

# Superintendent Procedure 3210SP.B and 5010SP Discrimination Complaint Process

Approved by: s/Larry Nyland Date: 5/9/16

Dr. Larry Nyland, Superintendent



## A. INTRODUCTION

Seattle Public Schools (“District”) is committed to nondiscrimination in all of its education and employment activities. Discrimination has no place in District schools or workplace. The Superintendent, in compliance with federal and state regulations and Board Policy 5010 and Policy 3210, has established this procedure for resolving discrimination complaints.

Students, parents, employees, or other individuals may use this procedure to file a complaint pertaining to discrimination on the basis of sex (gender); race; creed; color; religion; ancestry; national origin; age; economic status; sexual orientation including gender expression or identity; pregnancy ; marital status; physical appearance; the presence of any sensory, mental or physical disability; honorably discharged veteran or military status; or the use of a trained dog guide or service animal by a person with a disability.

## B. INVESTIGATIONS

Complaints of discrimination will be taken seriously and will be investigated.

Designated Investigator – For all formal complaints brought under this procedure, the Superintendent has designated the following office to investigate:

When a District staff member or applicant alleges discrimination: **Human Resources (HR)**

When a student, parent, or other individual alleges discrimination: **Office of Student Civil Rights (OSCR)**

If the complaint is against a designated investigator from HR or OSCR, the investigator of the complaint shall be that person’s immediate supervisor or an impartial internal or external investigator.

The District shall, at a minimum, publish annual notice in a manner which is reasonably calculated to inform all students, parents, and employees of the name, office address, and telephone number of the offices designated to investigate under this policy.

## C. COMPLAINTS

Complaints may be in the form of an informal complaint, where a person submits an oral complaint or an unsigned written complaint, or a formal complaint, which shall be in writing and signed.

1. Informal Complaint Process – Anyone may use these informal procedures to report and resolve complaints of discrimination. Complaints may be made orally, in writing, and may also be made anonymously. Complainants should understand that an anonymous complaint might not be resolved to the complainant’s satisfaction due to the limitations placed on the investigation by the anonymity. All attempts shall be made to keep the identity of the complainant confidential, although confidentiality cannot be guaranteed.
2. Formal Complaint Process – Anyone may initiate a formal complaint of discrimination even if the informal complaint process was initially utilized. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions, or circumstances alleged to have occurred that constitute discrimination.

Complainants shall be informed that due process requirements may require that the District release all of the information regarding the complaint to the accused, thus the identity of the complainant may not remain confidential. The District will, however, fully implement the anti-retaliation provisions contained within District policy to protect both complainants and witnesses.

Upon receipt of the complaint, an investigator from HR or OSCR will investigate the allegations and effect a prompt resolution of the complaint. When the investigation is complete, the investigator will provide the Superintendent with a full written report of the complaint and the results of the investigation.

The Superintendent will respond in writing to a formal complaint no later than thirty (30) calendar days following the district’s receipt of the complaint, unless otherwise agreed to by the complainant. The Superintendent’s written response shall clearly state whether the District:

- (1) Denies the allegations contained in the complaint; or
- (2) Confirms the allegations and lists the corrective measures that the District intends to take to eliminate the discrimination.

The Superintendent’s response shall also include notice of the complainant’s right to appeal to the school board as set forth in state law and this policy, including an identification of where and to whom the appeal shall be filed.

Corrective measures deemed necessary by the Superintendent, in consultation with other appropriate District staff, will be instituted as quickly as possible, but in no event later than thirty (30) calendar days after the Superintendent's written response, unless the accused is appealing the imposition of discipline and the District is prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

3. Bargaining Agreements – Nothing in the complaint procedure prohibits the processing of grievances by an employee bargaining representative and/or a member of a bargaining unit pursuant to grievance procedures established at the District level by local bargaining agreement.

#### D. DISCIPLINE/REMEDIAL ACTION

The District will take prompt, equitable, and remedial action within its authority on formal and informal complaints alleging discrimination that come to the attention of the District. Engaging in discrimination will result in appropriate discipline or other sanctions against offending staff. Others who engage in discrimination on District property or while at District activities may have access to District property and activities restricted or contracts cancelled, as appropriate. The District affirms its commitment that persons found to have been subjected to discrimination will have appropriate District services made reasonably available to them and adverse consequences of the discrimination shall be reviewed and remedied as appropriate.

#### E. APPEAL PROCEDURE

##### Level One

If a complainant remains aggrieved as a result of the action or inaction of the Superintendent, the complainant may appeal to the School Board ("Board") by filing a written notice of appeal with the Secretary of the School Board, who shall direct it to the Board Office, on or before the tenth (10<sup>th</sup>) calendar day following the date upon which the complainant received the Superintendent's response. In the event the Superintendent does not timely respond to a complaint, the complainant's appeal shall be filed with the Secretary of the School Board on or before the tenth (10<sup>th</sup>) calendar day following the expiration of the thirty (30<sup>th</sup>) calendar day response period specified above.

An appeal before the Board shall be heard on or before the twentieth (20<sup>th</sup>) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the Superintendent, or for good cause. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant and the Superintendent, or for good cause, the Board shall render a written decision on or before the tenth (10<sup>th</sup>) calendar day following the termination of the hearing and shall provide a copy to all parties involved. The written decision shall include notice of the complainant's right to appeal to the Office of the Superintendent of Public Instruction as set forth below.

## Level Two

If a complainant remains aggrieved as a result of the Board's decision in resolving a complaint, the complainant may appeal to the Office of the Superintendent of Public Instruction by filing a written notice of appeal with the Superintendent of Public Instruction by the twentieth (20<sup>th</sup>) calendar day following the date upon which the complainant received written notice of the Board's decision. Such appeal shall be in writing, include a concise statement of the Board's decision that is being appealed, and the relief requested.

### F. TRAINING

All District orientation sessions for staff and volunteers shall introduce the elements of this procedure. District staff and volunteers will be provided information on recognizing and preventing discrimination and shall be fully informed of the formal and informal complaint processes and their roles and responsibilities under this procedure.

Approved: May 2016

Revised:

Cross Reference: 2015; 2020; 2030; 2140; 2150; 5010; Superintendent Procedure 3210SP.A