

**GRIEVANCE PROCEDURE FOR  
FILING, PROCESSING AND RESOLVING COMPLAINTS  
ALLEGING DISCRIMINATION, HARASSMENT AND RETALIATION**

Definitions

Complaint: A verbal or written complaint alleging any action, policy, procedure or practice that discriminates on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment and retaliation).

Grievant: Any person enrolled in or employed by the district or a parent, guardian, or member of the public who submits a complaint alleging discrimination based on race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information (including harassment or retaliation). For purposes of this policy, a parent or guardian's complaint or grievance shall be handled in the same manner as a student's complaint would be.

Coordinator(s): The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act and any other state and federal laws addressing equal educational opportunity. The Coordinator under Title VI, IX, Section 504/Title II and the Age Act is responsible for processing complaints and serves as moderator and recorder during hearings. The Coordinator of each statutory scheme may be the same person or different persons, but each coordinator will receive relevant training in order to perform his/her duties.

Section 504/Title II Coordinators (for questions or complaints based on disability)

Superintendent  
Midway Public Schools  
P.O. Box 127  
Council Hill, OK 74428-0127

Title VI Coordinators (for questions or complaints based on race, color and national origin)

Superintendent  
Midway Public Schools  
P.O. Box 127  
Council Hill, OK 74428-0127

Title IX Coordinators (for questions or complaints based on sex, pregnancy, gender, gender expression or identity)

Superintendent  
Midway Public Schools  
P.O. Box 127  
Council Hill, OK 74428-0127

Age Act Coordinators (for questions or complaints based on age)

Superintendent  
Midway Public Schools  
P.O. Box 127  
Council Hill, OK 74428-0127

Any individual who has experienced some other form of discrimination, including discrimination not listed above, may contact:

Superintendent  
Midway Public Schools  
P.O. Box 127  
Council Hill, OK 74428-0127

**Respondent:** The person alleged to be responsible for the alleged discrimination contained in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.

**Day:** Day means a working day when the district's main administrative offices are open. The calculation of days in complaint processing shall exclude Saturdays, Sundays and legal holidays.

#### Pre-Filing Procedures

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the building principal or the District's Title IX, ADA, Title VI and VII or 504 Coordinator, as applicable, and reasonable effort should be made at this level to resolve the problem or complaint.

#### Informal Resolutions

If the District Coordinator believes informal resolution is appropriate for a disclosed problem or a filed complaint, he or she will notify the complaining party of the availability of informal resolution. Participation in informal resolution is not required by the District and informal resolution will not require that the allegation be resolved directly with an alleged harasser without the District Coordinator. Informal resolution will not be permitted in instances where there is an alleged instanced of sexual assault. If both the complaining party and the alleged harasser voluntarily agree to informal resolution after allegations are fully disclosed and both parties are informed of their right to proceed with a grievance, the district may initiate informal proceedings to resolve the problem or complaint. Either party may terminate informal proceedings at any time in favor of proceeding with a grievance. All timeframes under the grievance procedure will toll while the problem or complaint is pending informal resolution.

## Filing, Investigation, Hearing and Review Procedures

The Grievant submits a verbal or written complaint to one of the Coordinators, as applicable, stating the basis, nature and date of the alleged discrimination, harassment or retaliation, the names of persons responsible (where known) and requested action. If the applicable Coordinator is the person alleged to have committed the discriminatory act(s), then the complaint should be submitted to the superintendent for assignment. Complaint forms are available from the offices of the district's Coordinators.

The Coordinator conducts a complete and impartial investigation within 10 days of receiving the complaint, to the extent reasonably possible, which shall include but not be limited to, interviewing the Grievant and any witnesses, review of documents and interviewing the Respondent. The Coordinator will ask the Respondent to (a) confirm or deny facts; (b) indicate acceptance or rejection of the Grievant's requested action; and (c) outline alternatives.

The Coordinator will not delay the investigation of the discrimination complaint, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations, and the Coordinator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by the district's grievance policy.

As to complaints of discrimination by students, parents or guardians and school employees, the Coordinator will disclose the complaint, the identity of the Grievant and information regarding the person who allegedly committed the discriminatory act only to the extent necessary to fully investigate the complaint and only when the disclosure is required or permitted by law. If a Grievant wishes to remain anonymous, the Coordinator will advise him or her that such confidentiality may limit the district's ability to fully respond to the complaint. If a Grievant asks to remain anonymous, the Coordinator will still proceed with the investigation.

Within 5 days after completing the investigation, the applicable Coordinator will issue a written decision to the Grievant and Respondent. The report will include (a) a summary of facts, (b) an analysis of the appropriate legal standards applied to the facts, and (c) findings regarding whether the alleged discrimination occurred. If a finding is made that discrimination occurred, the Coordinator's report shall also contain (a) recommended interim and permanent steps, including examples of the range of possible disciplinary sanctions and remedies available to address the discriminatory effects on the grievant and other, necessary to eliminate the discrimination, prevent its reoccurrence, and remedy its effects, as well as (b) the resources, including medical and counseling resources, that are available to students and witnesses. The decision will be based on a preponderance of evidence standard (i.e., it is more likely than not that the alleged discrimination occurred).

If the Grievant or Respondent is not satisfied with the decision, he or she must notify the applicable Coordinator, in writing, within 5 days and request an appeal to the superintendent. The written appeal shall contain a specific statement explaining the basis for the appeal.

Within 5 days after receiving the appeal request, the applicable Coordinator will refer the matter to the superintendent for a hearing. The Grievant and Respondent will be afforded

similar rights (i.e., timely access to information that will be used at the hearing, opportunity to present his or her side of the story, presentation of character witnesses, review of party statements). If the superintendent is the person alleged to have committed the discriminatory act(s), then a different decision maker will be appointed to maintain impartiality. The Coordinator will schedule the hearing with the Grievant, the Respondent and the superintendent. Advanced written notice of the hearing will be provided to both the Grievant and Respondent so as to provide each reasonable time to prepare for such hearing. The hearing will be conducted within 10 days after the Coordinator refers the matter to the superintendent for hearing.

The superintendent will review the information collected through the investigation and may ask for additional oral or written evidence from the parties and any other individual he or she deems relevant. The applicable Coordinator will make arrangements to audiotape any oral evidence presented. In circumstances involving allegations of sexual harassment, the Coordinator may determine that it is appropriate and reasonable to separate the individual who is allegedly being sexually harassed from the alleged harasser in the hearing.

Within 5 days after completing the investigation the superintendent will issue a written decision to the Grievant and Respondent.

#### General Provisions

Duty of District Employees to Report Alleged Discrimination: District employees, supervisors and administrators are required to immediately report any complaints, reports, observations, or other alleged information of alleged discrimination, including harassment and retaliation, to the designated coordinator, even if that district employee is investigating the alleged discrimination as part of the district's student or employee disciplinary process, and provide the Complainant with information for filing a complaint form if requested, and contact information for the district's designated coordinator. If the district is using its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the district's standards for a prompt and equitable grievance procedure.

Extension of Time: Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date the complaint is filed until the board of education issues a final decision shall be no more than 120 days.

Access to Regulations: Upon request, the Coordinator shall provide copies of any regulations prohibiting discrimination on the basis of race, color, sex, pregnancy, gender, gender expression or identity, national origin, religion, disability, veteran status, sexual orientation, age, or genetic information.

Confidentiality of Records: Complaint records will remain confidential, to the extent allowed by law, unless permission is given by the parties involved to release such information. All complaint records will be kept separate from any other records of the district. No complaint record shall be entered in any personnel file unless adverse employment action is taken against an employee. Complaint records shall be maintained on file for three years after complaint resolution.

Representation: The Grievant and the Respondent may have a representative assist them through the grievance process and accompany them to any hearing.

**Corrective Action:** After all facts and circumstances are reviewed, the district shall take any and all disciplinary actions to prevent further harassment or discrimination. Possible disciplinary or remedial actions include, but are not limited to: education, training and counseling, transfer, and/or suspension of a student, and education, training, counseling, transfer, suspension and/or termination of an employee.

**Retaliation:** The district prohibits retaliation, intimidation, threats, or coercion of any person for opposing discrimination or for participating in the district's discrimination complaint process or making a complaint, testifying, assisting, appealing, or participating in any other discrimination complaint proceeding or hearing. The district will take steps to prevent the alleged perpetrator or anyone else at the district from retaliating against the alleged victim or any person who acts to oppose discrimination or participates in the complaint process. These steps include notifying students and employees that they are protected from retaliation, making sure that victims know how to report future problems and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the district will take strong responsive action.

**Basis of Decision:** At each step in the grievance procedure, the decision maker will take or recommend the taking of appropriate measures based on the facts, as revealed by the investigation and hearing, taken as a whole, and the totality of the circumstances, such as the nature, extent, context and gravity of the activities or incidents. Any disciplinary decision will be made as a proportional response to the violation.

**Section 504 Due Process Procedures:** For information concerning the impartial hearing and review procedures under Section 504, the Grievant should contact:

Superintendent  
Midway Public Schools  
P.O. Box 127  
Council Hill, OK 74428-0127

**Notice:** The district will notify all students, parents or guardians, members of the public and employees of the name, office and telephone number of each Coordinator and this Grievance Procedure in writing via school publications and/or postings at each school site to which employees or students are assigned.

**Outside Assistance:** Individuals may also file complaints alleging discrimination, harassment or retaliation with the Office of Civil Rights. The OCR may be contacted at:

U.S. Department of Education  
Office for Civil Rights  
One Petticoat Lane  
1010 Walnut Street, Suite 320  
Kansas City, MO 64106  
(816) 268-0550  
(816) 268-0599 (Fax)  
(877) 521-2172 (TTY)  
E-mail: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)