

Procedure © 1-201.A Equal Educational Opportunity and Non-Discrimination for Students - Grievance Procedure

A. Definitions

"Complainant" means the person filing a grievance.

"Compliance Officer" means the District personnel with responsibility for receiving and investigating grievances alleging discrimination.

"Disability discrimination" means any act of discrimination in violation of Section 504 or the ADA.

"Religious discrimination" means any act of discrimination on the basis of religion in violation of Title IV or [A.R.S. § 15-110](#).

"Protected class" means a group of people legally protected by applicable state or federal discrimination laws.

"Title IV" means Title IV of the Civil Rights Act of 1964.

"Title VI" means Title VI of the Civil Rights Act of 1964.

"Title IX" means Title IX of the Education Amendments of 1972.

"Section 504" means Section 504 of the Rehabilitation Act of 1973.

The "ADA" means the Americans with Disabilities Act of 1990.

B. Application

These Procedures apply to grievances alleging discrimination based on race, color, religion, disability, national origin, veteran's status, genetic code, or political affiliation. Grievances alleging discrimination based on sex (including sexual orientation and gender identity) or pregnancy and parenting should be filed using the District's Title IX Procedure.

Examples of discrimination include but are not limited to harassment based on a person's membership in a protected class, limiting or denying a person opportunities, privileges, or advantages based on membership in a protected class and otherwise treating any person differently based on that person's membership in a protected class.

Disability discrimination may also include denying a student with a disability a free appropriate public education and failing to make modifications of policies, practices, or procedures when such modification is necessary to accommodate individuals with disabilities.

Religious discrimination may also include penalizing a student for coursework based on religious content or religious viewpoint, denying a student the right to engage in religious activities or expression to the same extent students may engage in nonreligious activities or expression, denying a student the right to wear religious clothing or symbols.

The District prohibits retaliation against anyone who files a grievance or cooperates in the investigation of a grievance.

C. Compliance Officer

The District's Compliance Officer(s) are as follows:

Section 504/ADA Compliance Officer: Robert Weir, Superintendent, (928) 634-7131 ext 12

Title IV/VI Compliance Officer: Robert Weir, Superintendent, (928) 634-7131 ext 12

References herein to the "Compliance Officer" shall refer to appropriate Compliance Officer based on such Compliance Officer's responsibilities.

D. Grievance Process

Submittal of Grievance

Students may present a complaint or grievance regarding an alleged violation of their constitutional rights, equal access to programs, discrimination, or personal safety provided that:

- The grievance is not already under review as part of a student discipline matter or other proceedings under District policy, and
- The process will not apply to a grievance over which the District or Governing Board has no authority because the method of review is set forth in state or federal law.

A student may submit a grievance to allege the following:

- Student's constitutional rights have been violated.
- Student has been denied equal opportunity to participate in a District program or activity for which the student otherwise qualifies.
- Student has been treated discriminatorily on the basis of race, color, religion, sex, national origin, disability, veteran's status, genetic code, or political affiliation.
- Student is concerned for the student's personal safety.

Grievances should be submitted to the Compliance Officer within thirty (30) days of the date the complainant becomes aware of the alleged discriminatory action.

A grievance should be in writing, containing the name and address of the person filing it. The grievance must state the problem or action alleged to be discriminatory and the remedy or relief sought.

If the complainant is unable to put the grievance in writing, the District shall provide reasonable accommodations to assist the complainant with submission of a grievance. Although the District encourages individuals to submit grievances in writing, the District will nonetheless provide prompt and equitable response when it becomes aware of possible discrimination.

The Compliance Officer will confirm receipt of the grievance within five (5) working days following receipt of the grievance.

Investigation

The Compliance Officer (or designee) shall conduct an investigation of the grievance. This investigation may be informal, but it must be thorough, affording the student(s) and parent(s)/ legal guardian(s) an opportunity to submit evidence relevant to the grievance, including the opportunity to present witnesses.

The Superintendent will designate an alternative investigator if the Compliance Officer has a conflict of interest with the investigation. If the Superintendent is the one alleged to have unlawfully discriminated, the grievance shall be filed with the Chairman of the Board, who will then designate a Compliance

Officer to conduct the investigation.

Based on the recommendation of the Compliance Officer, the District may take temporary action to ensure that students have equal educational opportunities during the investigation.

Decision

The Compliance Officer will complete the investigation and issue a written decision on the grievance no later than thirty (30) days after its filing unless extenuating circumstances require an extension of the thirty (30) day timeline. In such a case, the Compliance Officer (or designee) will communicate with the complainant concerning the need for an extension.

Appeal

The complainant may appeal the decision of the Compliance Officer by writing to the Superintendent, within fifteen (15) days of receiving the Compliance Officer's decision. The Superintendent shall issue a written decision in response to the appeal within thirty (30) days of receipt of the appeal.

Remedial or Other Action

If it is determined that discrimination occurred, the District shall take the appropriate steps to prevent the recurrence of discrimination and correct the discriminatory effects on the complainant and others. If disciplinary action is appropriate, teachers, administrators, other personnel, and students will be afforded all respective rights afforded by the law and District policy, and disciplinary action will follow all applicable policies and procedures.

General

1. The complainant will not be required to directly interview or confront the person alleged to have engaged in discriminatory behavior.
2. The complainant may withdraw the grievance at any time. However, the Compliance Officer may choose to continue to investigate the alleged discrimination if there are facts supporting the allegations.
3. The District shall maintain confidentiality as required by the Family Educational Rights and Privacy Act (FERPA).
4. The availability and use of this complaint procedure does not prevent a person from filing a grievance of discrimination with the U.S. Department of Education, Office for Civil Rights or any other court or agency with jurisdiction over the matter.
5. The District will make appropriate arrangements to ensure that students and parents/ legal guardians with disabilities are provided accommodations, if needed, to participate in the grievance process. Such arrangements may include, but are not limited to, providing interpreters for the deaf, providing digital material for the blind, providing a scribe for submission of the grievance, or assuring a barrier-free location for the proceedings. The Compliance Officer will be responsible for making such arrangements.
6. The District will make appropriate arrangements to ensure that persons who are not English proficient are provided with language assistance as needed to participate in the grievance process. The Compliance Officer will be responsible for making such arrangements.
7. The Compliance Officer will maintain the files and records relating to such grievances.

