

NONDISCRIMINATION AND AFFIRMATIVE ACTION

PROCEDURES FOR RESOLVING EQUAL EDUCATIONAL OPPORTUNITY COMPLAINTS/GRIEVANCES

To ensure fairness and consistency, the following review procedure is to be used with regard to issues covered by the District's Affirmative Action Plan and/or state and federal equal educational opportunity laws. No staff member's status with the District will be adversely affected in any way because the staff member utilized these procedures.

- "Grievance" means a complaint which has been filed by a complainant relating to the alleged violations of any state or federal anti-discrimination laws.
- "Complaint" means a written, signed charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To ensure fairness and consistency, the following review procedures are to be used in the District's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the District will be adversely affected in any way because the staff member utilized these procedures.

The Superintendent has designated the following Affirmative Action Compliance Officer:

Director of Human Resources
Olympia School District
111 Bethel Street NE
Olympia, WA 98506
360-596-6193

INFORMAL COMPLAINTS

An employee may complain informally to his or her supervisor, personnel director, or the Compliance Officer, about any alleged noncompliance with equal employment opportunity or equal access laws. The Compliance Officer or a designee will attempt informally to resolve the complaint and shall notify the complainant within thirty (30) days of a proposed resolution.

FORMAL COMPLAINTS

LEVEL ONE—COMPLAINT TO THE DISTRICT

- A. The Compliance Officer or designee will receive and investigate all written allegations of noncompliance or discrimination and shall coordinate reasonable procedures for resolution.
- B. The Complaint must:
 - be made in writing and be signed by the complaining party;
 - set forth specific acts, conditions or circumstances alleged to violate the District's policies or obligations with regard to discrimination; and be made in writing and signed by the complaining party
 - be filed with the Compliance Officer as soon as possible.

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- C. Upon completion of the investigation, the Compliance Officer will provide the Superintendent or designee with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complainant prior to the submission of a full written report.
- D. The Superintendent/designee will respond in writing to the complainant within thirty (30) calendar days after the District received 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. At the time the District responds to the complainant, the District will send a copy of the response to the Office of Superintendent of Public Instruction ("OSPI").
- E. The response by the Superintendent/designee will include:
- A summary of the results of the investigation;
 - The reasonable corrective measures deemed necessary to eliminate any such act, condition or circumstance within the District;
 - Notice of the complainant's right to appeal to the District's Board of Directors, and will identify where and to whom the appeal must be filed, as set forth in Level II below.

The District's response to the complaint 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.

- F. Corrective measures necessary to correct any noncompliance will be instituted as expeditiously as possible, but no later than thirty (30) calendar days after the District's written response to the complainant, unless otherwise agreed to by the complainant.

LEVEL TWO—APPEAL TO THE BOARD OF DIRECTOR

- A. A complainant may appeal the Superintendent's/designee's decision by filing a written appeal to the District Board of Directors on or before the tenth (10th) calendar day from the date the complainant received the Superintendent's/designee's response, or the expiration of the thirty (30) calendar day response period in Section D above, if no response is issued by the Superintendent.
- B. Upon receipt of an appeal, the Board of Directors will schedule a hearing on or before the twentieth (20th) calendar day following the filing of the written appeal, unless otherwise agreed to by the complainant and the Superintendent, or for good cause.
- C. Both parties will be allowed to present such witnesses and testimony as the Board of Directors deems relevant and material.
- D. Unless otherwise agreed to by the complainant and the Superintendent, or for good cause, the Board of Directors will render a written decision on or before the tenth (10th) day following the termination of the hearing and will provide a copy to all parties involved. The decision of the Board of Directors 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.

- E. The decision of the Board of Directors will include notice of the complainant's right to file a complaint with OSPI. The District will send a copy of the appeal decision to OSPI.

LEVEL THREE—COMPLAINT TO OSPI

- A. In the event a complainant disagrees with the appeal decision of the Board of Directors, the complainant may appeal the Board's decision to OSPI. A complaint must be received by OSPI on or before the twentieth (20th) calendar day following the date on which the complainant received written notice of the Board of Directors' decision, unless OSPI grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.

A notice of appeal 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 complaint;
- A copy of the District's complaint and appeal decision, if any; and
- A proposed resolution of the complaint or relief requested.

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.

- B. Upon receipt of a complaint, OSPI 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 WAC 392-190, 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 OSPI establishes in the written decision unless OSPI grants an extension. If the District does not achieve timely compliance, 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 District that wishes 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 written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, RCW 34.05.

MEDIATION OF COMPLAINTS

- A. The District may offer mediation, at its own expense, to resolve a complaint at any time during the complaint procedure. Mediation is voluntary and requires the mutual agreement of the District and the complainant. It may be terminated by either party at any time during the mediation process. It cannot be used to deny or delay a complainant’s right to utilize the complaint procedure.

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 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 that is 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.

- B. If the parties resolve the complaint through mediation, the parties may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the mediation process will remain confidential and not be used as evidence in any future complaint, due process hearing, or civil proceeding. The agreement must be signed by both the complainant and a District representative who has authority to bind the District.
- C. The complainant and District may agree to extend the complaint timelines to pursue mediation.

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 after resolution or closure of the complaint.



Procedure EstablishedSeptember 26, 2011
Revised.....May 2, 2016