

TOPEKA PUBLIC SCHOOLS	REGULATION NUMBER: 8050-2
SUBJECT: STUDENT RESPONSIBILITIES AND RIGHTS: PROCEDURE FOR RESOLVING DISCRIMINATION COMPLAINTS	DATE OF ISSUE: 06/19/09 <hr/> REVISIONS: 11/04/11; 9/3/15; 06/25/18; 09/03/20 <hr/> PREPARING OFFICE: TEACHING, LEARNING & ADMINISTRATION

I. PURPOSE: To establish procedures for resolving complaints of discrimination.

II. PROCEDURES:

- A. The Board of Education encourages all complaints regarding the school district to be resolved at the lowest possible administrative level. Whenever a complaint is made directly to the Board of Education as a whole or to a Board Member as an individual, it will be referred to the administration for study and possible resolution.**
- B. Discrimination against any individual on the basis of race, color, national origin, sex, sexual orientation, gender, gender identity or expression, disability, age, or religion in the admission or access to, or treatment or employment in the school district's programs and activities is prohibited. Harassment of an individual on any of these grounds is also prohibited. The Section 504 compliance coordinator is the superintendent and/or the superintendent's designee, 624 SW 24th Street, Topeka, KS 66611-1294, (785) 295-3000. Information concerning the provisions of these acts, and the rights provided thereunder, are available from the compliance coordinator.**
- C. Except as otherwise provided in this policy and Board Policies 4065, 8110, and 2050, complaints of discrimination or discriminatory harassment by an employee should be addressed to the employee's supervisor, the building principal, or the school district's compliance coordinator. Complaints by a student should be addressed to the building principal, another administrator, the guidance counselor, or another certified staff member. Any school employee who receives a complaint of discrimination or harassment from a student shall inform the building principal. If the building principal is the alleged harasser, the complaint shall be reported to the school district's compliance coordinator. Complaints by any other person alleging discrimination should be addressed to the building principal or the school district's compliance coordinator.**

Complaints regarding alleged discrimination on the basis of sex, as prohibited by Title IX of the Education Amendments of 1972 and other federal and state laws regulating such discrimination and discriminatory harassment, shall be handled in accordance with the procedures outlined in Board Policies 4065 and 8110 and shall be directed to the Title IX Coordinator at General Counsel, 624 SW 24th Street, Topeka, KS 66611, (785) 295-3028. More information may be obtained on discrimination on the basis of sex by contacting the Title IX Coordinator.

Complaints alleging discrimination in child nutrition programs offered by the district

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shall be handled in accordance with the procedures outlined in Board Policy 2410, and more information may be obtained on procedures for such complaint by contacting the district compliance coordinator.

D. Complaints about other types of discrimination, including complaints of harassment, will be resolved through the following complaint procedures:

1. Informal Procedures

- a. The building principal shall attempt to resolve complaints of discrimination or harassment in an informal manner at the building level. Any school employee who receives a complaint of discrimination harassment from a student, another employee or any other individual shall inform the individual of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal. The building principal shall discuss the complaint with the individual to determine if it can be resolved.**
- b. If the matter is resolved to the satisfaction of the individual, the building principal shall document the nature of the complaint and the proposed resolution of the complaint, and forward this record to the school district's compliance coordinator within twenty (20) days after the complaint is resolved in this manner, the principal shall contact the complainant to determine if the resolution of the matter remains acceptable.**
- c. If the matter is not resolved to the satisfaction of the individual in the meeting with the principal, or if the individual does not believe the resolution remains acceptable, the individual may initiate a formal complaint.**

2. Formal Complaint Procedures

- a. A formal complaint should be filed in writing and contain the name and address of the person filing the complaint. The complaint should briefly describe the alleged violation. If an individual does not wish to file a written complaint and the matter has not been adequately resolved, the building principal may initiate the complaint. Forms for filing written complaints shall be available in each building office and the central office.**
- b. A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing.**
- c. If appropriate, an investigation shall follow the filing of the complaint. If the complaint is against the superintendent, the Board of Education shall appoint an investigating officer. In other instances, the investigation shall be conducted by the building principal, the compliance coordinator or another individual appointed by the Board. The investigation shall be informal, but thorough. All interested persons, including the complainant and the person against whom the complaint is lodged, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.**
- d. A written determination of the complaint's validity and a description of the**

resolution shall be issued by the investigator, and a copy forwarded to the complainant no later than thirty (30) days after the filing of the complaint.

- (1) If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in Board policy and state law governing student suspension and expulsion will be followed.
 - (2) If the investigation results in a recommendation that an employee be suspended without pay or terminated, procedures outlined in Board policy, the negotiated agreement or state law will be followed.
- e. Records relating to complaints filed and their resolution shall be forwarded to and maintained in a confidential manner by the district's compliance coordinator.
 - f. The complainant may appeal the determination of the complaint. Appeals shall be heard by the district's compliance coordinator, a hearing officer appointed by the Board of Education, or by the Board itself as determined by the Board of Education. The request to appeal the resolution shall be made within twenty (20) days after the date of the written resolution of the complaint at the lower level. The appeal officer shall review the evidence gathered by the investigator and the investigator's report, and shall afford the complainant and the person against whom the complaint is filed an opportunity to submit further evidence, orally or in writing, within ten (10) days after the appeal is filed. The appeal officer will issue a written determination of the complaint's validity and a description of its resolution within thirty (30) days after the appeal is filed.
 - g. Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with the U.S. Department of Education, Office for Civil Rights at One Petticoat Lane, 1010 Walnut Street, Suite 320, Kansas City, Missouri 64106 or by calling (816) 268-0550 or via email at OCR.KansasCity@ed.gov.