

**Oak Park and River Forest High School
201 N. Scoville
Oak Park, IL 60302
708-383-0700**

To: Committee of the Whole

Date: June 13, 2017

From: Nathaniel L. Rouse, Principal

Re: Recommended Changes to Board of Education Policy 2:260 – Uniform Grievance

BACKGROUND

The Sexual Misconduct and Harassment Policy Committee has met during the second semester of the school year to make sure that our policies and procedures were consistent, up to date, and clear. To that end, the following changes are recommended to Policy 2:260- Uniform Grievance to more accurately reflect the Uniform Grievance procedures at the District Level which involve the District's Nondiscrimination Coordinator and the appointment of District Complaint Managers.

INFORMATION

Changes to the policy were the shifting of the appointments of Nondiscrimination Coordinators and District Complaint Managers section to the beginning of the policy for better flow as well as updating the role of the Nondiscrimination Coordinator, also known as the District's Title IX Coordinator into the investigation procedures. We believe that this level of complaint, which includes any Title IX investigations, warrants the District level Nondiscrimination Coordinator's oversight.

District Complaint Managers, however, will continue to be charged with processing and reviewing complaints related to bullying, cyberbullying, and harassment according to Board Policy 7:180 Prevention of and Response to Bullying, Intimidation, and Harassment, in addition to any response required by this policy. We are looking to name a second District Complaint Manager this summer, and our recommendation is that person be a male to ensure that we have gender equity.

RECOMMENDATION

Recommend that the Board of Education approve Policy 2:260, Uniform Grievance, for first reading at the June 13, 2017 Special Board Meeting.

Board of Education Policy 2:260 - Uniform Grievance

Appointing Nondiscrimination Coordinator and District Complaint Managers

The Superintendent shall appoint a Nondiscrimination Coordinator to manage the District's efforts to provide equal opportunity employment and educational opportunities and prohibit the harassment of employees, students, and others. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

The Superintendent shall appoint at least one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint 2 Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed as one of the Complaint Managers.

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

Nondiscrimination Coordinator: Ms. Brenda Horton, Director of Human Resources,
OPRFHS, Room 214, 708-434-3214

Complaint Managers: Ms. Kris Johnson, OPRFHS, Room 207, 708-434-3714 and
Mr. Philip Prale, OPRFHS, Room 215, 708-434-3215 TBD

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A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the Board of Education, its employees, or agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following:

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. Bullying, 105 ILCS 5/27-23.7
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
9. Curriculum, instructional materials, and/or programs
10. Victims' Economic Security and Safety Act, 820 ILCS 180
11. Illinois Equal Pay Act of 2003, 820 ILCS 112
12. Provision of services to homeless students
13. Illinois Whistleblower Act, 740 ILCS 174/.

14. Misuse of genetic information (Illinois Genetic Information Privacy Act (GIPA), 410 ILCS 513/ and Titles I and II of the Genetic Information Nondiscrimination Act (GINA), 42 U.S.C. §2000ff et seq.)
15. Employee Credit Privacy Act, 820 ILCS 70/.

The ~~Complaint Manager~~[District Nondiscrimination Coordinator](#) will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this procedure, the ~~Nondiscrimination Coordinator~~ ~~Complaint Manager~~ will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this procedure may forego any informal suggestions and/or attempts to resolve it and may proceed directly to the grievance procedure. The ~~Complaint Manager~~[Nondiscrimination Coordinator](#) will not require a student or parent/guardian complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused's parents/guardians); this includes mediation.

Right to Pursue Other Remedies Not Impaired

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. If a person is pursuing another remedy subject to a complaint under this policy, the District will continue with a simultaneous investigation under this policy.

Deadlines

All deadlines under this procedure may be extended by the ~~Complaint Manager~~[Nondiscrimination Coordinator](#) as he or she deems appropriate. As used in this policy, *school business days* means days on which the District's main office is open.

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 Complainant shall not be required to file a complaint with a particular Complaint Manager and may request a Complaint Manager of the same gender. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with a student's parent(s)/guardian(s). The Complaint Manager shall assist the Complainant as needed.

For bullying and cyber-bullying, the Complaint Manager shall process and review the complaint according to Board Policy 7:180 Prevention of and Response to Bullying, Intimidation, and Harassment, in addition to any response required by this policy.

Investigation

The [Complaint Manager/Nondiscrimination Coordinator](#) will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The [Complaint Manager/Nondiscrimination Coordinator](#) shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age, the [Complaint Manager/Nondiscrimination Coordinator](#) 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, this policy, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the parent/guardian of the student witness, or by the student if the student is 18 years of age or older.

The [Complaint Manager/Nondiscrimination Coordinator](#) will inform, at regular intervals, the person(s) filing a complaint under this procedure about the status of the investigation. Within 30 school business days of the date the complaint was filed, the [Complaint Manager/Nondiscrimination Coordinator](#) shall file a written report of his or her findings with the Superintendent. The [Complaint Manager/Nondiscrimination Coordinator](#) may request an extension of time. If a complaint of unlawful harassment contains allegations involving the Superintendent, the written report shall be filed with the Board, which will make a decision in accordance with the following section of this policy. The Superintendent will keep the Board informed of all complaints.

Decision and Appeal

Within 5 school business days after receiving the [Complaint Manager's/Nondiscrimination Coordinator's](#) report, the Superintendent shall mail his or her written decision to the Complainant and the accused by first class U.S. mail, as well as to the [Complaint Manager/Nondiscrimination Coordinator](#). All decisions shall be based upon the preponderance of evidence standard.

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board by making a written request to the [Complaint Manager/Nondiscrimination Coordinator](#). The [Complaint Manager/Nondiscrimination Coordinator](#) shall promptly forward all materials relative to the complaint and appeal to the Board. Within 30 school business days, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. Within 5 school business days of the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

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

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~~_____ Mr. Philip Pralo, OPRFHS, Room 215, 708 434 3215~~

LEGAL REF.: 105 ILCS 5/2-3.25d, 5/10, 5/17-1, and 5/27-1.

115ILCS 5/
325 ILCS 5/4.

CROSS REF.: 1:10 (School District Legal Status), 1:20 (District Organization, Operations, and Cooperative Agreements), 2:10 (School District Governance), 2:80 (Board Member Oath and Conduct), 2:140 (Communications To and From the Board), 2:210 (Organizational School Board Meeting), 2:240 (Board Policy Development), 4:60 (Purchases and Contracts), 4:70 (Resource Conservation), 4:100 (Insurance Management), 4:110 (Transportation), 4:150 (Facility Management and Building Programs), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:90 (Abused and Neglected Child Reporting), 6:10 (Educational Philosophy and Objectives), 6:15 (School Accountability), 6:20 (School Year Calendar and Day), 7:10 (Equal Educational Opportunities), 7:30 (Student Assignment and Intra-District Transfer), 7:190 (Student Behavior), 7:200 (Suspension Procedures), 7:210 (Expulsion Procedures), 8:10 (Connection with the Community), 8:30 (Visitors to and Conduct on School Property)

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