

# PROCEDURES FOR SUBMITTING AND RESOLVING COMPLAINTS, GRIEVANCES, AND REPORTS OF UNLAWFUL DISCRIMINATION, HARASSMENT, VIOLENCE, BULLYING, AND HAZING Last Revised 2024

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Note: Complaints, grievances, and reports of unlawful sex discrimination follow procedures outlined in Policy 522. Complaints, grievances, and reports of other unlawful discrimination, harassment, violence, bullying, and hazing follow this set of procedures.

## I. DESIGNATIONS

The school board has designated individuals to coordinate the school district's efforts to comply with and carry out its responsibilities under Title IX; Americans with Disabilities Act (ADA) and Section 504 and school district human rights officers. See the Non-Discrimination Notice for a list of these individuals.

## II. REPORTING PROCEDURES

### A. Reporters and Complainants

1. Any person who believes he or she has been the target or victim of unlawful discrimination, harassment, violence, bullying, or hazing shall report the alleged conduct to an appropriate school district official designated by this procedure.
2. Any person with knowledge or belief of conduct that may constitute unlawful discrimination, harassment or violence, bullying, or hazing shall report the alleged conduct immediately to an appropriate school district official designated by this procedure.

### B. Report Takers

1. To submit and resolve complaints, grievances, and reports of unlawful discrimination, harassment, violence, bullying, and hazing, individuals may contact any of the following "Report Takers":
  - Advocate. The following staff members serve as advocates who assist students and/or parents with submitting reports and answering questions about the complaint process:

Jeimmy Yusty-Rojas	Cultural Liaison, Spanish Speaker	<a href="mailto:jyusty-rojas@rwps.org">jyusty-rojas@rwps.org</a>
Ryan Korby	RWHS Social Studies Teacher	<a href="mailto:rmkorby@rwps.org">rmkorby@rwps.org</a>
Lisa Hanson	RWHS Health Teacher	<a href="mailto:lmhanson@rwps.org">lmhanson@rwps.org</a>
Molly Kiefer	RWHS Language Arts Teacher	<a href="mailto:mrkiefer@rwps.org">mrkiefer@rwps.org</a>
Julie Martin	TBMS Language Arts Teacher	<a href="mailto:jgmartin@rwps.org">jgmartin@rwps.org</a>
Brianna Smith	TBMS Building Nurse	<a href="mailto:bcsmith@rwps.org">bcsmith@rwps.org</a>
  - Building principal/administrator or designee
  - Title IX Coordinator (if the complaint involves a claim of discrimination based on sex)
  - American with Disabilities Act (ADA) and Section 504 Coordinator (if the complaint involves a claim of discrimination based on disability)
  - A Human Rights Officer (if the complaint involves the building principal/administrator)
  - Superintendent (if the complaint involves the Human Rights Officer)
  - School Board Chair (if the complaint involves the Superintendent)
  - Any other school official. School officials will forward complaints to appropriate personnel
2. Nothing in this policy shall prohibit a person from submitting a complaint to any Report Taker or other school official.

C. Reporting Expectations for All Employees, Volunteers, and Contractors

1. Any school district employee, volunteer, or contractor shall be particularly alert to possible situations, circumstances, or events that might include acts of unlawful discrimination, harassment, violence, bullying, or hazing.
2. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of such alleged conduct shall make reasonable efforts to address and resolve the alleged conduct in a timely manner and immediately inform a Report Taker.
3. Individuals who fail to meet these expectations in a timely manner may be subject to disciplinary action or other remedial responses.

D. Anonymous Reports

A person may report a complaint anonymously. However, the school district may not rely solely on an anonymous complaint to determine discipline or other remedial responses.

E. Oral and Written Complaints

1. The school district encourages the reporting party or complainant to complete a written report using the form available from school district office or from the principal or administrator of each building, but the use of formal reporting forms is not mandatory.
2. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability.
3. Oral reports shall be personally reduced to writing by the Report Taker within 24 hours.

F. Privacy

1. The school district will respect the privacy of each reporter, victim, target, alleged perpetrator, and witness as much as possible, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.
2. Complaints are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

G. Good Faith Reports

Submission of a good faith complaint will not affect the future employment, grades, work assignments, or educational or work environment of any reporter or complainant.

**II. INVESTIGATION**

- A. The Report Taker shall promptly notify a Human Rights Officer of any complaint alleging unlawful discrimination, harassment, violence, bullying, or hazing.
- B. The Report Taker shall undertake or authorize an investigation by school district officials or a third party designated by the school district as soon as possible after receiving a complaint. If the complaint alleges harassment, violence, bullying, or hazing, the investigation must begin within three (3) school days of the receipt of the complaint.
- C. The school district may take immediate steps, at its discretion, to protect individuals involved pending completion of an investigation, consistent with applicable law.

- D. The investigation may consist of personal interviews with each reporter, complainant, victim, target, alleged perpetrator, and person who may have knowledge of the alleged incidents or circumstances giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the Report Taker.
- E. To determine whether alleged behavior constitutes unlawful discrimination, harassment or violence, bullying, or hazing, the Report Taker shall consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred.
- F. Each alleged perpetrator shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial response.
- G. The school district shall comply with federal and state law pertaining to retention of records.

### **III. SCHOOL DISTRICT ACTION**

- A. Upon completion of the investigation and receipt of the findings, the Report Taker shall submit a written report to a Human Rights Officer. The written report will include facts related to the complaint, determination of whether the allegations have been substantiated, whether unlawful discrimination, harassment, violence, bullying, or hazing has occurred, and proposed resolutions.
- B. Upon completion of the investigation and receipt of the findings, the school district shall take appropriate action.
  - 1. If it is determined that a violation has occurred, disciplinary action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
  - 2. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline each individual who engaged in the unlawful discrimination, harassment or violence, bullying, or hazing.
  - 3. If it is determined that misconduct occurred but did not rise to the level of discrimination, harassment, violence, bullying, or hazing as defined in school district policy and/or applicable law, appropriate disciplinary consequences may nevertheless be taken to address and deter the misconduct.
  - 4. Remedial responses shall be tailored to the particular incident and nature of the unlawful discrimination, harassment or violence, bullying, or hazing.
  - 5. School district action taken will be consistent with the requirements of applicable collective bargaining agreements, school district policies, and Minnesota and federal law and regulations.
- C. The school district will appropriately communicate with individuals involved in the incident(s).
  - 1. Within five (5) working days from the completion of the investigation, the Report Taker will notify the parents or guardians of each target, victim, and alleged perpetrator who has been involved in a reported and confirmed incident of unlawful discrimination, harassment or violence, bullying, or hazing of the remedial or disciplinary action taken, to the extent permitted by law.
  - 2. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district.

3. The Report Taker shall provide information about available school and community resources (such as counseling, academic support, and/or other services) to the target or victim, the perpetrator, and other affected individuals as appropriate.
  4. The reporter, complainant, target, or victim shall be advised on how to report retaliation or subsequent unlawful discrimination, harassment or violence, bullying, or hazing.
- D. To prevent or respond to acts of bullying, harassment, violence, or hazing committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of bullying, harassment or violence, or hazing.

**IV. APPEAL**

A. Appeal to a Human Rights Officer

1. If the complaint has not been resolved to the satisfaction of the reporter, complainant, victim, target, or perpetrator, he or she may appeal in writing to a Human Rights Officer within ten (10) work days of receipt of the findings of the school district's investigation.
2. The Human Rights Officer shall, within ten (10) days of receipt of the appeal, review the appeal, along with any new information provided; affirm, reverse, or modify the findings of the report; and inform the appellant in writing of such decision.

B. Appeal to Superintendent / Equity Coordinator

1. Within ten (10) days after receipt of the decision by a Human Rights Officer, the reporter, complainant, victim, target, or perpetrator may appeal in writing to the superintendent.

Superintendent
Superintendent 2451 Eagle Ridge Drive Red Wing, MN 55066  Phone: 651-385-4502 Email: <a href="mailto:bjaszczak@rwps.org">bjaszczak@rwps.org</a>

2. The superintendent / equity coordinator shall, within ten (10) days of receipt of the appeal, review the appeal, along with any new information provided; affirm, reverse, or modify the findings of the report; and inform the appellant in writing of such decision.

C. Appeal to School Board

1. Within ten (10) days after receipt of the decision by the superintendent / equity coordinator, the reporter, complainant, victim, target, or perpetrator may appeal in writing to the school board.

School Board
School Board Chair Red Wing Public Schools 2451 Eagle Ridge Drive

Red Wing, MN 55066

Phone: 651-385-4500

2. The decision of the school board is final but does not preclude pursuit of alternative complaint procedures noted in the section entitled “Right to Alternative Complaint Procedures.”

## V. RECORD KEEPING

The Report Taker shall forward a copy of any complaint and the record of any resulting investigation to a Human Rights Officer. The Human Rights Officers shall be responsible for keeping and regulating access to this information.

## VI. RETALIATION

- A. The school district will discipline or take appropriate action against any student, employee, volunteer, or contractor of the school district who commits an act of reprisal or who retaliates against any person who:
  1. asserts, alleges, or makes a good faith report of alleged unlawful discrimination, harassment, violence, bullying, or hazing;
  2. provides information about alleged unlawful discrimination, harassment, violence, bullying, or hazing;
  3. testifies, assists, or participates in an investigation of alleged retaliation or alleged unlawful discrimination, harassment, violence, bullying, or hazing; or
  4. testifies, assists, or participates in a proceeding or hearing related to such alleged unlawful discrimination, harassment, violence, bullying, or hazing.
- B. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

## VI. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

- A. The school district encourages individuals to exhaust the complaint procedures herein, so that it has an opportunity to identify and address any wrongdoing. These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include initiating civil action or seeking redress under state criminal statutes and/or federal law or filing charges with the following agencies:

U.S. Department of Education Office of Civil Rights		
U.S. Department of Education Office of Civil Rights Citigroup Center 500 W. Madison Street, Suite 1475 Chicago, IL 60661-4544	Phone: Fax: TTY: Email: Web:	312-730-1560 312-730-1576 1-800-877-8339 OCR.Chicago@ed.gov <a href="http://www.ed.gov/ocr">http://www.ed.gov/ocr</a>
Minnesota Department of Human Rights		
Minnesota Department of Human Rights Freeman Building 625 Robert Street North St. Paul, MN 55155	Phone: MN Relay: Fax: Email:	651-539-1100 or 1-800-657-3704 711 or 1-800-627-3529 651-296-9042 info.MDHR@state.mn.us <a href="https://mn.gov/mdhr/">https://mn.gov/mdhr/</a>

	Web:	
Equal Employment Opportunity Commission		
Equal Employment Opportunity Commission Towle Building 330 South Second Avenue, Suite 720 Minneapolis, MN 55401-2224	Phone: TTY: ASL: Fax: Web:	1-800-669-4000 1-800-669-6820 844-234-5122 612-335-4044 <a href="https://www.eeoc.gov/field/minneapolis/">https://www.eeoc.gov/field/minneapolis/</a>

- B. Complainants may pursue a criminal complaint, civil complaint, and/or school district's complaint procedures simultaneously. The school district may temporarily defer its proceedings in view of a criminal investigation.