



## **5010.2: DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE**

### **I. Complaint and Reporting Procedures.**

A. All students and parents are responsible for helping the District to prevent unlawful discrimination and unlawful harassment (including sexual harassment). Students and parents who believe that they, or their children, have been subjected to or have witnessed any conduct by a District employee or student which constitutes unlawful discrimination or unlawful harassment (including sexual harassment) should follow the following complaint and reporting procedures.

1. Students and parents are encouraged to directly advise the offending person that such conduct is offensive and must stop. If such an effort is unsuccessful or too uncomfortable or the student or parent desires not to directly communicate with the offending person, then the student or parent should report the matter to a teacher, counselor, assistant principal or principal, or any other available District personnel.

2. When a student or parent reports unlawful discrimination or unlawful harassment (including sexual harassment) to a teacher or counselor, the teacher or counselor shall:

a. If the alleged offending person is a District staff member or other adult, immediately report the matter to the building principal.

b. If the alleged offending person is a student, depending on the seriousness of the alleged conduct, the teacher or counselor shall either:

(i) Immediately report the matter to an assistant principal or the building principal, or

(ii) Immediately investigate the matter in accordance with the District's student discipline procedures and, if it is concluded that a violation of the District's Standards for Student Conduct has occurred, impose discipline sanctions pursuant to the Standards for Student Conduct and undertake other appropriate actions to redress any such conduct and prevent its future recurrence.

3. When an assistant principal or building principal receives such a report of unlawful discrimination or unlawful harassment (including sexual harassment), they shall:

a. If the alleged offending person is a District staff member or other adult, immediately report the matter to the District's Associate Superintendent of Human Resources.

b. If the alleged offending person is a student, the assistant principal or building principal shall immediately investigate the matter in accordance with the District's student discipline procedures and, if it is concluded that a violation of the District's Standards for Student Conduct has occurred, impose discipline sanctions pursuant to the Standards for Student Conduct and undertake other appropriate actions to redress any such conduct and prevent its future recurrence.

4. When the Associate Superintendent of Human Resources receives such a written report of unlawful discrimination or unlawful harassment (including sexual harassment) by a District staff member, he or she shall follow the procedures outlined in Rule 4001.2.

5. When any other District personnel receive such a report of unlawful discrimination or unlawful harassment (including sexual harassment), they shall immediately report the matter to an assistant principal or the building principal.

B. Unless prohibited by law or District policies or rules, the investigation and resolution of the complaint or report will be discussed with the student or parent making the complaint, within ten (10) working days of the alleged discrimination or sexual harassment being reported.

C. If the student or parent is not satisfied with the resolution of their complaint, they may use the grievance procedures set forth in Section II of this Rule.

II. Formal Complaint Procedures. Any student or parent who is not satisfied with the resolution of their complaint of unlawful discrimination or unlawful harassment (including sexual harassment) may initiate the following formal complaint procedures which are intended to assist students and parents in the fair and prompt resolution of their complaints and concerns regarding discrimination and sexual harassment.

A. Level 1. A student or parent shall within ten (10) working days after the occurrence of the event which is the subject of the formal complaint, make an appointment with and meet and discuss the matter with the building principal. Every effort will be made to resolve the formal complaint at this level. The building principal shall give the student or parent an oral response within seven (7) working days of such meeting. Due to the importance of resolving the formal complaint at the building level, the meeting with the building principal is important and essential, and the failure of the student or parent to attend such a meeting will constitute an abandonment of the formal complaint.

B. Level 2. If the student or parent is not satisfied with the resolution of their formal complaint at Level 1, they may appeal by filing a formal written appeal with the building principal within seven (7) working days after the building principal's oral response at Level 1.

1. The written appeal must be signed, contain a complete statement of the facts constituting the appeal, and the reasons why the building principal's response is not acceptable.

2. The building principal will notify their supervisor and the Associate Superintendent of Human Resources that they have received such a formal written appeal. The building principal shall, within seven (7) working days of receipt of the formal appeal, create a written response and forward the written response to the student or parent, and also forward the formal written appeal and their written response to the Associate Superintendent of Human Resources.

3. Upon receipt of the formal written appeal and the building principal's written response, the Associate Superintendent of Human Resources shall investigate the appeal and attempt to resolve it. As part of the investigation, the Associate Superintendent of Human Resources may meet with the student or parent, if the student or parent so requests, and undertake any such investigation as the Associate Superintendent of Human Resources deems appropriate. The Associate Superintendent of Human Resources may, in his or her discretion, designate another District administrator, other than any previously involved supervisor, assistant principal or principal, to conduct the investigation and appeal resolution when appropriate.

a. The Associate Superintendent of Human Resources or his/her designee shall complete a written report within ten (10) working days of receiving the formal written appeal and the building principal's written response. Such written report shall summarize the facts, the determinations made, and to the extent permissible, any corrective actions to be implemented. The Associate Superintendent of Human Resources shall provide the student or parent with a copy of such written report within two (2) working days of its completion.

C. Level 3. If the student or parent is not satisfied with the resolution of their appeal at Level 2, they may appeal to the District's Superintendent by filing a formal written appeal with the Superintendent within seven (7) working days after receipt of the written report at Level 2.

1. The written appeal must be signed, contain a complete statement of the facts constituting the complaint and appeal, and the reasons the Level 2 resolution is not acceptable.

2. Upon receipt of the formal written appeal, the Superintendent may, if he/she deems it necessary, investigate the appeal. As part of any such investigation, the Superintendent may undertake any such investigation deemed appropriate. The Superintendent may, in his or her discretion, designate another District administrator, other than any previously involved administrator(s), to conduct the investigation and appeal resolution when appropriate.

3. The Superintendent or designee shall complete a written report within ten (10) working days of receiving the formal Level 3 written appeal. Such written report shall summarize the facts, the determinations made, and to the extent permissible, any corrective actions to be implemented. The Superintendent's decision and any action taken shall be final. The Superintendent shall provide the student or parent with a copy of such final written decision within two (2) days of its completion.

### III. General Provisions.

A. Nothing in this Rule shall be construed as limiting the ability of students or parents who have a complaint regarding unlawful discrimination or unlawful harassment (including sexual harassment) from discussing the matter informally with the building principal or any appropriate District administrators or staff members, or as limiting the involvement of the administration in informally addressing and resolving any such complaints. Students and parents are encouraged to discuss a contemplated complaint informally with the building principal or other District administrators or staff members prior to filing a complaint.

B. The time limits in these procedures are for the purpose of insuring prompt action. If a student or parent does not pursue the next step of a procedure within the time period specified, it shall constitute an abandonment of the complaint. If an investigating administrator does not respond within the time period specified, the employee may proceed to the next level of the procedure. Nothing in this Rule shall prohibit the parties from jointly agreeing in writing to extend time lines set forth in this Rule.

C. No retaliation of any kind will be permitted against any student or parent who makes a good faith complaint pursuant to this Rule, or against any person who in good faith participates in or cooperates with an investigation of alleged unlawful discrimination or unlawful harassment (including sexual harassment).

D. Information regarding an individually identifiable student or employee will only be shared with a student or parent filing a complaint, or with other persons, if allowed by law and in accordance with District policies and rules.

E. To the extent permitted by law and in accordance with District policies and rules, the identity of students and parents filing complaints pursuant to this Rule and any documents generated or received pertaining thereto, will be kept confidential. Information may be disclosed if necessary to further an investigation, complaint, or appeal, or if necessary to carry out appropriate discipline. The District may disclose information to District personnel, law enforcement authorities, and others when necessary to enforce this Rule or when required or allowed by law.

F. The proper law enforcement agency will be contacted promptly when there is a reasonable suspicion that a violation of a state or federal criminal law may have been committed.

G. Working days shall mean: (i) days when school is in session for students during the school year; and (ii) all weekdays when school is in recess for summer vacation, excluding any national holidays.

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## **Date of Adoption**

September 20, 2010

## **Date of Revision**

July 9, 2018

## **Related Policies and Rules**

[1100.4: Notice of Non-Discrimination](#)

[4001: Non-Discrimination and Harassment](#)

[4001.1: Non-Discrimination and Harassment](#)

[4100: Recruitment, Selection, and Non-Discrimination](#)

[4163.3: Remedial Action Investigation/Procedure](#)

[5010: Non-Discrimination and Harassment](#)

[5010.1: Non-Discrimination and Harassment](#)

[5020: Equal Educational Opportunity](#)

[5020.1: Equal Educational Opportunity](#)

[6002: Non-Discrimination](#)

[6640: Section 504 Compliance](#)