

GRIEVANCE GUIDELINES AND PROCEDURES FOR SECTION 504, TITLE II, TITLE IX AND AGE DISCRIMINATION



I. NOTICE OF NONDISCRIMINATION

- A. St. Charles Parish Public School District is in compliance with Title IX of the Federal Education Amendment of 1972 and Section 504 of the Rehabilitation Act of 1973 along with other related Federal regulations.
- B. The St. Charles Parish School District, as required by Title II, Title IX, and Section 504 does not discriminate and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities in its education programs and activities. It is the policy of the St. Charles Parish Public Schools to promote and maintain an environment which is free from discrimination based on sex, gender, race, color, national origin, age, religion, marital or parental status, political beliefs or disability.
- C. All questions regarding Title II and Section 504, Title IX, the Age Discrimination Act of 1975, and other forms of discrimination as defined under Titles VI and VII of the Civil Rights Act of 1964 may be referred to the District's Title IX Coordinator ("the Coordinator") or to the Office of Civil Rights.
- D. St. Charles Parish Public Schools (the "District") has appointed Tamika S. Green as the coordinator (the "Coordinator") of grievances reported in Subsection C above. The Coordinator may be contacted as follows:

Tamika S. Green
13855 River Road,
Luling, LA 70070
Phone: 985-785-3113
tgreen@stcharles.k12.la.us

I. DISCRIMINATION GRIEVANCE PROCEDURES

- A. Purpose: The purpose of these procedures is to secure, at the lowest possible level, prompt and equitable resolutions of complaints based on discrimination, including but not limited to complaints of sexual harassment or sexual violence, in violation of federal and state law and District policies that prohibit discrimination. Such acts shall not be tolerated. Violation of the District's policies and of the law, if proven, will result in disciplinary action. Any person who believes that he/she has been the victim of discrimination may seek redress through the St. Charles Parish Public Schools grievance procedures outlined within.
- B. This grievance procedure applies to all complaints of discrimination filed by employees, students, or on behalf of students by parents or guardians.

C. Students, parents, guardians and employees may file complaints with the Coordinator listed above or with an employee of the District. If a student reports an act of discrimination to an employee of the District who is not the Coordinator, that employee shall inform the Coordinator of the alleged act. If the report involves sexual harassment or abuse, the employee shall follow the policies and procedures for mandatory reporters in accordance with Policies & Procedures 1.31 and 1.29.

D. Definitions

1. Sexual harassment is defined in policy as:

Unwelcome advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. The person who is the target perceives the behavior as harassment or is affected by it, regardless of the perpetrator's intention
- b. Submission to such conduct is made either explicitly or implicitly, as a term of any student's academic status or progress
- c. Submission to or rejection of such conduct by a student is used as the basis for academic decisions affecting the student
- d. The conduct has the purpose or effect of having a negative impact on the student's academic or the employee's work performance, or of creating an intimidating, hostile or offensive environment for a student or employee
- e. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through the school
- f. Such conduct denies or limits, on the basis of gender, the student's or employee's ability to participate or receive benefits, services, or opportunities in the school's or district's program.

All employees will be responsible for implementing, monitoring and enforcing policy. All employees are to strictly adhere to policy.

2. Harassment, intimidation – any intentionally written message or image –including those that are electronically transmitted – verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability or other distinguishing characteristics.

Bullying is defined as a pattern of unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture by a student. Specific acts of bullying are defined as a pattern of any one or more of the following:

- a. Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.

- b. Has the effect of substantially interfering with a student's education.
- c. Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment.
- d. Has the effect of substantially disrupting the orderly operation of the school.

The District is required to take action if students report they are being bullied in accordance with the St. Charles Parish Public Schools' anti-bullying policy and procedure.

- 3. Discrimination - Discriminatory practices including but not limited to an individual's race, color, national origin, age, religion, marital or parental status, political beliefs, sex or gender.
 - 4. Disability Discrimination - Discriminatory practices against an individual with disability with regard to placement, access to services, treatment, or employment in programs or activities. An individual with a disability means any person who (1) has a physical or mental impairment that substantially limits one or more of such person's major life activities, (2) has a record of such impairment, or (3) is regarded as having such impairment.
 - 5. Sexual Abuse - Harassment sexual in nature or physical sexual acts perpetrated against a person's will or where a person is unable to give consent because of the person's age, intellectual disability, or due to the use of drugs or alcohol.
 - 6. Grievance Procedure - a means of addressing a complaint by an individual or on behalf of a student, that there has been a violation of the harassment and/or discrimination policies.
- E. All members of the St. Charles Parish School District community are urged to resolve problems fairly in a prompt and appropriate manner in accordance with the District's Policies & Procedures and the law. A formal grievance may be filed at any time by a student, guardian, employee, administrator, and/or applicant who believe that his/her rights have been violated.
- F. Complaints related specifically to bullying are described in Policy & Procedures 1.35 and are subject to state mandated guidelines and procedures. Procedures related to sexual harassment are described in Policies and Procedures 1.29 and 4.10. The grievance procedures for all other types of discrimination and harassment are as follows:
- 1. The grievant should first report his/her grievance, preferably in a written statement of the grievance within thirty (30) working/calendar days of the alleged harassment or discrimination to the Coordinator, teacher, counselor or administrator. All reports shall be forwarded and filed with the Coordinator by the end of the working day.

2. Once the grievance has been received, an investigation of the grievance will be conducted in strict confidence in accordance with Policies & Procedures 4.08-Employee Investigations and 1.34-Student Investigations. A report of the investigation shall be filed with the Coordinator. The Coordinator will review the investigation documents to determine whether the investigation was conducted in accordance with the District's approved procedures. Any employee who is involved in an incident of discrimination may be removed from all activities involving direct contact with the students or other employees until the matter is resolved.
 3. The following information shall be reported to the Coordinator:
 - a. Name of the student or employee who experienced the discrimination or harassment
 - b. Names, if known, of the alleged perpetrators
 - c. Relevant facts and evidence, including but not limited to, the time, date, and location of alleged harassment or discrimination
 - d. Names, if known, of witnesses to the incident
 - e. Name of the individual filing the complaint and relationship to the student or employee who experienced the discrimination
 4. If the incident is reported to an employee other than the Coordinator, the employee will inform the individual, before the individual discloses information in confidence, that the employee has a mandatory obligation to report to the Coordinator.
 5. Such investigation may consist of, but may not be limited to, the following action:
 - a. Interview(s) with the grievant
 - b. Interview(s) with the alleged perpetrator
 - c. Interviews with other witnesses and/or individuals who can provide relevant information
 - d. Review of pertinent records
- G. The investigation will be processed in an expeditious manner with a completion time goal of ten (10) working days. Upon completion of the investigation, the investigator shall prepare a written report outlining the findings and submit the report to the Coordinator. Either party may file a written appeal with the Coordinator based on the findings of the investigation within three (3) days.
- H. A summary of the investigation findings shall be kept confidential and retained in accordance with the District's Record Retention Schedule. The summary of the investigation may be provided to the parties involved in the incident.

- J. Appropriate disciplinary action(s) shall be taken in accordance with the laws of Louisiana and the District's Policies & Procedures.

III. PROCEDURAL REQUIREMENTS

A. Time Limits. A complaint under this procedure should be filed as soon as possible after the time of occurrence, but at no time later than one hundred eighty (180) calendar days of the occurrence of the alleged violation(s) of the District's nondiscriminatory policy. Failure to comply with any time limitation in the complaint procedure may result in dismissal of the complaint and/or denial of the appeal. Dismissal shall not preclude the individual's right to pursue the complaint through other appropriate external agencies. If a district representative fails to comply with any time limitation in the complaint procedure, the grievant may immediately proceed to the next level permitted by these procedures.

B. Confidentiality

1. Confidentiality will be maintained to the greatest extent possible. While there can be no assurance of complete confidentiality, complaints under this procedure will be treated as sensitive information not to be shared with others except in limited circumstances. Examples of exceptions to maintaining confidentiality include:
 - a. Information the law requires to be reported
 - b. Information imparted to others in supervisory positions in order to further an investigation or halt a discriminatory practice
 - c. Information given to the respondent in order to have sufficient information to respond to the allegations
2. The District will take all reasonable steps to investigate and respond to a complaint consistent with a request by the complaining party not to disclose his/her name. However, such requests for confidentiality may limit the District's ability to adequately investigate and respond to the allegations raised in the complaint
3. Requests for confidentiality will be evaluated in the context of the District's responsibility to provide a safe and nondiscriminatory environment for all students, and the request will be weighed against the following factors:
 - a. Complainant's age
 - b. Other harassment complaints about the same individual
 - c. Alleged harasser's rights to receive information under FERPA and District policies
4. All parties to a grievance, including the grievant, respondent(s) and witnesses, have privacy interests and, therefore, all parties should be cautioned not to divulge or publicize the nature of the proceedings or the identity of those involved outside the scope of the investigation.

IV. MISCELLANEOUS

- A. Grievants are not limited to the District's grievance procedure as outlined in the handbook and may seek relief from other agencies, including the Equal Employment Opportunity Commission, or the Office of Civil Rights of the District of Education.
- B. Retaliatory action of any kind taken by an employee or student of the St. Charles Parish School District against any other employee or student of the St. Charles Parish School District as a result of that person's seeking redress under these procedures, cooperating in an investigation, or otherwise participating in any proceeding under these procedures is prohibited, and shall be regarded as a separate and distinct grievance matter.