

Students

Administrative Procedure - Harassment of Students Prohibited

SEX EQUITY, SEX DISCRIMINATION, SEXUAL HARRASSMENT/INTIMIDATION

Investigation and Grievance Procedure

A grievance is defined as a complaint by a student alleging that the District, or an administrator, employee or student thereof, has violated any of the provisions of the Board's Student Sex Equity, Sex Discrimination, Sexual Harassment/Intimidation Policy.

A. Complaint:

1. Any student who wishes to submit a complaint must submit a written statement to the School District's title IX Coordinator, Paul Windsor, 701 Plainfield Rd., Downers Grove, IL 60516. The written statement should state the specific facts and/or perceived wrongful act (e.g., location, names, dates, times) to be investigated. The student may seek assistance in preparing the written complaint from a teacher, counselor or building principal to whom the student may have initially complained about the act or incident. All such written statements should be submitted within thirty (30) business days (defined as days when the School District's Administrative Office is open) after the incident or act which gives rise to the complaint, unless the time for submission is extended by the Title IX Coordinator because the complainant has shown good cause for such an extension.
2. The Title IX Coordinator or his/her designee shall promptly (a) notify the Superintendent in writing that a complaint has been received, and (b) investigate the complaint. The Coordinator or his/her designee shall make all reasonable efforts, including, but not limited to, convening a conference with the grievant to discuss the complaint and the results of the investigation, to resolve the matter informally.
3. In the event that the complaint is against an individual or individuals, the accused (s) will be notified that a complaint has been lodged against him/her and will be informed of the general substance of the complaint. The accused has the right to a representative of his/her own choosing, at his/her expense, in defending against the complaint. Except in exigent circumstances, before disciplinary action is taken against the accused (such as removal from school), the accused will have the opportunity to respond to the charges lodged against him/her. In such exigent circumstances, the accused shall have an opportunity to respond as soon as practicable after the disciplinary measure has been imposed.

B. Hearing:

4. In the event the complaint cannot be resolved informally, the Title IX Coordinator will advise the student of his/her right to a hearing and the following additional procedures:
 - a. The student's request for a hearing must be in writing and must be filed within five (5) business days of the student's notification of a right to a hearing. The student may seek assistance in preparing the hearing request from a teacher, counselor or building principal. A copy of the original complaint shall be attached to the hearing request.

- b. Within ten (10) business days of the Coordinator's receipt of the written request for a hearing, the Coordinator will convene an informal hearing, at which time both the student and the person(s) responsible for the disputed action may present testimony and documents relevant to the complaint.
 - c. A record of the hearing shall be made and kept. The Coordinator shall be responsible for making the record of the hearing available to the parties upon request.
 - d. Within ten (10) business days of the hearing, the Coordinator shall provide the student and the Superintendent with written findings on the allegations of the complaint and, if necessary, recommendations for any corrective action.
- C. Appeal of Board of Education:
- 5. If the student is not satisfied with the Coordinator's written findings and/or recommendations or if the Coordinator fails to provide the student with written findings and/or recommendations within the time limits specified in Paragraph 3 above, the student may thereafter appeal the decision as follows:
 - a. The student must forward a letter appealing the Coordinator's findings and/or recommendations to the Board of Education, in care of the Superintendent's office, within five (5) business days of the student's receipt of the findings and/or recommendations. Assistance in filing the written appeal is available as specified in Paragraphs 1 and 3(a) above. Copies of the original complaint, minutes of the hearing, the Title IX Coordinator's hearing findings and/or recommendations shall be attached to the appeal.
 - b. The Board may, in its discretion, convene a hearing at which the parties may present testimony and argument.
 - c. Within thirty (30) business days of the filing of the appeal, the Board of Education shall provide the student with a written decision affirming, reversing or modifying the Coordinator's findings and/or recommendations and specifying the reasons upon which the review decision is based.
- D. Appeal to Superintendent of Regional Office of Education:
- 6. If the student is not satisfied with the final disposition of the grievance by the Board of Education or if the Board fails to issue a timely decision, the student may appeal the decision to the Superintendent of the Regional Office of Education pursuant to Section 3-10 of the Illinois School Code.
- E. Appeal to State Superintendent of Education:
- 7. If the student is not satisfied with the disposition of the grievance by the Superintendent of the Regional Office of Education, the student may appeal the decision to the State Superintendent of Education pursuant to Section 2-3.8 of the Illinois School Code.
- F. Miscellaneous:
- 8. If the alleged perpetrator of the discriminatory act is the School District's Title IX Coordinator, the student may omit the steps set forth in Paragraphs 1, 2 and 4 (as to Title IX Coordinator) herein and proceed immediately to the next step of the grievance process.

9. The District shall maintain records documenting each grievance and its disposition. Such records shall be made available to State Board enforcement authorities upon request.
10. Should either party to the grievance procedure wish to employ counsel or a court reporter, it shall be done at the party's own expense.
11. All complaints regarding the School District's compliance with Title IX of the Education Amendments of 1972 or the Illinois Sex Equity Rules shall be received and investigated without reprisal by the Board of Education or the Board's employees or agents. No reprisal shall be taken against any person for participating or refusing to participate in the grievance process, provided that if a refusal to participate constitutes insubordination such refusal may be subject to normal disciplinary procedures.

The filing of a complaint under the grievance procedures described herein shall not limit, extend, replace or delay the right of any person to file a similar complaint or charge with any appropriate local, State, or federal agency or court.

Disciplinary Action/Prevention of Recurrence

Disciplinary action may be taken with respect to any District employee who is found to have committed or participated in an act or acts of sexual harassment or intimidation against a student. Disciplinary action, up to and including expulsion, may be taken with respect to any student of the District who is found to have committed or participated in an act or acts of sexual harassment or intimidation against another student. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students. Other steps, as appropriate, may be taken to prevent recurrence and to restore a non-discriminatory atmosphere.

The Board will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a complaint or charge of sexual harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

If the District's investigation of a complaint of harassment results in a conclusion that an individual has engaged in unlawful harassment in violation of this policy, or that school personnel member(s) have knowingly failed to report harassment as required herein, that individual may appeal this determination by use of established Board procedures for appealing other adverse personnel and/or education related actions.

Confidentiality

The rights to confidentiality, both of the complainant and the accused, will be respected consistent with the School District's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Evaluation

At least once every four years, the District shall evaluate its policies and practices to identify sexual discrimination, harassment, intimidation and bias, and shall develop a written plan to modify any such policy or practice identified. The written plan shall enumerate remedial steps to be taken to eliminate the effects of any identified discriminatory policy or practice.

The evaluation shall include an examination of course enrollment data to identify any instances of disproportionate enrollment on the basis of sex and where discrimination may have contributed to such disproportionate enrollment, the plan shall seek to redress the same.

Additionally, the District shall at least once every four years conduct a written survey of all students concerning their athletic interests. If the results of the survey indicate that the level of student interest in the range of alternatives provided is disparate between the sexes and such disparity may be the result of discrimination, efforts shall be initiated to reduce such disparity.

Inservice training implementing the plan shall be provided to District administrators and to certified and non-certified personnel as needed.

Dissemination

The District shall take reasonable measures to assure that District employees, students and parents are informed of the District's Student Sex Equity, Sex Discrimination and Sexual Harassment/Intimidation Policy and this Administrative Regulation by inclusion of a summary of the same in employee and student handbooks and shall make a copy of the same available for inspection at the District Administrative Office and all schools.

Records

The District shall maintain records documenting compliance with the policy and administrative regulation, including reports of sex equity evaluations and plans, remediation efforts and inservice activities, data collection and analyses, grievances and their disposition. The records shall be made available to State Board enforcement authorities upon request.

Note: This policy varies from the recommended policy 7:20 provided by Illinois Association of School Boards. It has been adapted in connection with an "Agreement to Resolve" entered into by the District in favor of the U.S. Department of Education Office of Civil Rights on December 18, 2001. Future revisions to Policy 7:20 should be made only after careful determination that the intent of this policy is maintained.

LEGAL REF: Title IX of the Education Amendments of 1972, 20 U.S.C. & 1681 et seq.

Illinois School Code, 105 ILCS 5/27-1

Illinois Sex Equity rules, 23 ILL. Admin. Code & 200.10 et seq.

Illinois Human Rights Act, 775 ILCS 5/1-101, et seq.

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