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3 **Non-Discrimination, and Harassment and Retaliation**

4 **Grievance Procedure**

5 **Policy Series: 3000 Students**

6 **Policy No. 3020**

7 **Procedure 1**
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9 **Grievance Procedures**

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11 *Duty to Report*

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13 It is the duty of every student and/or employee to report any violations of these procedures or
14 the accompanying board policy.

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16 *Confidentiality*

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18 1. Every effort will be made to protect the confidentiality of all participants in complaint
19 proceedings and investigations; however, absolute confidentiality cannot be guaranteed.
20 In some instances the district's legal obligations, including the need to investigate
21 allegations and take appropriate corrective action, will require the disclosure of certain
22 information.
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24 2. All individuals involved in a complaint or investigation shall refrain from discussing the
25 matter, except with those who have a legal need to know.
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28 *Submitting an Initial Complaint*

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30 1. At the school level, the principal is the individual responsible for receiving all complaints
31 of discrimination, sexual harassment, or retaliation.
32 a. Any complaint involving students must be immediately referred to the school
33 principal.
34 i. Any district employee who receives a complaint of sexual harassment
35 from a student shall inform the student of the employee's obligation to
36 report the complaint to principal, and then shall immediately notify the
37 principal. Such behavior will also warrant reporting to the appropriate
38 licensing or law enforcement authority.
39 ii. Pursuant to state law, when a complaint involves allegations of child
40 abuse, the complaint must immediately be reported to either the Division
41 of Child and Family Services (DCFS) or local law enforcement authority,
42 and the anonymity of both the Complainant and school official(s) involved
43 in the investigation will be strictly protected.

44 iii. If the complaint involves the principal or another school employee, the
45 Complainant may contact the district's Human Resources Department
46 (HR) at 801-374-4938, 280 West 940 North, Provo, Utah 84604
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- 48 2. District employees who are non-school based should report violations involving other
49 employees to their supervisor or Human Resources.
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51 3. When the Respondent is the Complainant's immediate supervisor, the Complainant
52 should contact the Respondent's supervisor.
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54 4. When the Respondent is a third-party such as a vendor, visiting speaker, patron,
55 volunteer, etc., the Complainant should contact the principal or Human Resources.
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58 *The Initial Complaint*

- 59 1. The initial complaint may be submitted either orally or in writing.
60 a. A complaint should be made as soon as possible, but preferably not later than
61 thirty (30) days after the incident(s) in order to be effectively investigated and
62 resolved.
63 b. The circumstances which the individual believes support the allegation(s) of
64 unlawful behavior, the names of the individual(s) against whom the claim is
65 made, and any remedies that are being sought should be set forth in plain
66 language.
67 c. Individuals should provide as much information as possible, including any
68 conversation(s) with the Respondent, noting the time, date, and place, what was
69 said or done, and any other relevant circumstances surrounding the event(s).
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71 2. Complaint forms may also be used and are available online and in each district building.
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73 3. Good faith submission of a complaint will not adversely affect the Complainant's future
74 employment, grades, work assignments, or participation in district-sponsored programs
75 or activities.
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77 4. A student or employee who knowingly files a false report may be subject to civil and/or
78 legal actions, as well as district disciplinary action.
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81 *Responsibilities and Protocol for Resolving a Complaint*

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83 1. Any principal or supervisor receiving a complaint will first document the complaint in
84 writing.
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- 86 2. The principal or supervisor must immediately forward a copy of the written complaint to
87 the district's compliance officers as defined above, and then proceed with the following
88 appropriate protocol:
- 89 a. Any complaint alleging a district employee violation against a student or other
90 employee(s) shall be reported immediately to HR human resources. Human
91 Resources will then be responsible for investigating the complaint.
 - 92 b. If a complaint surrounds a student-to-student issue, the Complainant may contact
93 the Assistant Superintendent-Director of Student Services at 801-374-4814.
 - 94 i. Any complaint alleging a third party violation against an employee or
95 student shall be investigated by the principal or supervisor.
 - 96 ii. Any complaint alleging a student violation against another student shall
97 be investigated by the principal.
 - 98 iii. Any complaint clearly alleging criminal conduct will be forwarded to local
99 law enforcement for investigation.
 - 100 iv. Any complaint that happens away from school property but has the
101 potential to disrupt the educational environment of one or more schools
102 will be investigated by the school principal.
- 103 3. A principal or supervisor who does not immediately follow the protocol as indicated
104 above, may be will be subject to disciplinary action.
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- 106 4. HR or the designated principal or supervisor ("Investigator") shall be responsible for
107 investigating the complaint as outlined in these procedures. Failure to properly
108 investigate a complaint may result in discipline.
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111 *First Level Investigation and Response*

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113 1. Initial investigation

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- 114 a. The district may take steps to protect the Complainant, students, and other
115 employees during an investigation.
 - 116 b. An investigation may consist of personal interviews with the Complainant,
117 Respondent, and others who have knowledge of the alleged incident or
118 circumstances giving rise to the complaint.
 - 119 c. The investigation may also consist of any other methods and/or documents
120 deemed pertinent by the Investigator.
 - 121 d. The extent of the investigation will be determined based on the nature of the
122 allegations, the context and circumstances surrounding the alleged violation, the
123 relationship between the parties, and the history of the parties involved.
 - 124 e. At the beginning of the investigation the Investigator shall disclose his or her their
125 neutrality as opposed to being an advocate for any party.
 - 126 f. At a minimum, the Investigator will immediately:
 - 127 i. notify the Complainant of his or her right to have someone translate or
128 interpret during the interview;

- 129 ii. notify the Complainant of ~~his or her~~ **their** right to have someone of the
130 same gender conduct or be present during the interview;
131 iii. interview the Complainant and document the conversation;
132 iv. instruct the Complainant to have no contact or communication regarding
133 the complaint with the Respondent;
134 v. ask the Complainant specifically what action ~~he or she~~ **they** want taken in
135 order to resolve the complaint;
136 vi. inform the Respondent that a complaint has been filed against him or her;
137 vii. inform the Respondent that if the objectionable conduct has occurred, it
138 must cease immediately;
139 viii. provide the Respondent with a copy of these procedures;
140 ix. inform the Respondent of ~~his or her~~ **their** rights and responsibilities during
141 the investigation;
142 x. notify the Respondent that ~~he or she~~ **they** will be afforded a full and
143 complete opportunity to respond to the allegations;
144 xi. instruct the Respondent to have no contact or communication regarding
145 the complaint with Complainant, and to not take any retaliatory action
146 against the Complainant; and
147 xii. document the conversation with the Respondent.
- 148 g. The Respondent shall submit a written answer to the Investigator.
- 149 i. The answer shall include:
- 150 1. an admission or denial of each allegation in the complaint;
151 2. a statement as to the extent to which the complaint has merit;
152 3. an acceptance or rejection of the relief or action requested in the
153 complaint, if any; and
154 4. any other information the Respondent deems relevant.
- 155 ii. If the Respondent admits all or part of the allegation in the complaint,
156 appropriate disciplinary action will be coordinated by the Investigator and
157 the appropriate district administrator, the ~~irector~~ **Director** Assistant Superintendent
158 of Human Resources, and/or the ~~Director~~ **Director** Assistant Superintendent of
159 Student Services to include:
- 160 1. at a minimum, for an employee, a written reprimand shall be
161 issued to the Respondent and a copy placed in the Respondent's
162 file.
- 163 iii. If the Respondent denies the allegations, the Investigator shall meet with
164 the Complainant to discuss whether the investigation should proceed
165 informally or formally with:
- 166 1. consideration being given to the Complainant's requests regarding
167 the investigation process; however, the Investigator reserves the
168 right to override the Complainant's preference in handling a
169 complaint.
- 170 h. A request for the matter to be resolved through a formal process may be made at
171 any time.
- 172 2. Informal process

- 173 a. The complaint may be handled informally if the Complainant seeks to resolve the
174 issues directly with the individual(s) involved or through appropriate district
175 employees.
- 176 b. The appropriate Investigator will use ~~their~~ ~~his or her~~ best efforts to resolve the
177 complaint through mediation and negotiation with all parties.
- 178 c. If satisfactory resolution is reached informally, no further action will be taken and
179 the matter will be considered closed.
- 180 i. The Investigator shall inform the district's compliance officer, in writing,
181 that the matter has been resolved informally, and include any relevant
182 information regarding the resolution.
- 183 d. If, however, the behavior warrants any sanction of an employee above a verbal
184 warning, the ~~Assistant Superintendent~~ Director of Human Resources must be
185 involved in determining appropriate discipline and reviewing any gathered
186 documentation.
- 187 i. If the Complainant is not satisfied with the outcome of the informal
188 process, the Complainant may request that the complaint be handled
189 formally.
- 190 3. Formal process
- 191 a. The investigation in a formal process will also include interviews with any other
192 individual believed to have pertinent information.
- 193 b. The Investigator will interview the Respondent regarding the complaint, ~~their~~ ~~his~~
194 ~~or her~~ answer, witness statements, and other gathered information. All witnesses
195 will have the opportunity to review, edit, and acknowledge by signature the
196 accuracy of their own written statements or accountings of their interviews.
- 197 c. The Investigator should attempt to keep the parties and district compliance officer
198 informed of the progress of the investigation.
- 199 d. Within Fifteen (15) working days of receipt of the complaint, unless a longer
200 period of time is deemed necessary, the Investigator shall complete ~~their~~ ~~his or~~
201 ~~her~~ investigation and coordinate a response with the appropriate district
202 administrator as outlined below.
- 203 i. In incidents involving student violations against another student, the
204 complaint, along with the written documentation of the investigation, shall
205 be forwarded to the ~~Assistant Superintendent~~ Director of Student
206 Services.
- 207 ii. In all other circumstances, the complaint, along with the written
208 documentation of the investigation, shall be forwarded to the Director
209 ~~Assistant Superintendent of HR~~ Human Resources.
- 210 e. Within five (5) working days of receiving documentation from an Investigator, the
211 appropriate ~~assistant superintendent~~ director (Student Services or Human
212 Resources) will review the documentation and meet with the Investigator to
213 determine and initiate an action based on the investigative results.
- 214 f. Within fifteen (15) working days of the conclusion of the investigation, unless a
215 longer period of time is deemed necessary, the appropriate director (Human
216 Resources or Student Services) ~~assistant superintendent~~ will provide a written

- Complaint Summary to the Complainant and Respondent. The Complaint Summary will summarize the complaint, response, evidence adduced from the investigations, and the findings. The findings will include a concluding judgment as to whether or not a violation of board policy or these procedures has occurred.
- g. If an allegation is found to be substantiated in whole or in part, the appropriate assistant superintendent will determine and implement corrective discipline and remedial steps necessary to eliminate the effects of the discrimination, harassment, or retaliation.
 - h. The appropriate director ([Student Services or Human Resources](#)) will then inform the Complainant:
 - i. Whether or not appropriate action will be or has been taken; and
 - ii. That ~~he or she~~ [they](#) should immediately report any further objectionable behavior or retaliatory actions.

Second Level Review

- 1. Complainants who are not satisfied with the outcome of the first level investigation and response may file a request for review with the compliance officer, or if the complaint is against the compliance officer, with the ~~assistant~~ [deputy](#) superintendent (referred to collectively hereafter as “second level reviewer”).
- 2. Requests filed with the second level reviewer shall be in writing and contain the following information:
 - a. Complainant’s name, home address, telephone number, and school or work location;
 - b. A brief description of the alleged discrimination, harassment, or civil rights violation, including the date, place, and time;
 - c. Name of Respondent(s), if known;
 - d. A brief description of the actions/efforts that have already occurred to address the issue; and
 - e. Any other relevant information
- 3. The Complainant may also include a statement of requested relief or corrective action.
- 4. Alternate methods of filing a request will be made available to individuals with disabilities unable to file written requests.
- 5. The request shall be made as soon as possible, but preferably not later than sixty (60) days after the incident(s) in order to be effectively investigated and resolved.
- 6. Review processing:
 - a. Within ten (10) working days after receipt of the request, the second level reviewer, or his or her designee will meet with the Complainant to discuss the request and possible resolutions.
 - b. The second level reviewer will review the appropriateness of any first level investigation, response, Complaint Summary, and corrective action taken, if any.

- 259 i. The second level reviewer may take any additional steps he or she
260 deems necessary in order to resolve the request, such as re-interviewing
261 other pertinent individuals.
262 c. Within fifteen (15) business days after the initial meeting with the second level
263 reviewer, the decision may be appealed to the designated appeals officer.
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266 *Final Review*
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- 268 1. If the Complainant is not satisfied with the decision of the second level reviewer, the
269 decision may be appealed to the superintendent. The superintendent may choose to
270 designate a hearing officer to consider this appeal in his or her stead.'
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272 2. The appeal to the superintendent or designee must be made in writing, and mailed or
273 delivered in person to the superintendent within ten (10) work days from the date of the
274 second level reviewer's written decision. The superintendent or designee will review the
275 matter, and may, in his or her sole discretion, request additional information or
276 documentation.
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278 3. The superintendent or designee will render a decision on the appeal within fifteen (15)
279 days of receipt of the appeal, unless a longer period of time is deemed necessary.
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281 4. This decision shall serve as final administrative action in the matter.
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