

Byron Center Public Schools Administrative Guidelines

4122B - COMPLAINT PROCEDURES FOR NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY/ACCESS

If a person believes that s/he has been discriminated against or denied equal opportunity or access to the District's programs, activities or services, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

The following person(s) is/are designated as the District's Civil Rights Coordinator:

Name and/or Title:	Special Education Director
Address:	8542 Byron Center Avenue Byron Center, MI 49315
Phone number:	616-878-6100
Facsimile number:	616-878-6120

The individual may also, at any time, contact the U.S. Department of Education, Office for Civil Rights, Cleveland Office, 600 Superior Avenue East, Suite 750, Cleveland, Ohio 44114-2611; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: <http://www.ed.gov.ocr>.

Internal Complaint Procedures

A person who believes s/he has a valid basis for a complaint may discuss the matter informally and on an oral basis with the District's Civil Rights Coordinator, who will investigate the complaint and reply with an answer to the complainant. If the informal procedures do not resolve the matter to the complainant's satisfaction or s/he skips the informal process, s/he may initiate formal procedures according to the following steps:

Step 1

Investigation by the District Civil Rights Coordinator: A person may initiate a formal investigation by filing a written complaint ([Form 4122 F1](#)) with the District Civil Rights Coordinator. The complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, and describe the alleged discriminatory action in sufficient detail to inform the Civil Rights Coordinator of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the Civil Rights Coordinator for good cause. The Civil Rights Coordinator will conduct an impartial investigation of the complaint. As part of the investigation, the Civil Rights Coordinator shall permit the complainant to present witnesses and other evidence in support of his/her complaint. The investigation shall be completed within fifteen (15) business days of the written complaint being filed. The Civil Rights Coordinator will notify the

complainant in writing of his/her decision and will maintain the District's files and records relating to the complaint.

Step 2

Appeal to the Superintendent: If the complainant is not satisfied with the Civil Rights Coordinator's Step 1 decision, s/he may submit, in writing, a signed statement of appeal to the Superintendent within five (5) business days after receipt of the Coordinator's response. The Superintendent will review the case, may conduct an informal hearing, and will notify the complainant within ten (10) business days of receiving the written appeal.

Step 3

Appeal to the Board of Education: If the complainant remains unsatisfied, s/he may appeal through a signed written statement to the Board of Education within five (5) business days of his/her receipt of the Superintendent's response in Step 2. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each concerned party within ten (10) business days of this meeting.

The complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case in the appropriate Federal District Court. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

The Civil Rights Coordinator will provide a copy of the District's complaint procedure to any person who files a complaint and will investigate all complaints in accordance with this procedure.

A copy of each of the Acts and the regulations on which this notice is based, may be found in the Civil Rights Coordinator's office.

PROHIBITION AGAINST RETALIATION

The Board will not discriminate against, coerce, intimidate, threaten, or interfere with any individual because the person opposed any act or practice made unlawful by any Federal civil rights law, or because that individual made a charge, testified, assisted, or participate in any manner in an investigation, proceeding, or hearing under those laws or because that individual exercised, enjoyed, aided, or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws. Similarly, the Board will not tolerate such conduct by others and, to the extent possible, will act to eliminate it. Any complaints of retaliation should be filed in accordance with this complaint procedure.

Revised 9/24/10
Revised 2/18/13

© Neola 2012