

Uniform Grievance Procedure

Students, parents/guardians, employees, or community members should notify any District Complaint Manager if they believe that the Board of Education, its employees, agents, or students have violated their rights guaranteed by one of the following laws or when authorized by Board policy, or have a complaint regarding any one of the following:

1. Disability discrimination under Title II of the *Americans with Disabilities Act* or Section 504 of the *Rehabilitation Act of 1973*;
2. Sexual harassment or sex discrimination, including non-compliance with breastfeeding accommodation requirements for students, under Section 10-20.60 of the *School Code* (105 ILCS 5/10-20.60), the *State Officials and Employees Ethics Act*, *Illinois Human Rights Act*, Title VII of the *Civil Rights Act of 1964*, or Title IX of the *Education Amendments of 1972*;
3. Discrimination or harassment on the basis of a protected status under Title VI or Title VII of the *Civil Rights Act of 1964*;
4. The misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children;
5. Curriculum, instructional materials, programs;
6. Victims' Economic Security and Safety Act, 1820 ILCS 180;
7. Illinois Equal Pay Act of 2003, 820 ILCS 112;
8. Provision of services to homeless students;
9. Illinois Whistleblower Act, 740 ILCS 174/;
10. 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.);
11. Employee Credit Privacy Act, 820 ILCS 70/.

The Complaint Manager will first attempt to resolve complaints without resorting to this formal grievance procedure. If a formal complaint is filed under this procedure, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this procedure may forgo any informal suggestions and/or attempts to resolve it and may proceed directly to the formal grievance procedure. The Complaint Manager will not require a student or parent/guardian complaining of any form of harassment, including sexual harassment and sexual violence, to attempt to resolve the allegations directly with the accused (or the accused's parents/guardians), including by 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. Employees retain the right to report allegations of sexual

harassment to the Illinois Department of Human Rights through means established by that Department, including, but not limited to, a hotline.

Deadlines

All deadlines under this procedure may be extended by the Complaint Manager 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 formal 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 the parent(s)/guardian(s) of a student. The Complaint Manager shall assist the Complainant as needed. For any complaints alleging bullying and/or cyber-bullying of students, the Complaint Manager or designee shall process and review the complaint according to Board policy 7:180, *Prevention of and Response to Bullying*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 5:20, *Workplace Harassment Prohibited*, or Board policy 7:20, *Harassment of Students Prohibited*, the Complaint Manager shall process and review the complaint in accordance with any procedures, protections, or consequences outlined in Board policy 5:20 or Board policy 7:20, in addition to the procedures and any response required by this Board policy 2:260, *Uniform Grievance Procedure*.

Investigation The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. If a complaint contains allegations involving a Complaint Manager, the Superintendent shall appoint another Complaint Manager or another qualified person to undertake the investigation as the designated Complaint Manager. If a complaint contains allegations involving the Superintendent or a member of the Board of Education, the Board shall appoint a qualified person who is not an employee of the Board to undertake the investigation as the designated Complaint Manager.

The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. In determining whether sex discrimination (including sexual harassment) against a student resulted in a sexually hostile environment, the District will consider the conduct in question from both a subjective and objective perspective. If the Complainant is a student under 18 years of age, the Complaint Manager will notify the student's 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 or this policy, (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant or reporting person.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, (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.

During the course of investigation, the Complaint Manager may identify interventions available to students involved in the matter under investigation. The interventions available to students may include, but are not limited to, school social work / counseling services, restorative measures, social emotional skill building, academic support, and community-based support.

The Complaint Manager will periodically inform 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 shall file a written report of his/her findings with the Superintendent. The Complaint Manager may request an extension of time.

If a complaint contains allegations involving the Superintendent or a member of the Board, the written report shall be filed with the Board of Education, which will make a decision in accordance with the fourth paragraph in the following section of this policy.

The Superintendent (or Complaint Manager, if he or she is reporting directly to the Board) will keep the Board informed of all complaints.

Decision and Appeal

All decisions shall be based upon the *preponderance of evidence* standard.

Within 5 school business days after receiving the Complaint Manager's report, the Superintendent shall mail his/her written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager. At the request of the Superintendent or the Board, in cases in which an employee alleges sexual harassment, in lieu of issuing a decision, the Superintendent shall issue a recommendation to the Board.

Within 10 school business days after receiving the Superintendent's decision, the Complainant or the accused may appeal the decision to the Board of Education by making a written request to the Complaint Manager. The Complaint Manager shall promptly forward all materials relative to the complaint and appeal to the Board.

Within 30 school business days of an appeal of a decision of the Superintendent, receiving a recommendation from the Superintendent, or a report filed directly with the Board by a Complaint Manager, the Board shall affirm, reverse, or amend the Superintendent's decision, issue a decision based on the Complaint Manager's report or the Superintendent's recommendation, or direct the Superintendent or Complaint Manager to gather additional information for the Board. Within 5 school business days of the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action by first class U.S. mail as well as to the Complaint Manager. For complaints containing allegations involving the Superintendent or a member of the Board of Education, the Board shall mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager.

This policy 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.

Appointing Nondiscrimination Coordinator and 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 two 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:

Name	Scott Vance
Address	100 East Knox, Morrison, IL. 61270
Telephone	815-772-2064
Email	scott.vance@morrisonsschools.org

Complaint Managers:

Name	Joe Robbins
Address	300 Academic Drive, Morrison, IL. 61270
Telephone	815-772-7264
Email	joe.robbsins@morrisonsschools.org

Name	Jennifer Streets
Address	643 Genesee Avenue, Morrison, IL. 61270
Telephone	815-772-4071
Email	jennifer.streets@morrisonsschools.org

The Superintendent shall use reasonable measures to inform staff members and students of this policy.

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.
Americans With Disabilities Act, 42 U.S.C. §12101 et seq.
Equal Employment Opportunities Act (Title VII of the Civil Rights Act), 42 U.S.C. §2000e et seq.
Equal Pay Act, 29 U.S.C. §206(d). Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
Immigration Reform and Control Act, 8 U.S.C. §1324a et seq.
McKinney Homeless Assistance Act, 42 U.S.C. §811431 et seq.
Rehabilitation Act of 1973, 29 U.S.C. §791 et seq.
Title VI of the Civil Rights Act, 42 U.S.C. §2000d et seq.
Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.
State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a). 105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-20.60, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.
Illinois Genetic Information Privacy Act, 410 ILCS 513/.
Illinois Whistleblower Act, 740 ILCS 174/.
Illinois Human Rights Act, 775 ILCS 5/.
Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill.Admin.Code Part 280.
Equal Pay Act of 2003, 820 ILCS 112.
Employee Credit Privacy Act, 820 ILCS 70/.
23 Ill.Admin.Code §§ 1.240, 200-40.

CROSS REF.: 2:105 (Ethics and Gift Ban), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:30 (Hiring Process and Criteria), 6:120 (Education of Children with Disabilities), 6:140 (Education of Homeless Children), 6:170 (Title I Programs), 6:260 (Complaints About Curriculum, Instructional Materials, and Programs), 7:10 (Equal Educational Opportunities), 7:15 (Student and Family Privacy Rights), 7:20 (Harassment of Students Prohibited), 7:180 (Prevention of and Response to Bullying), 7:190 (Student Behavior), 7:310 (Restrictions on Publications), 8:70 (Accommodating Individuals with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Concerns)

ADOPTED: March 2018