

Nondiscrimination Grievance Procedure

To ensure fairness and consistency, the following review procedures are to be used in ESD 123's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity (nondiscrimination) laws. No staff member's status with ESD 123 will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure,

Definitions

"Grievance" means a complaint that has been filed by an employee relating to alleged violations of any state or federal anti-discrimination laws, and/or agency policies.

"Complaint" means a written charge alleging specific acts, conditions, or circumstances which are in violation of the anti-discrimination laws or agency policy. The time period for filing a complaint is one (1) year from the date of the alleged occurrence that is the subject matter of the complaint. Complaints may be submitted by mail, fax, e-mail, or hand-delivery to the agency's Compliance Officer responsible for investigating discrimination complaints or a member of the Internal Response Team. Any team member who receives a complaint that meets these criteria will promptly notify the Compliance Officer.

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

"Compliance Officer" will mean the Compliance Officer designated pursuant to Policy 5010.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. ESD 123 is prohibited by law from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

Informal Process for Resolution

When a staff member has an employment problem concerning equal employment opportunity, they are encouraged to discuss the problem with the immediate supervisor within thirty (30) days. The staff member may also ask the Compliance Officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels they cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the Compliance Officer before pursuing informal or formal procedures. If the discussion with the immediate supervisor or Compliance Officer does not resolve the issue the staff member may proceed to the formal review procedures. During the informal process, ESD 123 will notify the complainant of their right to file a formal complaint.

Formal Process for Resolution

Level One – Complaint to District

The complaint must be written and signed by the complainant and set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the Compliance Officer will provide the complainant a copy of this procedure and investigate the allegations within thirty (30) calendar days. ESD 123 and complainant may agree to resolve the complaint in lieu of an investigation.

The Compliance Officer will provide the Superintendent with a full written report of the complaint and the results of the investigation.

The Superintendent, or designee, will respond to the complainant with a written decision as expeditiously as possible, but not later than thirty (30) calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, ESD 123 will notify the complainant in writing of the reason for the extension and the anticipated response date.

The written response of the Superintendent, or designee, will include:

1. a summary of the results of the investigation;
2. whether ESD 123 has failed to comply with anti-discrimination laws and/or other agency policies;
3. if non-compliance is found, corrective measures ESD 123 deems necessary to correct it; and
4. notice of the complainant's right to appeal to the governing board and the necessary filing information.

The Superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

Any corrective measures deemed necessary will be instituted as expeditiously as possible, but not later than thirty (30) calendar days following the Superintendent, or designee's written response to the complaining party unless otherwise agreed to by the complainant.

Level Two Appeal to Board of Directors

If a complainant disagrees with the Superintendent's or designee's written decision, the complainant may file a written notice of appeal with the Secretary of the Board within ten (10) calendar days following the date upon which the complainant received the response.

The Board will schedule a hearing to commence at its next regularly scheduled meeting following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the Superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the hearing and will provide the complainant with a copy of the decision. The decision will be provided in a language that the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.

The staff member has the right to pursue external processes available through the Washington State Human Rights Commission, Equal Employment Opportunity Commission, or any other appropriate outside agency. If a staff member initiates a complaint through an external agency, ESD 123's processing of the complaint will be continued to allow for the external investigation and ESD 123 will fully cooperate with the outside agency investigation.

Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to ESD 123 and the disposition, including any corrective measures instituted by ESD 123, will be retained in the office of the Compliance Officer for a period of six (6) years.

Resources

1. ESD 123 Contact

Compliance Officer
Director of Human Resources
3924 W. Court Street
Pasco, WA 99301
509-544-5777
509-544-5790 fax

2. State Contacts

Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360-753-6770

Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206-607-1600

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