

2:260 Uniform Grievance Procedure

Students, parents/guardians, employees, or community members should notify any District Complaint Manager if they believe that the School Board, its employees, or agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding:

1. Title II of the Americans with Disabilities Act;
2. Title IX of the Education Amendments of 1972;
3. Section 504 of the Rehabilitation Act of 1973;
4. Title VI of the Civil Rights Act, 42 U.S.C. §2000d *et seq.*
5. Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e *et seq.*;
6. Sexual harassment (Illinois Human Rights Act, Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972);
7. The misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children;
8. Curriculum, instructional materials, programs;
9. Victims' Economic Security and Safety Act, P.A. 93-591;
10. Illinois Equal Pay Act of 2003, P.A. 93-0006; or
11. Provision of services to homeless students.

The Complaint Manager will attempt to resolve complaints informally without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. A person may forego or terminate the informal process at any time and initiate a formal complaint with the Complaint Manager. A person may contact the U.S. Department of Education's Office for Civil Rights ("OCR") as an alternative to using this Procedure for complaints under Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Title VI and VII of the Civil Rights Act, and Title IX of the Education Amendments of 1972. The Complaint Manager shall not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (the "Respondent") (or the Respondent's parents/guardians), including mediation.

The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person's pursuit of other remedies, *e.g.* criminal complaints, civil actions, etc. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

1. **Filing a Complaint**

A person (hereinafter "Complainant") who wishes to avail him or herself of this grievance procedure may do so by filing a complaint with any District Complaint Manager.

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. If the Complainant and/or Respondent is a student, the Complaint Manager will notify his or her

parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and the identity of the Complainant will not be disclosed except: (1) as required by law or this policy, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

2. Investigation

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure that both the Complainant and the Respondent have an equal opportunity to present evidence during an investigation. If the Complainant or Respondent is a student, the Complaint Manager will notify his or her parent(s)/guardian(s) that they may attend any investigatory meetings in which their child is involved. The complaint and identity of the Complainant will not be disclosed except: (1) as required by law or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

Within 10 school days of the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent.

If a complaint of sexual harassment contains allegations involving the Superintendent, the written report shall be filed with the School Board, which will make a decision in accordance with Section 3 of this policy. The Superintendent will keep the Board informed of all complaints.

3. Decision and Appeal

Within 5 school days after receiving the Complaint Manager's report, the Superintendent shall mail his or her written decision to the Complainant and the Respondent by U.S. mail, first class, as well as the Complaint Manager.

Within 5 school days after receiving the Superintendent's decision, the Complainant or the Respondent may appeal the decision to the School Board by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the School Board. Within 10 school days, the School Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information for the Board. Within 5 school days of the Board's decision, the Superintendent shall inform the Complainant and the Respondent of the Board's action.

All decisions shall be based upon the preponderance of evidence standard.

The Complainant or Respondent may appeal the School Board's decision to the Regional Superintendent pursuant to Section 3-10 of the *School Code* and, thereafter, to the State Superintendent pursuant to Section 2-3.8 of the *School Code*.

This grievance procedure shall not be construed to create an independent right to a School Board hearing. The failure to strictly follow the timelines in this grievance procedure shall not prejudice any party.

Appointing Complaint Managers

The Superintendent shall appoint at least two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator, if any, may be appointed a Complaint Manager.

The Superintendent shall insert into this policy the names, addresses, and telephone numbers of current Complaint Managers.

Name	<u>Asst. Supt. for Learning Services</u>	<u>Chief Financial Officer</u>
Address	<u>2 Friendship Plaza</u>	<u>2 Friendship Plaza</u>
	<u>Addison, IL 60101</u>	<u>Addison, IL 60101</u>
Telephone No.	<u>(630) 530-3985</u>	<u>(630) 530-3973</u>

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 *et seq.*
Americans With Disabilities Act, 42 U.S.C. §12101 *et seq.*
Equal Pay Act, 29 U.S.C. §206(d)
Immigration Reform and Control Act, 8 U.S.C. §1324a *et seq.*
Individuals With Disabilities Education Act, 42 U.S.C. §11431 *et seq.*
McKinney Homeless Assistance Act, 42 U.S.C. §11431 *et seq.*
Rehabilitation Act of 1973, 29 U.S.C. §791 *et seq.*
Title VI of the Civil Rights Act, 42 U.S.C. §2000d *et seq.*
Equal Employment Opportunities Act (Title VII of the Civil Rights Act),
42 U.S.C. §2000e *et seq.*
Title IX of the Education Amendments, 20 U.S.C. §1681 *et seq.*
Equal Pay Act of 2003, 820 ILCS 112/1 *et seq.*
Victims' Economic Security and Safety Act, 826 ILCS 180/1 *et seq.*
775 ILCS 5/1-101 *et seq.*
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27.1,
and 45/1-15.
23 Ill.Admin.Code §§ 1.240 and 200-40.

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REVISED: 11.18.2019