Nondiscrimination

Discrimination Complaint Process
The Bellevue School District (District) is committed to nondiscrimination in all of its education programs and activities. The superintendent, in compliance with federal and state regulations and Board Policy 3210, has established this procedure for resolving discrimination complaints.

The superintendent has designated the Director of Employee Relations as compliance officer for Policy 3210 and this procedure.

This complaint procedure is designed to enable the District to reach appropriate resolution of allegations regarding violations of federal or state anti-discrimination laws and/or discriminatory harassment. This grievance procedure will apply to the general conditions of the nondiscrimination policy. As used in this procedure:

A. **Discriminatory harassment** includes conduct that is based on a student’s status as a member of a protected class and is sufficiently severe, persistent, or pervasive that it limits or denies a student’s ability to participate in or benefit from the school’s education programs or activities.

B. **Grievance** will mean a complaint which has been filed by a student, parent/guardian, or other individual (complainant) relating to alleged violations of any state or federal anti-discrimination laws; and

C. **Complaint** will mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A respondent will mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken.

Process for Resolution

A. **Informal Complaint Process**
Anyone with an allegation of discrimination and/or discriminatory harassment may request an informal meeting with the employee responsible for the program, event, action, or decision that the allegation is based on. Such a meeting will be at the option of the complainant to report complaints of discrimination and/or discriminatory harassment. Complainants with an allegation of racial discrimination and/or discriminatory harassment may seek the assistance of the Equity Department in advancing the complaint to the appropriate person.

B. **Formal Complaint Process**
Anyone may initiate a formal complaint of discrimination and/or discriminatory harassment even if the informal complaint process was initially utilized. All formal complaints shall be in writing, shall be signed by the complainant and set forth the specific acts, conditions or circumstances alleged to be in violation. Upon receipt of a complaint, the Director of Employee Relations will direct the complaint to the appropriate lead staff member for investigation. The district and complainant may agree to resolve the complaint in lieu of an investigation.
If a complaint of harassment, intimidation, or bullying (HIB) indicates potential discrimination or harassment based on any protected class, or if an HIB investigator becomes aware of potential discrimination during an HIB investigation, the HIB investigator must inform the Director of Employee Relations. Upon receipt of this information, the Director of Employee Relations must notify the complainant that their complaint will proceed under both Policy 3207 (Harassment, Intimidation and Bullying) and Policy 3210 (Nondiscrimination) complaint procedures. Staff are reminded that the complaint procedures for HIB and Nondiscrimination have different timelines and requirements.

When the investigation is complete, the appropriate lead staff member will provide the Director of Employee Relations with the results of the investigation. The Director of Employee Relations 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 the complainant as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant. The response of the Superintendent will include notice of the complainant’s right to appeal to the School Board and will identify where and to whom the appeal must be filed.

The Superintendent’s written response will clearly state whether the District:

1. Denies the allegations contained in the complaint; or
2. Confirms the allegations and lists the reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within the district.

Such corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the Superintendent's mailing of a written response to the complaining party, unless otherwise agreed to by the complainant.

**Appeal Procedure**

**A. Level One**

If a complainant disagrees with the Superintendent’s written decision or if the Superintendent fails to respond, the complainant may appeal to the district Board of Directors by filing a written notice of appeal with the secretary of the School Board on or before the tenth (10th) calendar day following:

1. The date upon which the complainant received the superintendent's response; or
2. The expiration of the thirty (30)-calendar day response period specified in Section B above.

The Board will schedule a hearing to commence on or before the twentieth (20th) 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 will 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, the Board will render a written decision by the tenth (10th) calendar day following the termination of the hearing and will provide a copy to all parties involved. The written decision will include notice of the complainant’s right to appeal to the Superintendent of Public Instruction as set forth below.
B. Level Two

If a complainant disagrees with the decision of the Board of Directors in resolving a complaint, the complainant may appeal the Board's decision to the Superintendent of Public Instruction.

1. A notice of appeal must be received by the Superintendent of Public Instruction on or before the twentieth (20th) day following the date upon which the complainant received written notice of the Board of Directors' decision.

2. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:
   a. A concise statement of the original complaint and the portions of the Board of Director’s decision which is appealed; and
   b. The relief requested by the complainant.

If the complainant remains aggrieved they may seek resolution with federal or state agencies empowered with the authority to resolve such complaint.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the director of equity for a period of six years.

Training

The Superintendent shall ensure that District makes staff and volunteers aware of this procedure. Staff and volunteers will be provided information on recognizing and preventing discrimination and shall be informed of the formal and informal complaint processes and their roles and responsibilities under this procedure and to raise awareness and eliminate bias based on all protected classes.

Date 9.14, 10.15