UNIFORM GRIEVANCE PROCEDURE

General
Students or their parent(s)/guardian(s), employees, or community members may file a complaint in accordance with this grievance procedure, if they believe that the School Board, its employees or agents have engaged in any of the following or those arising from:

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
7. Breastfeeding accommodations for students, 105 ILCS 5/10-20.60
8. Bullying, 105 ILCS 5/27-23.7
9. Misuse or funds received for services to improve educational opportunities for educationally disadvantaged or deprived children
10. Curriculum, instructional materials, and/or programs
13. Provision of services to homeless students
16. Employee Credit Privacy Act, 820 ILCS 70/

The Complaint Manager will first attempt to resolve complaints without resorting to this grievance procedure. Complaints and grievances are best resolved through an orderly process as close to the origin as possible in a free and informal manner. If a formal complaint is filed under this policy, the Complaint Manager will address the complaint promptly and equitably. A student and/or parent/guardian filing a complaint under this policy may forgo 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 an individual to a prompt and equitable resolution of a complaint shall not be impaired by the individual's pursuit of other remedies, (e.g., criminal complaints, civil actions, etc). Filing a formal grievance under this policy is not a prerequisite to the pursuit of other remedies. However, 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. Employees retain the right to report allegations of sexual harassment to the Illinois Department of Human Rights through means established by that Department, including, but not limited to, a hotline.
Deadlines
All deadlines under this policy 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.

Filing a Complaint
Individuals who wish to file a complaint (hereinafter Complainant) under this grievance procedure may do so by filing a formal complaint with any District Complaint Manager after any attempts at informal resolution have not been successful. 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. If the complaint involves accommodation of disability or discrimination on the basis of disability, the complaint will be generally referred to the ADA (Americans With Disabilities Act) Coordinator who will follow this grievance procedure. The Complainant shall not be required to file a complaint with a particular Complaint Manager if he/she is the person against whom the complaint has been filed. The Complaint Manager may request the Complainant to provide a written statement regarding the nature of the complaint or require a meeting with specific individuals. The Complaint Manager may assist the Complainant in filing a complaint under this grievance procedure.

For any complaint alleging bullying and cyber-bullying of students, the Complaint Manager shall process and review the complaint according to Board policy 500:180, Preventing Bullying, Intimidation, and Harassment. For any complaint alleging sexual harassment or other violation of Board policy 400:20 Employee Harassment or Board policy 500:20 Harassment of Students Prohibited, the Complaint Manager shall process and review the complaint in accordance with any procedures, protections or consequences outlined in Board policy 400:20 or 500:20 in addition to the procedures and responses required under this Board policy 100:260.

Investigation
The Complaint Manager will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The Complaint Manager shall ensure both parties have an equal opportunity to present evidence during the investigation. If a complaint of sexual harassment contains allegations involving a Complaint Manager, the Superintendent shall appoint another Complaint Manager or another qualified person to undertake the investigation as the designated Complaint Manager. If a complaint of sexual harassment contains allegations involving the Superintendent or a member of the School Board, the School Board shall appoint a qualified person who is not an employee of the Board to undertake the investigation as the designated Complaint Manager. 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 or 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 or reporting person. The identity of any student witnesses will not be disclosed except: as required by law or any collective bargaining agreement, as necessary to fully investigate the complaint, or as authorized by the parent/guardian of the student witnesses.

The Complaint Manager shall file a written report of his/her investigation findings with the Superintendent within 30 school business days of the date the complaint was filed. The Complaint Manager may extend the deadline if necessary. If a complaint contains allegations involving the Superintendent or a member of the Board, the written report shall be filed with the Board of Education, which will make a decision in accordance with this policy. The Superintendent (or Complaint Manager if he or she is reporting directly to the Board) will keep the Board informed of all complaints made under this policy.

Decision and Appeal
Within 10 school business days after receipt of the Complaint Manager’s investigation report, the Superintendent shall render a written decision, which shall be provided to the Complainant and Complaint Manager via first class U.S. mail.
If, within 5 school business days the Complainant is not satisfied with the decision, the Complainant may appeal the decision to the Board of Education by making a written request to the Complaint Manager. The Complaint Manager shall be responsible for promptly forwarding all materials relative to the complaint and appeal to the Board of Education.

At the request of the Superintendent or the School Board, in cases in which an employee alleges sexual harassment, in lieu of issuing a decision, the Superintendent shall issue a recommendation to the School Board.

Within 30 school business days of receiving a recommendation from the Superintendent, a report filed directly with the Board by a Complaint Manager, or an appeal of a decision of the Superintendent, the Board shall affirm, modify or reverse the Superintendent's decision, or issue a decision based on the Complaint Manager’s report or the Superintendent’s recommendation, or direct the Superintendent to gather additional information. Within 5 school business days of the Board’s decision, the Superintendent shall inform the Complainant of the Board’s action.

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

**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 Superintendent shall appoint at least one Complaint Manager to administer the complaint process in 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.

**Nondiscrimination Coordinator:** Assistant Superintendent for Learning 22W600 Butterfield Road, Glen Ellyn, IL  60137 (630)469-8900

**Complaint Manager:** Assistant Superintendent for Finance and Operations 22W600 Butterfield Road, Glen Ellyn, IL  60137 (630)469-8900

**LEGAL REF:** Age Discrimination in Employment Act, 29 U.S.C. §621 et seq.  
Immigration Reform and Control Act, 8 U.S.C. §1324a 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.  
State Officials and Employees Ethics Act, 5 ILCS 430/70-5(a)
Illinois Genetic Information Privacy Act, 410 ILCS 513/.
Illinois Whistleblower Act, 740 ILCS 174/1 et seq.
Illinois Human Rights Act, 775 ILCS 5/.
Equal Pay Act of 2003, 820 ILCS 112/.
Employee Credit Privacy Act, 820 ILCS 70/.

CROSS REF.: 100:105 (Ethics and Gift Ban), 400:10 (Equal Employment Opportunity and Minority Recruitment), 400:20 (Employee Harassment), 400:30 (Hiring Process and Criteria), 500:10 (Equal Educational Opportunities), 500:15 (Student and Family Privacy Rights), 500:20 (Harassment of Students Prohibited), 500:180 (Preventing Bullying, Intimidation, and Harassment), 600:120 (Education of Children with Disabilities), 600:140 (Education of Homeless Children), 600:170 (Title I Programs), 700:70 (Accommodating Individuals with Disabilities), 700:95 (Parental Involvement), 700:110 (Public Suggestions and Concerns)

POLICY

Adopted: 3/16/98
Revised: 11/12/12, 11/16/15, 01/22/18, 11/19/18
Reviewed: 1/28/08, 1/25/10

Board of Education, Glen Ellyn, Illinois