

## NON-DISCRIMINATION

The district shall provide equal educational opportunity and treatment for all students in all aspects of the academic and activities program without regard to race, religion, creed, color, national origin, sex, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability. District programs shall be free from sexual harassment.

The superintendent shall provide for the annual evaluation, periodic surveys, annual notice and complaint procedures as required by law to ensure that there is in fact equal opportunity for all students in the district.

The district will designate a staff member to serve as the compliance officer for this policy.

Cross References:	Board Policy 2020	Curriculum Development and Adoption
	Board Policy 2030	Service Animals in Schools
	Board Policy 2140	Guidance and Counseling
	Board Policy 2150	Co-Curricular Program
Legal References:	RCW 28A.640	Sexual Equality
	RCW 49.60	Discrimination — Human rights commission
	RCW 28A.642	Discrimination prohibition
	42 U.S.C. §§ 12101-12213	Americans with Disabilities Act
	WAC 392-400-215	Student rights
	WAC 392-190	Equal Educational Opportunity —Unlawful Discrimination Prohibited
Management Resources:	Policy News, August 2007	Washington's Law Against Discrimination

**Adoption Date: 10.28.98**  
**Orcas Island School District**  
**Revised: 08.11**  
**Classification: Essential**

## NONDISCRIMINATION

Students and/or parents, staff or other individuals acting on behalf of students of the district are eligible to participate in this complaint procedure. This complaint procedure is designed to assure that the resolution of real or alleged **nondiscrimination** violations shall be directed toward a just solution that is satisfactory to the complainant, the administration and the Board of Directors. This grievance procedure shall apply to the general conditions of nondiscrimination policy (Policy No. 3210) and more particularly to policies dealing with guidance and counseling (Policy No. 2140) co-curricular program (Policy No. 2150), and curriculum development and instructional materials (Policy No. 2020). As used in this procedure,

*"Grievance"* shall mean a complaint which has been filed by a complainant (a student, an employee, a parent / guardian, or patron) relating to alleged violations of any anti-discrimination law including Title IX regulations and Washington Administrative Code (WAC) 392-190 or Section 504 of the Rehabilitation Act of 1973, or Title VII of the Civil Rights Act of 1964.

*"Complaint"* shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws.

*"Respondent"* shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

***"Title IX Compliance Officer"* shall be the Superintendent of the Orcas Island School District.**

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps shall be taken:

### **Level One (Informal Meeting Required)**

The complainant (**student, parent, employee or patron**) shall discuss the complaint or concern with the administrator responsible for the program in which the alleged act took place within thirty (30) calendar days of the circumstances which gave rise to the problem.

If the complainant feels he/she cannot approach the administrator, the complainant should contact the District's Title IX Compliance Officer for assistance.

Every effort will be made to resolve the concern promptly during this informal review process. The administrator will consider proposed corrective measures with the complainant, including those suggested by the complainant, and attempt to implement a resolution to the complaint.

### **Level Two (Written Complaint Filed and Processed)**

If the grievance is not resolved to the satisfaction of the complainant at Level One, a formal statement of the grievance may be filed by the complainant with the District Title IX Compliance Officer within thirty (30) calendar days of completing the informal review process. The complaint must be in writing, signed by the complaining party, and must set forth the specific actions, conditions or circumstances alleged to be discriminatory.

The Title IX Compliance Officer shall investigate the allegations set forth by the complainant and if substantiated, shall recommend such reasonable procedures as may be appropriate to effect a prompt resolution of the complaint.

The Title IX Compliance Officer shall complete the investigation and shall respond in writing to the complainant as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the formal complaint.

The response shall clearly state that the District either:

- A. Denies the allegations contained in the complaint; or
- B. Shall implement reasonable **corrective** measures **deemed necessary by the District** to eliminate any act, condition or circumstance **which gave rise to the complaint**.

Such corrective measures deemed necessary shall be **initiated** as expeditiously as possible, but in no event later than thirty (30) calendar days following the mailing of a written response to the complainant.

#### Level Three **(Appeal to the School Board)**

If a complainant remains aggrieved as a result of the action or inaction of the Title IX Compliance Officer in resolving a complaint, the complainant may file a written appeal with the School Board within (10) calendar days of receipt of the Title IX Compliance Officer's response; or if the Compliance Officer has not provided a written response to the complainant within thirty (30) days of the filing of a formal complaint. **The written appeal shall set forth specific reasons why the complainant disagrees with the response and the relief sought from the District.**

**Upon receipt of a timely written notice of appeal**, the Board shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. **Both parties may be represented by legal counsel.** The board shall render a decision in writing and shall provide a copy to all parties involved within ten (10) calendar days following termination of the hearing.

#### Level Four **(Appeal to another Federal or State Agency)**

In the event a complainant remains aggrieved with the decision of the board, the complainant may appeal the decision to any federal or state agency empowered with the authority to resolve such complaint.

#### Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the District and the disposition, including any corrective measures instituted by the district, shall be retained in the office of the Title IX compliance officer for a period of not less than five (5) years.

Date: Oct 28, 1998  
Revised May 26, 2011