

Uniform Grievance Procedure

A student, parent/guardian, employee, or community member should notify any District Complaint Manager if he or she believes that the School Board, its employees, or agents have violated his or her rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy, or have a complaint regarding any one of the following:

1. Title II of the *Americans with Disabilities Act*;
2. Title IX of the *Education Amendments of 1972*, excluding Title IX sexual harassment complaints governed by policy 233.03, *Title IX Sexual Harassment Grievance Procedure*;
3. Section 504 of the *Rehabilitation Act of 1973*;
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 USC § 2000e *et seq.* (Title IX sexual harassment complaints are addressed under policy 233.03, *Title IX Sexual Harassment Grievance Procedure*;
7. Bullying, 105 ILCS 5/27-23.7;
8. Misuse of funds received for services to improve educational opportunities for educationally disadvantaged or deprived children;
9. Curriculum, instructional materials, and/or programs;
10. *Victims' Economic Security and Safety Act*, 820 ILCS 180;
11. *Illinois Equal Pay Act of 2003*, 820 ILCS 112;
12. Provision of services to homeless students;
13. Illinois Whistleblower Act, 740 ILCS 174;
14. Misuse of genetic information (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.*;
15. Employee Credit Privacy Act, 820 ILCS 70/;
16. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60 (P.A. 100-29).

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure, if a formal complaint is filed under this procedure, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian 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. 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 hereunder 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 procedure 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.

1. 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.

For bullying and cyber-bullying, the Complaint Manager shall process and revise the complaint according to Board policy 722.02, *Preventing Bullying, Intimidation and Harassment*, in addition to any response required by this policy. For any complaint alleging sexual harassment or other violation of Board policy 511.00 *Workplace Harassment Prohibited*, the Complaint Manager shall process and review the complaint according to that policy, in addition to any response required by this policy.

2. Investigation

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 under 18 years of age, the Complaint Manager will notify his or her parent(s)/guardian(s) 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, or (2) as necessary to fully investigate the complaint, or (3) as authorized by the Complainant.

The identity of any student witnesses will not be disclosed except: (1) as required by law or any collective bargaining agreement, or (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 of age or older).

The Complaint Manager will inform, at regular intervals, the person(s) filing a complaint under this procedure about the status of the investigation. Within 30 school business days of 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 request an extension of time. The Superintendent will keep the Board informed of all complaints.

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.

3. 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 U.S. mail, first class, as well as to the Complaint Manager. All decisions shall be based upon the *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 Complaint Manager. The Complaint Manager 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 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.

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 mail its written decision to the Complainant and the accused by first class U.S. mail as well as to the Complaint Manager.

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.

4. Appointing 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 one Complaint Manager to administer the complaint process in this policy. If possible, the Superintendent will appoint 2 Complaint Managers, one of each gender. The District's Nondiscrimination Coordinator may be appointed a as one of the Complaint Managers.

The Superintendent shall insert into this policy and keep current the names, addresses, and telephone numbers of the Nondiscrimination Coordinator and the Complaint Managers.

Nondiscrimination Coordinator:

Dr. Daniel Sullivan
1200 N. Wolf Road
Northlake, IL 60163
708-449-3350
dsullivan@berkeley87.org

Complaint Managers:

Mrs. Laura Vince
1200 N. Wolf Road
Berkeley, IL 60163-1219
(708) 449-3350
lvince@berkeley87.org

Dr. Daniel Sullivan
1200 N. Wolf Road
Berkeley, IL 60163-1219
(708) 449-3350
dsullivan@berkeley87.org

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.*
McKinney Homeless Assistance Act, 42 U.S.C. §11431 *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.*
Equal Pay Act of 2003, 820 ILCS 112/
Employee Credit Privacy Act, 820 ILCS 70/.
Victims' Economic Security and Safety Act, 820 ILCS 180, 56 Ill. Admin. Code Part 280.
Illinois Genetic Information Privacy Act, 410 ILCS 513/
775 ILCS 5/1-101.
105 ILCS 5/2-3.8, 5/3-10, 5/10-20.7a, 5/10-22.5, 5/22-19, 5/24-4, 5/27-1, 5/27-23.7 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/.
23 Ill. Admin. Code §§1.240 and 200-40.

Policy Adopted: 11/20/06
Policy Revised: 02/25/08
Policy Revised: 02/28/11
Policy Revised: 03/28/11
Policy Revised: 09/26/11
Policy Revised: 06/25/12
Policy Revised: 02/22/16
Policy Revised: 03/19/18
Policy Revised: 02/24/20
Policy Revised: 08/31/20