrieved person with a copy to District Affirmative Action/Grievance Officer.

G. Level Five:

If the grievant is not satisfied with Board's decision, the grievant may file the complaint to the Director of the Office for Civil Rights, Washington, D.C. The grievant maintains the right to by-pass the grievance procedure and submit the complaint directly to the Office of Civil Rights.

Affirmative Action Grievance Form(s) and Appeal Form(s) are available in each Administrative/School Building Office or obtainable from the Affirmative Action/Grievance Officer.