Uniform Grievance Procedure

Policy

A student, parent, employee or community member should notify the District’s Coordinator for Nondiscrimination (Coordinator) or other Complaint Manager of good faith beliefs that his or her right to be free from discrimination or harassment based on a legally protected category has been violated under State or federal law. This includes complaints regarding any one of the following:

1. Title II of the Americans with Disabilities Act Amendment Act (disability discrimination);
2. Title IX of the Education Amendments Act of 1972, (gender discrimination/harassment, gender equity);
3. Section 504 of the Rehabilitation Act of 1973 (disability discrimination);
4. Title VI of the Civil Rights Act (discrimination/harassment based on race, color, or national origin);
5. Title VII of the Civil Rights Act (employment discrimination);
6. Illinois Human Rights Act (discrimination related to employment or access to public accommodations, sexual harassment);
7. Equal Pay Act of 1963 and Illinois Equal Pay Act of 2003 (gender discrimination in wages for substantially similar work);
8. Illinois Genetic Information Privacy Act/Genetic Information Nondiscrimination Act, Titles I and II (misuse of genetic information);
9. Victims’ Economic Security and Safety Act (employment discrimination based on a person being a victim of domestic or sexual violence); or
10. Employee Credit Privacy Act (employment discrimination based on an individual’s credit history when not a bona fide job qualification).

Complaints of student bullying will be investigated pursuant to the District’s “Prohibition Against Bullying” policy 6046. Other complaints should be filed, and will be investigated, in accordance with the procedure set forth in the applicable District policy or State or federal law.

Efforts to resolve complaints without resorting to this grievance procedure may be made in the first instance. This includes reasonable screening of the complaint for applicability under this procedure and referral as appropriate. However, if a formal complaint is filed under this procedure, the assigned Complaint Manager will address the complaint promptly and equitably. A student and/or parent filing a complaint under this procedure may forego any informal suggestions and/or attempts to resolve it and may proceed directly to the grievance procedure.
Policy (cont.)

The Complaint Manager will not require a student or parent complaining of any form of harassment to attempt to resolve allegations directly with the accused (or the accused’s parents); this includes mediation.

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

Coordinator for Nondiscrimination and Complaint Manager(s)

1. Coordinator for Nondiscrimination/Title IX Coordinator. The Superintendent shall appoint a Coordinator for Nondiscrimination to manage the District’s efforts to provide equal employment, access and educational opportunities and to prohibit the harassment of employees, students and others. The Coordinator also serves as the District’s Title IX Coordinator.

The Coordinator may be contacted for information or to file a complaint at:

Coordinator for Nondiscrimination/
Title IX Coordinator
Waukegan Public Schools
1201 N. Sheridan Rd.
Waukegan, IL  60085
Telephone: 224-303-1025
nondiscrimination_coordinator@wps60.org

2. Complaint Managers. In addition, the Superintendent or his/her designee may appoint, as needed, a core group of administrators to serve as Complaint Managers to assist the Coordinator in investigating complaints filed under this policy. The District will strive to develop a core group of Complaint Managers that is reflective of the diversity within the community which the District serves and provides equal employment opportunities.

3. Notice. The Superintendent or his/her designee shall identify, publish and update when needed the name, title and contact information (address, telephone, email address) for the Coordinator and Complaint Managers in the District’s parent/student handbook, on the District’s website and in employee handbooks, if any. Notice of how to file a complaint, including contact information for the Coordinator and Complaint Managers also is to be posted on employee and public bulletin boards.

Rights to Pursue Other Remedies not Impaired

The right of a person to prompt and equitable resolution of a complaint filed hereunder shall not be impaired by the person’s pursuit of other remedies, e.g. criminal complaints, civil actions. 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
Rights to Pursue Other Remedies not Impaired (cont.)

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.

RULES AND REGULATIONS

Deadlines

All deadlines under this procedure may be extended by the Complaint Manager or Coordinator as s/he 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 who wishes to avail him or herself of this grievance procedure (Complainant) may do so by filing a good faith complaint with the District’s Coordinator or a Complaint Manager. The Complainant shall not be required to file a complaint with a particular Complaint Manager and the Complainant may request a Complaint Manager of the same gender race or ethnicity, if available.

The Coordinator or 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). The Complainant shall be assisted as needed in filing a complaint, including being advised how to file a complaint or putting the Complainant’s verbal complaint in writing for verification by the Complainant.

The Coordinator shall be informed of all complaints, and the Coordinator may notify other supervisory staff with a need to know. Additionally, the head of the Division of Human Resources and Employee Relations shall be notified of all complaints involving school personnel.

Complaint Assignment

The Coordinator shall appoint at least one Complaint Manager to investigate the complaint. This may or may not be the same individual to whom the complaint originally is reported. The Coordinator also may serve as the assigned Complaint Manager. However, if the complaint involves:

1. The Coordinator, the Superintendent shall be advised of the complaint and assign a Complaint Manager;

2. The Superintendent, the District’s legal counsel shall manage the investigation, in consultation with the Board President.
Complaint Assignment (cont.)

The Coordinator or his/her designee may seek the assistance of legal counsel or other qualified third parties in responding to complaints.

Investigation

The assigned Complaint Manager will investigate the complaint. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during an investigation. If the Complainant is a student under 18 years of age or has a court appointed legal guardian, the Complaint Manager will notify his or her parent or legal guardian that s/he may attend any investigatory meetings in which his/her child is involved.

1. **Confidentiality.** The complaint and identity of the Complainant 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 Complainant, in writing.

2. **Witnesses.** 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 of the student witness, or by the student, if parental rights have transferred.

3. **Investigation Report.** The Complaint Manager shall make best efforts to complete the investigation and file a written report of his or her findings with the Coordinator and/or Superintendent or, when applicable, Board President, within 60 calendar days of the date of receipt of the complaint. If the Complaint Manager determines an extension of time is necessary, the Complaint Manager shall notify the Complainant, the accused and the Coordinator, Superintendent or Board President, as applicable, of the length of the extension and the reasons therefor.

4. **Board Notice.** The Superintendent or his/her designee will keep the Board informed of all complaints. If the complaint involves the Superintendent, the Board’s legal counsel shall keep the Board informed.

Decision and Appeal

Within 5 school business days after receiving the Complaint Manager’s report, the Superintendent shall mail his or her written decision to the Complainant and the accused by certified U.S. Mail, return receipt requested. A copy of the decision also shall be issued to the Coordinator and the staff person responsible for the program or activity where the offense occurred. Reports involving the Superintendent shall be reviewed at the next regularly scheduled meeting of the Board. All decisions shall be based on a preponderance of the 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 by making a written request to the Coordinator. The Coordinator shall promptly forward all materials relative to the complaint and appeal to the Board. Within 30 school business days, the Board shall affirm, reverse, or amend the
Decision and Appeal (cont.)

Superintendent’s decision or direct the Superintendent to gather additional information. Within 5 school business days of the Board’s decision, the Superintendent shall inform the Complainant and the accused of the Board’s action, which shall be final, except as set forth below.

When the complaint or grievance alleges violation of gender equity laws, the decision of the Board may be further appealed to the Regional Superintendent of Schools and, thereafter, to the State Superintendent of Education, as provided in Section 200.40(c)(2) of the ISBE “Sex Equity” regulations (23 Ill. Admin. Code 200 et seq.) This appeal timeline shall be governed by rules established by the ISBE.

Source: 105 ILCS 5/2-3.8 Hear and Determine Controversies
105 ILCS 5/3-10 Controversies - Opinion and Advice – Appeal
105 ILCS 5/10-20.7a Appoint Teachers and Fix Salaries
105 ILCS 5/10-20.12 School Year – School Age
105 ILCS 5/10-22.5 Assignment of Pupils To Schools - Non-resident Pupils - Tuition - Race Discrimination
105 ILCS 5/14A-25 Nondiscrimination (Gifted & Talented Children)
105 ILCS 5/24.4 [Discrimination Prohibited; Violation; Penalty]
105 ILCS 5/27.1 Areas of Education Taught – Discrimination on Account of Sex
105 ILCS 5/27-23.7 Bullying Prevention
740 ILCS 23/5 Illinois Civil Rights Act of 2003
820 ILCS 70/1 et seq. Employee Credit Privacy Act
820 ILCS 180/20(f) & 180/30 Victims’ Employment Sustainability; Prohibited Discriminatory Acts (VESSA)
820 ILCS 112/1 et seq. Equal Pay Act of 2003
Ill. Const., art. I, § 2 Due Process and Equal Protection
Ill. Const., art. I, § 3 Religious Freedom
Ill. Const., art. I, § 18 No Discrimination on the Basis of Sex
8 USC §1324a et seq. Immigration Reform and Control Act
20 USC §1681 et seq. Title IX of the Education Amendments of 1972
29 USC §206(d) Equal Pay Act of 1963
29 USC §2079(r)(1) Reasonable Break Time for Nursing Mothers
29 USC §621 et seq. Age Discrimination in Employment Act
29 USC §791 et seq. Rehabilitation Act of 1973
38 USC §4301 et seq. Uniformed Services Employment and Reemployment Rights Act
42 USC §6102 et seq. Age Discrimination Act of 1975
42 USC §2000d et seq. Title VI of the Civil Rights Act of 1964
42 USC §2000e(k) Pregnancy Discrimination Act
42 USC §2000e-2(a)(1) Title VII of the Civil Rights Act of 1964
U.S. Const., amend I Freedom of Religion and Expression
Cross Ref.: 1106 Access to School Grounds and Buildings
1201 Relationship Between the Public and School Personnel
4002 Harassment Prohibited
4101 Recruitment, Selection And Appointment
4102 Employment Qualifications
4103 Employment Qualifications – Background Checks
4504 Citizen Complaints Regarding Personnel
5218 English Learners Program
6020 Equal Educational Opportunity and Nondiscrimination
6021 Harassment of Students Prohibited
6022 Students with Disabilities Under Section 504
6046 Prohibition Against Bullying
7010 Free Appropriate Public Education

Adopted: March 28, 2017