

BOARD OF EDUCATION

2:260 Uniform Grievance Procedure

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 its agents have violated his or her rights regarding any one of the following:

1. Title II of the Americans with Disabilities Act, [42 U.S.C. §12101](#) *et seq.*
2. Title IX of the Education Amendments of 1972, [20 U.S.C. §1681](#) *et seq.*, excluding Title IX sexual harassment complaints, which are governed by policy 2:265, *Title IX Sexual Harassment Grievance Procedure*
3. Section 504 of the Rehabilitation Act of 1973, [29 U.S.C. §791](#) *et seq.*
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. State Officials and Employees Ethics Act, [5 ILCS 430/70-5\(a\)](#);
7. Illinois Human Rights Act, [775 ILCS 5/](#);
8. Title VII of the Civil Rights Act of 1964, [42 U.S.C. §2000e](#) *et seq.*
9. Breastfeeding accommodations for students, [105 ILCS 5/10-20.60](#)
10. Victims' Economic Security and Safety Act, [820 ILCS 180/](#)
11. Illinois Equal Pay Act of 2003, [820 ILCS 112/](#)
12. Illinois Whistleblower Act, [740 ILCS 174/](#)
13. Misuse of genetic information prohibited by the (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.*

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forego any informal suggestions and/or attempts to resolve it and may proceed directly to this grievance procedure. The Complaint Manager 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 under this policy 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 policy 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 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.

Investigation Process

The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student, the Complaint Manager will notify his or her parents/guardians 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 (4) as authorized by the parent/guardian of the Complainant, or by the Complainant if he or she is 18 years of age or older.

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 or age or older.

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this policy about the status of the investigation. Within 30 school business days after the date the complaint was filed, the Complaint Manager shall file a written report of his or her findings with the Superintendent. The Complaint Manager may extend this timeframe as he or she deems appropriate.

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

Decision and Appeal

Within five school business days after receiving the Complaint Manager's report, the Superintendent shall issue a written decision, which shall be sent via first class U.S. mail to the Complainant and the Complaint Manager. 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 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 of Education.

Within 30 school business days of receipt of the written appeal, the Board shall affirm, reverse, or amend the Superintendent's decision or direct the Superintendent to gather additional information. The Board may extend this timeframe as the Board deems appropriate. Within five school business days after the Board's decision, the Superintendent shall inform the Complainant and the accused of the Board's action.

For complaints containing allegations involving the Superintendent or Board member(s), within 30 school business days after receiving the Complaint Manager's or outside investigator's report, the Board shall issue a written decision, which shall be sent via first class U.S. mail to the Complainant, the accused, and the Complaint Manager. The Board may extend this time frame as the Board deems appropriate.

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

Appointing a 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 two Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator, if any, may be appointed a Complaint Manager. The Superintendent shall insert into policy exhibit 2:260-E (*Non-Discrimination Coordinator and Complaint Managers*), the names, office addresses, email addresses, and telephone numbers of current Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers. The Superintendent or designee shall ensure that students, parents/guardians, employees, and members of the community are informed of the contact information for the District's Nondiscrimination Coordinator and Complaint Managers on an annual basis.

Nondiscrimination Coordinator:

Beatrice Davis
1500 McDaniel Ave. Evanston, IL 60201
davisb@district65.net
847-859-8021

Complaint Managers:

Beatrice Davis	Raphael Obafemi
1500 McDaniel Ave., Evanston, IL 60201	1500 McDaniel Ave., Evanston, IL 60201
davisb@district65.net	obafemir@district65.net
847-859-8021	847-859-8041

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.*

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.*; [34 C.F.R. Part 106](#)

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](#), 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](#) and [200.40](#).

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance Procedure), 5:10 (Equal Employment Opportunity and Minority Recruitment), 5:20 (Workplace Harassment Prohibited), 5:90 (Abused and Neglected Child Reporting), 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, Intimidation, and Harassment), 7:185 (Teen Dating Violence Prohibited), 7:310 (Restrictions on Publications; Elementary Schools), 8:70 (Accommodating Individuals with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Concerns)

ADOPTED: October 19, 2015

AMENDED: January 22, 2018; March 19, 2018; October 29, 2018; March 23, 2020; August 31, 2020

Evanston/Skokie SD 65
