

DISCRIMINATION COMPLAINTS PROCEDURES

The following procedures will be used by any person, including personnel and students for the filing, processing, and resolution of alleged discrimination complaints.

Definitions

1. **Discrimination Complaint:** A written complaint alleging any policy, procedure, or practice to discriminate on the basis of race, color, religion, national origin, sex, qualified handicap, veteran status, or other perceived discrimination.
2. **Student Grievant:** A student of the Commerce Public School District who submits a complaint alleging discrimination based on race, color, religion, national origin, sex, or qualified handicap.
3. **Employee Grievant:** An employee of the Commerce Public School District who submits a complaint alleging discrimination based on race, color, national origin, religion, sex, age, qualified handicap, or veteran status.
4. **Public Grievant:** Any person other than a student or employee or employment applicant who submits a complaint alleging discrimination based on race, color, national origin, religion, sex, age, qualified handicap, or veteran status.
5. **Title IX, 504 and ADA Coordinator (Coordinator):** The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans With Disabilities Act of 1990, and other state and federal law addressing equal educational opportunity. The Coordinator is responsible for processing complaints and serves as moderator and recorder during hearings.
6. **Respondent:** The person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.
7. **Day:** Day means a working day. The calculation of days in complaint processing shall exclude Saturdays, Sundays, and holidays.

Pre-Filing Procedures

Prior to the filing of a written complaint, the grievant is encouraged to visit with the high school principal, and reasonable effort should be made to resolve the problem or complaint.

DISCRIMINATION COMPLAINTS, PROCEDURES (Cont.)

Filing and Processing Discrimination Complaints

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| 1. | Grievant | Submits written complaint to Coordinator stating name, nature and date of alleged violation; names of persons responsible (where known); and requested action. Complaint must be submitted within 30 days of alleged violation. Complaint forms are available in all school offices. |
| 2. | Coordinator | Notifies respondent within 10 days and asks respondent to: <ol style="list-style-type: none"> 1. Confirm or deny facts, 2. Indicate acceptance or rejection of grievant's requested action, or 3. Outline alternatives. |
| 3. | Respondent | Submits answer within 10 days to Coordinator. |
| 4. | Coordinator | Within 10 days after receiving respondent's answer, Coordinator refers the written complaint and respondent's answer to the building principal. The Coordinator also schedules a hearing with the grievant, the respondent, and the building principal. |
| 5. | Principal, Grievant, Respondent, & Coordinator | Hearing is conducted. |
| 6. | Principal | Within 10 days after the hearing, issues a written decision to the grievant, respondent, and Coordinator. |
| 7. | Grievant or Respondent | If the grievant or respondent is not satisfied with the decision, the Coordinator must be notified within 10 days and a hearing with the superintendent requested. |
| 8. | Coordinator | Within 10 days of receiving a request for a hearing, schedules a hearing with the grievant, respondent, and superintendent. |
| 9. | Superintendent, Grievant Respondent, & Coordinator | Hearing is conducted. |
| 10. | Superintendent | Issues a decision within 10 days following the hearing. |

DISCRIMINATION COMPLAINTS, PROCEDURES (Cont.)General Provisions

1. Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date that the complaint is filed until the complaint is resolved shall be not more than 180 days.
2. Access to Regulations: The _____ Public School District shall provide copies of all regulations prohibiting discrimination on the basis of race, color, national origin, religion, sex, age, qualified handicap, or veteran status upon request.
3. Confidentiality of Records: Complaint records will remain confidential unless permission is given by the parties involved to release such information. No complaint record shall be entered in the personnel files. Complaint records shall be maintained on file for three years after complaint resolution.
4. If respondent and principal are the same person, the above procedures are adjusted accordingly with the first hearing being with the superintendent.
5. The middle school principal shall serve as an alternate Coordinator.