

NOTICE OF NONDISCRIMINATION AND INTERNAL COMPLAINT PROCEDURES  
(INCLUDING TITLE VI, TITLE VII, AND TITLE IX)

**Nondiscrimination**

The Board of Education does not discriminate on the basis of the Protected Classes of race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information in its educational programs or activities.

The Board also does not discriminate in its employment policies and practices as they relate to students and does not tolerate harassment of any kind.

Equal educational opportunities are available to all students, without regard to race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), religion, ancestry, place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

**Complaint Procedure**

If a person believes that s/he has been discriminated/retaliated against or denied equal opportunity or access to the District's programs, activities or services, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

The following individual(s) is/are designated as the District's Compliance Officers (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

**[NOTE: School Districts are advised to appoint both a male and a female CO in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator). Additionally, by appointing two COs, there should always be a CO available to investigate a claim of discrimination that pertains to the other CO.]**

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(Name)

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(Name)

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(School District Title)

\_\_\_\_\_  
(School District Title)

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(Telephone Number)

\_\_\_\_\_  
(Telephone Number)

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(Office Address)

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(Office Address)

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(E-mail Address)

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(E-mail Address)

The individual may also, at any time, contact the U.S. Department of Education, Office for Civil Rights, Cleveland Office, 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44114-2611; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: <http://www.ed.gov/ocr>.

### **Internal Complaint Procedures**

Members of the School District community, which includes students, or third parties who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process has begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR").

### **Informal Complaint Procedure**

A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the COs. The COs will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 2260 – Non-Discrimination as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. Parties may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedures**

A student who believes s/he has been subjected to unlawful discrimination/retaliation ("Complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District employee at the student's school, the CO, Superintendent, or another District employee who works at another school or at the District level.

Formal complaints should include the following information to the extent it is available: the identity of the individual believed to have engaged in; or be engaging in, the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant. If the Complainant is unwilling or unable to provide a written statement, the CO shall interview the Complainant and prepare a written summary of the oral interview, and ask the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory/retaliatory conduct ("Respondent") that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 – Non-Discrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. As part of the investigation, the CO will:

- A. interview the Complainant;
- B. interview the Respondent;
- C. interview any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consider any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

**[OPTION #1 ]**

The decision of the Superintendent shall be final.

**OR**

**[OPTION #2]**

A Complainant or Respondent who is dissatisfied with the Superintendent's final decision may appeal through a signed written statement to the Board within five (5) business days of his/her receipt of the Superintendent's final decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. At the Board's discretion and as may be appropriate to the circumstances, the Board may meet separately with each of the concerned parties. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

The complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of the internal complaint procedures is not a prerequisite to the pursuit of other remedies.

The CO will provide a copy of the District's complaint procedure to any person who files a complaint and will investigate all complaints in accordance with this procedure.

A copy of each of the Acts and the regulations on which this notice is based may be found in the CO's office.

**Prohibition Against Retaliation**

The Board will not retaliate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice made unlawfully by any Federal or State civil rights laws, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

12/17/12

5/19/14