

Procedure - Nondiscrimination

To ensure consistency, the following procedure will be used in the process of resolution of an alleged violation of issues covered by state and federal equal educational opportunity laws, including Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Civil Rights Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, RCW 28A.640.010 governing sexual equality in public schools, and RCW 28A.642 prohibiting discrimination. The complaint procedure applies to complaints alleging discrimination or discriminatory harassment by employees, other students, or third parties against students based on race, color, national origin, creed, religion, sex, sexual orientation, gender expression, gender identity, veteran or military status, the presence of any sensory, mental or physical disability or the use of a trained guide or service animal by a student with a disability.

Anyone may file a complaint alleging specific acts, conditions or circumstances that are in violation of the anti-discrimination laws. This complaint procedure is designed to assure that the resolution of such complaints is directed toward a just resolution, satisfactory to the complainant, the administration and the Board of Directors. As used in this procedure:

Complaints may be submitted by mail, fax, email or hand-delivery to any district or school administrator, or to an employee designated under WAC 392.190.060, or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a complaint under this policy and procedure and from retaliating against an individual for filing such a complaint.

INFORMAL PROCESS FOR RESOLUTION

Anyone with an allegation of discrimination or discriminatory harassment may request an informal meeting at the closest point of administrative responsibility to the alleged offense. Informal complaints of discrimination or discriminatory harassment of students will be reported to the building principal/designee. The building principal/designee will be responsible for the investigation and resolution of informal complaints and may seek guidance from the district's Title IX Compliance Officer. The building principal/designee must notify the complainant of his/her right to file a formal complaint under this policy. Notice will be provided in a language the complainant can understand in accordance with Title VI of the Civil Rights Act of 1964.

FORMAL COMPLAINTS

Level One—Complaint to the District

- A. The district's Title IX Compliance officer, Director of Human Resources or designee will be responsible for monitoring and coordinating the district's compliance with WAC 392.190 and related procedures and ensuring that all complaints communicated to the district are investigated and resolved promptly.

Title IX Compliance Officer

Steve Rood
Olympia School District
1113 Legion Way SE
Olympia, WA 98501
srood@osd.wednet.edu
360-596-6109

Director of Human Resources

Scott Niemann
Olympia School District
1113 Legion Way SE
Olympia, WA 98501
sniemann@osd.wednet.edu
360-596-6193

Assistant Superintendent, Teaching & Learning

Nancy Faaren
Olympia School District
113 Legion Way SE
Olympia, WA 98501
nfaaren@osd.wednet.edu
360-596-8534

The Title IX Compliance Officer or designee will receive and investigate formal complaints that involve only students. The Director of Human Resources or designee will receive and investigate formal complaints when allegations of discrimination are brought against employees or other adults. School or district administrators who receive formal complaints of discrimination or discriminatory harassment will promptly notify the Title IX Compliance Officer or Director of Human Resources and forward a copy of the complaint.

- B. The allegations of discrimination or discriminatory harassment will:
- Be written;
 - Be signed by the complainant;
 - Describe the specific acts, conditions, or circumstances alleged to violate district policies or obligations with regard to discrimination; and
 - Be filed with the Title IX Compliance Officer or Director of Human Resources within one (1) year from the date of the occurrence that is the subject of the complaint, unless the delay is due to specific misrepresentations by the district that it had resolved the problem or the district withheld information that was required to be provided under WAC 392-190 or related guidelines.
- C. Upon receipt of the complaint, the district's Title IX Compliance Officer or Director of Human Resources will provide the complainant with a copy of these procedures in a language they understand. The complaint will be investigated promptly and thoroughly. Following completion of the investigation the Title IX Compliance Officer or Director of Human Resources will provide the Superintendent with a written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant without an investigation or prior to the submission of a written report.
- D. The Superintendent will respond in writing to the complainant within thirty (30) calendar days after the district receives 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. If an extension is needed, the district will notify the complainant in writing of the reasons for the extension and the anticipated response date in a language the complainant can understand. At the time the district responds to the complainant, the district will send a copy of the response to the Office of the Superintendent of Public Instruction ("OSPI").
- E. The response by the Superintendent, provided in a language the complainant understands, will include:
- A summary of the results of the investigation;
 - Whether the district failed to comply with WAC 392-190 or related guidelines, the corrective measures deemed necessary to correct the noncompliance; and

- Notice of the complainant’s right to appeal under WAC 392-190-005, including where and with whom the appeal should be filed.

F. Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the Superintendent’s mailing of a written response to the complainant, unless otherwise agreed to by the complainant.

Level Two -- Appeal to the Board of Directors

If a complainant disagrees with the Superintendent’s written decision, the complainant may appeal the decision to the district Board of Directors by filing 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 (20th) 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 provide a written decision to the complainant in a timely manner, not to exceed thirty (30) calendar following the filing of the notice to appeal, unless otherwise agreed to by the complainant. The appeal decision will include notice of the complainant’s right to file a complaint with OSPI under WAC 392-190-075. The decision of the Board will be provided in a language the complainant understands.

The district will send a copy of the Board’s decision to OSPI.

Level Three – Complaint to the Superintendent of Public Instruction

If a complainant disagrees with the district’s decision or if the district fails to comply with the procedures in WAC 392-190-065 or WAC 392-190-070, the complainant may file a complaint with OSPI. A complaint must be received by OSPI within twenty (20) calendar days after the complainant received the Board of Directors’ written response, unless OSPI grants an extension for good cause. Complaints may be submitted by mail, fax, email or hand delivery.

A. A complaint must be in writing and include:

- A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws;
- The complainant’s name and contact information, including address;
- The name and address of the district subject to the complainant;
- A copy of the district complaint and appeal decisions,; and
- A proposed resolution of the complaint or relief requested.

B. If the allegations involve 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.

Level Four – Administrative Hearing

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

Mediation of Complainants

A. At any time during the complaint procedure, the district may, at its own expense, offer mediation to resolve the complaint. The complainant and the district must mutually agree to the mediation, which may be terminated at any time, by either party, during the mediation process.

B. 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.

- C. The complainant and the district may agree to extend the complaint timelines to pursue mediation.
- D. Mediation must be conducted by a qualified and impartial mediator who may not:
- Be an employee of any school district, public charter school, or other public or private agency providing education related services to a student who is the subject of the complaint being mediated; or
 - 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.
- E. If the parties resolve the complaint 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 the 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 with 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, will be retained in the office of the Compliance Officer for a period of six (6) years.

Date Established: October 10, 2011

Revised Dates: 8.22.2016; 7.10.2018