

It is the intent of the District to provide for fair and orderly resolution of discrimination grievances. Grievance procedures as hereinafter provided may be instituted when an individual determines that reasonable bases of facts exist to support or claim that a provision of this regulation has been violated to the detriment of the claimant.

**Definition**

“Grievance” shall mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any anti-discrimination law including Title IX regulations and Washington Administrative Code (WAC) 392-190, Section 504 of the Rehabilitation Act of 1973 or Title VII of the Civil Rights Act of 1964.

**Affirmative Action**

The board of directors of North Thurston Public Schools recognizes that an Affirmative Action Employment Plan is a sound employment practice, as well as a positive approach toward achieving lasting and equitable human resources policies and procedures. In accordance with state and federal requirements, the district shall develop an Affirmative Action Plan. Such a plan shall include a work force analysis, a projection of possible work force vacancies, an analysis of activities designed to take appropriate affirmative action and a grievance procedure. The Superintendent, or designee, shall be responsible for the development, implementation and annual reporting of the Affirmative Action Plan. The overall responsibility for monitoring and auditing this plan shall be assigned to the Human Resources department.

**Nondiscrimination**

The district shall provide equal employment opportunity for all applicants and employees in recruitment, hiring, retention, assignment, transfer, promotion and training. The district shall also make reasonable accommodation to the known sensory, mental or physical limitations of an otherwise qualified disabled applicant or employee unless an accommodation would impose an undue hardship on the operation of the district program. District employees shall be free from harassment based on legally protected attributes or characteristics.

In cases where employees or applicants believe that they have been discriminated against on the basis of their legally protected status, that their disabilities have not been reasonably accommodated, or that they have been harassed on the basis of their legally protected status, the employee or applicant may file a complaint using the complaint process set forth in this procedure. To ensure fairness and consistency, these procedures are to be used to address complaints covered by state and federal equal employment laws, including the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), Titles VII and IX of the Civil Rights Act, the Washington Law Against Discrimination, and/or the district’s Affirmative Action Plan. No person shall be retaliated against because of the utilization of these procedures. The Executive Director of Human Resources or designee shall investigate all allegations of noncompliance or discrimination.

## **Informal Review Procedures**

With regard to ADA matters, a distinction is to be made between a request for accommodation and a complaint. A request for accommodation should be submitted to the Executive Director of Human Resources. The parties should cooperate to resolve any issues of accommodation through an interactive process prior to the filing of a formal complaint. A complaint is to be filed only in the event there is a complaint of noncompliance after a request for accommodation has been made.

When an employee or applicant has an employment problem concerning equal employment opportunity, he/she shall discuss the problem with the immediate supervisor, Administrator of Human Resources or Superintendent within thirty (30) days of the circumstances which gave rise to the problem. The employee or applicant may also ask the Title IX officer to participate in the informal review procedure. It is intended that the informal discussion shall resolve the issue. If the employee or applicant feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the employee or applicant may directly contact the Title IX officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the employee or applicant may proceed to the formal review procedures.

## **Formal Process for Resolution**

### **Level One: Complaint to District**

The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

### **Level Two: Appeal to Board of Directors**

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may file a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response. The board will schedule a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the board will be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the superintendent of public instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

### **Level Three: Complaint to the Superintendent of Public Instruction**

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the superintendent of public instruction.

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an

independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or

appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

#### **Level Four: Administrative Hearing**

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

#### **Mediation**

At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding

agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any

subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and a district representative who has authority to bind the district.

**Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to the District and the disposition, including any corrective measures instituted by the District, shall be retained in the office of the district compliance officer for a period of six (6) years.

**Resources**

- 1. District Contact  
Human Resources Executive Director

- 2. State Contacts  
Superintendent of Public Instruction  
Equity and Civil Rights Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
360.725.6162

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
P.O. Box 42490  
Olympia, WA 98504-2490  
360.753.6770

Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
206.607.1600

Implemented:	March 17, 1986	North Thurston School District
Amended:	August 17, 1987	North Thurston School District
	December 14, 2010	
	February 13, 2012	North Thurston Public Schools Board of Directors
	October 26, 2017	North Thurston Public Schools Cabinet