

BOARD OF EDUCATION

2:260 School Board Uniform Grievance Procedure

Any student, parent/guardian, employee, or community member has the right to report or file a complaint that the Board of Education, its employees, or its agents have violated the rights of any student, parent/guardian, employee, or community member guaranteed by the State or federal Constitution, State or federal statute, or Board policy, including 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 addressed under policy 2:265, *Title IX Sexual Harassment Grievance Policy*
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. Sexual harassment prohibited by the State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a); Illinois Human Rights Act, 775 ILCS 5/; and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (Title IX sexual harassment complaints are addressed under policy 2:265, *Title IX Sexual Harassment Grievance Procedure*)
7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7
9. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
11. Victims' Economic Security and Safety Act, 820 ILCS 180/
12. Illinois Equal Pay Act of 2003, 820 ILCS 112/
13. Provision of services to homeless students
14. Illinois Whistleblower Act, 740 ILCS 174/
15. Misuse of genetic information prohibited by the Illinois Genetic Information Privacy Act, 410 ILCS 513/; and Titles I and II of the Genetic Information Nondiscrimination Act, 42 U.S.C. §2000ff et seq.
16. Employee Credit Privacy Act, 820 ILCS 70/

If the reporting party is different than the party alleged to have been the victim of the misconduct, the person who is the alleged victim of the misconduct (the "Complainant") will typically be the person entitled to the rights for the Complainant outlined in this policy, including the right to participate in the processes outlined in this policy. In the rare circumstances in which the reporting party has rights recognized by law or Board policy, the reporting party also will be a "Complainant" under this policy and will have all related rights.

Right to Pursue Other Remedies Not Impaired

The right of a person to prompt and equitable resolution of a report or complaint under this policy will not be impaired by the person's pursuit of other remedies, e.g., criminal complaints, civil actions, etc., although temporary delays may be warranted in the discretion of the District, particularly for concurrent law enforcement investigations. 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 based on the same or similar

operative facts as a complaint under this policy, the District has the discretion to continue with a simultaneous investigation under this policy and will do so in all cases required by law.

Deadlines

If a report is made or a complaint is filed under this policy, a Nondiscrimination Coordinator, Complaint Manager, or designee will address the complaint promptly and equitably. All deadlines under this policy may be extended as deemed appropriate by the administrator responsible for meeting the deadline under this policy. As used in this policy, *school business days* means days on which the District's main office is open.

Informal Resolution

The Nondiscrimination Coordinator or Complaint Manager has the discretion to attempt to resolve reports and complaints of misconduct covered by this policy informally without resorting to the grievance procedures in this policy. Parties to reports or complaints under this policy must voluntarily agree to engage in any informal resolution, may refuse any offer of informal resolution, and may withdraw from any informal resolution process at any time prior to an agreement being reached. The District does not require Complainants to attempt to resolve allegations directly with individuals accused of misconduct (the "Respondent") or their representatives

Reports and Complaints

To request use of this grievance procedure, a person should make a report or file a complaint with a District Nondiscrimination Coordinator or Complaint Manager. No person is required to make a report or file a complaint with a particular Nondiscrimination Coordinator or Complaint Manager; individuals may request to speak to a Nondiscrimination Coordinator or Complaint Manager of the same gender. Any employee who receives a report or complaint of conduct covered by this policy must report the conduct to the Nondiscrimination Coordinator or Complaint Manager.

For reports, the Nondiscrimination Coordinator, Complaint Manager, or designee may request a written statement and/or completion of a written complaint form regarding the report. The Nondiscrimination Coordinator, Complaint Manager, or designee may require a meeting with the Complainant and/or the Complainant's parent(s)/guardian(s) in relation to a report or complaint. The following grievance process will be used to address complaints of misconduct covered by this policy unless another policy or document, including a collective bargaining agreement, prescribes a different complaint process for the conduct or concern at issue. In some cases, the Nondiscrimination Coordinator, Complaint Manager, or designee must consider other applicable policies when addressing complaints of misconduct covered by this policy. For example:

- Board policy 7:180, addressing complaints of bullying, intimidation, and harassment (when this policy and policy 7:180 are implicated, the reasonable timeframe for completing the investigation will be the timeframes under this policy)
- Board policy 5:20, addressing workplace harassment
- Board policy 5:90, addressing reporting under the Abused and Neglected Child Report Act ("ANCRA")
- Board policy 7:190, addressing procedures required for suspensions and expulsions

Intake Process

If attempts at informal resolution are not successful or appropriate, the Nondiscrimination Coordinator, Complaint Manager, or designee will offer the Complainant an opportunity to file a complaint under this policy. The Nondiscrimination Coordinator, Complaint Manager, or designee will notify the

Complainant and any applicable witnesses of any limitations on confidentiality, including that if the District has notice of prohibited conduct that creates a risk for students, employees or other members of the District community other than the Complainant, or if sharing the identity of the Complainant or witness is necessary to complete an investigation into a complaint, the District may not be able to respect a request to maintain the confidentiality of the Complainant. The complaint and identity of the Complainant and any witnesses will not be disclosed except: (1) as required by law, this policy, or any collective bargaining agreement, (2) as necessary to fully investigate the complaint or implement interim measures, or (3) as authorized by the relevant person (Complainant or witness).

If a complaint is filed, the Nondiscrimination Coordinator, Complaint Manager, or designee will consider whether the conduct, if true, would be conduct covered by this policy. If so, the Nondiscrimination Coordinator, Complaint Manager, or designee will investigate the complaint or appoint another qualified individual to investigate the matter.

If no complaint is filed, the Nondiscrimination Coordinator, Complaint Manager, or designee will consider whether to open an investigation even without the filing of a complaint. An investigation may be warranted if the reported conduct involves allegations against an employee, multiple allegations against the same alleged perpetrator, or creates a risk to the safety of the general District community.

Investigation Process

During an investigation, the Nondiscrimination Coordinator, Complaint Manager, or designee assigned to conduct the investigation (the "Investigator") will provide both parties an equal opportunity to present evidence. If a party or witness is a student under 18 years of age, the Investigator has the discretion to include the student's parent(s)/guardian(s) during investigatory meetings involving the student. Nothing herein limits the right of school employees to hold investigatory meetings with students under the right of *in loco parentis*.

The Investigator will inform, at regular intervals, the parties about the status of the investigation.

Within 60 school business days after the date the complaint was filed, the Investigator will prepare a written document summarizing the investigation and the Investigator's recommendations. All decisions will be based upon the *preponderance of evidence* (more likely than not) standard.

For minor infractions, which are matters of a severity which, for example, (for students) typically would be handled by a student's teacher or Assistant Principal/Dean of Students or (for employees) an employee's direct supervisor, the investigator's summary can be informal (such as, for students, a suspension notice). The summary will be the final step in this *General Grievance Process*, subject only to review/appeal options available to students, employees, and third parties under generally applicable policies and procedures, handbooks, collective bargaining agreements, contracts, etc. for discipline imposed.

For more serious infractions, which are matters of a severity that (for both students and employees) typically are escalated to the building principal or a District administrator for resolution, the Investigator's summary should be in the form of an investigation report. If the investigation is completed by someone other than the Nondiscrimination Coordinator or Complaint Manager, the Investigator will submit the report to the Nondiscrimination Coordinator, Complaint Manager, or designee, who will review the report to confirm if the matter is a more serious infraction. If the Nondiscrimination Coordinator, Complaint Manager, or designee disagrees with the Investigator's assessment that the matter is a more serious infraction, the matter will be returned to the building level for processing as a minor infraction.

If the Nondiscrimination Coordinator, Complaint Manager, or designee agrees that the matter is a

more serious infraction, the Nondiscrimination Coordinator or Complaint Manager will forward the Investigator's report to the Superintendent for review. If the complaint contains allegations involving the Superintendent or one or more Board members, the report will be forwarded to the President of the Board for Board review.

Decision and Appeal

Within five school business days after receiving the Investigator's report for a more serious infraction, the Superintendent (or the Board, if the complaint contains allegations involving the Superintendent or one or more Board members) will mail a written determination to the Complainant and the Respondent by registered mail, return receipt requested, and/or personal delivery, with a copy to the Nondiscrimination Coordinator or Complaint Manager. All decisions will be based on the *preponderance of evidence* (more likely than not) standard.

Within 10 school business days after receiving the Superintendent's (or Board's) decision, the Complainant or the Respondent may appeal the decision to the Board by making a written request to the Nondiscrimination Coordinator or Complaint Manager. Upon receipt of an appeal, the Nondiscrimination Coordinator, Complaint Manager, or designee will promptly forward materials relevant to the complaint to the Board.

Within 30 school business days after receipt of an appeal of the Superintendent's (or Board's) decision, the Board or a designee will affirm, reverse, or amend the Superintendent's (or Board's) decision or direct the Superintendent (or Board) to reopen the investigation process for gathering additional information. If the investigation is reopened, a new Investigator report, Superintendent written determination, and opportunity to appeal will be provided. Within five school business days after the Board's appeal decision, the Board or a designee will mail its written appeal decision to the Complainant and the Respondent by registered mail, return receipt requested, and/or personal delivery, with a copy to the Investigator.

For matters involving controversies arising under Illinois school law, the parties may have rights to appeal the Board's decision to the Regional Superintendent pursuant to Section 3-10 of the School Code and, thereafter, to the State Superintendent pursuant to Section 2-3.8 of the School Code.

This policy will not be construed to create an independent right to a hearing before the Superintendent or Board. The failure to strictly follow the procedures or other timelines in this grievance procedure does not automatically prejudice a party or impact the outcome of the process.

Appointing Nondiscrimination Coordinators and Complaint Managers

The Superintendent will appoint a Nondiscrimination Coordinator to manage the District's compliance with this policy. The Nondiscrimination Coordinator also serves as the District's Title IX Coordinator.

The Superintendent will appoint at least one Complaint Manager to administer 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 will insert into this policy and keep current the names, office addresses, email addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator/Title IX Coordinator:

Dr. Brian Kaye

1200 S. Dunton Ave., Arlington Heights,
2:260

IL 60005

bkaye@sd25.org

847-758-4910

Complaint Managers:

Dr. Brian Kaye

1200 S. Dunton Ave., Arlington Heights,
IL 60005

bkaye@sd25.org

847-758-4910

Ms. Diane Kaffka

1200 S. Dunton Ave., Arlington Heights, IL
60005

dkaffka@sd25.org

847-758-4875

LEGAL REF.:

8 U.S.C. §1324a et seq., Immigration Reform and Control Act.

20 U.S.C. §1232g, Family Education Rights Privacy Act.

20 U.S.C. §1400, The Individuals with Disabilities Education Act.

20 U.S.C. §1681 et seq., Title IX of the Education Amendments; 34 C.F.R. Part 106.

29 U.S.C. §206(d), Equal Pay Act.

29 U.S.C. §621 et seq., Age Discrimination in Employment Act.

29 U.S.C. §791 et seq., Rehabilitation Act of 1973.

29 U.S.C. §2612, Family and Medical Leave Act.

42 U.S.C. §2000d et seq., Title VI of the Civil Rights Act.

42 U.S.C. §2000e et seq., Equal Employment Opportunities Act (Title VII of the Civil Rights Act).

42 U.S.C. §2000ff et seq., Genetic Information Nondiscrimination Act.

42 U.S.C. §11431 et seq., McKinney-Vento Homeless Assistance Act.

42 U.S.C. §12101 et seq., Americans With Disabilities Act.

105 ILCS 5/2-3.8, 5/3-10, 5/10-20, 5/10-20.5, 5/10-20.7a, 5/10-20.60, 5/10-20.69 5/10-20.75 (final citation pending), 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7, and 45/1-15.

5 ILCS 415/10(a)(2), Government Severance Pay Act.

5 ILCS 430/70-5(a), State Officials and Employees Ethics Act.

410 ILCS 513/, Ill. Genetic Information Privacy Act.

740 ILCS 174/, Whistleblower Act.

740 ILCS 175/, Ill. False Claims Act.

775 ILCS 5/, Ill. Human Rights Act.

820 ILCS 180/, Victims' Economic Security and Safety Act; 56 Ill.Admin.Code Part 280.

820 ILCS 112/, Equal Pay Act of 2003.

820 ILCS 70/, Employee Credit Privacy Act, 70/10(b), and 70/25

23 Ill.Admin.Code §§1.240, 200.40, 226.50, and 226.570.

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), 5:30 (Hiring Process and Criteria), 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), 7:315 (Restrictions on Publications; High Schools), 8:70 (Accommodating Individuals with Disabilities), 8:95 (Parental Involvement), 8:110 (Public Suggestions and Concerns)

Adopted: September 27, 2022

Arlington Heights SD 25
