

WESTMORLAND UNION ELEMENTARY SCHOOL DISTRICT

Board Policy No. 5002: PUPIL COMPLAINT PROCEDURE

A. Prohibited Discrimination

Except as otherwise provided by law, a student shall not be excluded from participation in, denied the benefits of, or subjected to discrimination under any academic, extracurricular, or other educational program or activity operated by the District or denied any aid, benefit or service provided by the District on the basis of sex, religion, creed, disability, race or national origin, or sexual preference. This complaint procedure shall apply to all pupil complaints of unlawful discrimination and harassment.

B. Definitions

1. A "complaint" is a formal written allegation by a pupil who has been adversely affected by discrimination prohibited by this Policy.
2. A "pupil" is a pupil currently enrolled in the District.
3. A "day" is a day in which the administrative office of the District is open.

C. Informal Level

1. Before filing a formal written complaint, the pupil shall attempt to resolve it by an informal conference with the Principal or Counselor. If the matter cannot be resolved at the informal level, the pupil shall follow the formal levels listed below.

D. Formal Levels

1. Step 1
 - a. Within twenty (20) days after the occurrence of the act or omission, or within twenty (20) days after the pupil knew or reasonably should have known of the act or omission giving rise to the complaint, the pupil must present such complaint in writing to the Principal or Counselor.
 - b. This statement shall be a clear, concise statement of the complaint, the circumstances involved, the decision rendered at the informal conference, under C above, and the specific remedy sought.

- c. The Principal or Counselor shall communicate a decision to the pupil in writing within fifteen (15) days after receiving the complaint. If the Principal or Counselor does not respond within the time limits, the pupil may appeal to the next step.
- d. Within the above time limits, either party may request a personal conference with the other party.

2. Step 2

- a. In the event the pupil is not satisfied with the decision at Step 1, the pupil may appeal the decision to the Superintendent within ten (10) days.
- b. The statement should include a copy of the original complaint, the decision rendered, and a clear, concise statement of the reasons for the appeal.
- c. The Superintendent or designee shall communicate a decision within twenty (20) days after receiving the appeal. The Superintendent may request a personal conference within the above time limits. If the Superintendent does not respond within the time limits, the pupil may appeal to the next step.

3. Step 3

- a. In the event that the pupil is not satisfied with the decision at Step 2, he/she may request that the complaint be submitted to the Board. Such request must be in writing and filed within ten (10) days with the Superintendent.
- b. The Board may or may not schedule a conference. The decision of the Board shall be the final decision of the District. The pupil may appeal to any appropriate federal or state agency.

E. The Superintendent shall provide notice of this Policy to students, parents and employees.

Legal Reference:

Title IX, Education Amendments of 1972

34 CFR Sections 106.8(b) - 106.9(a), 106.31, 106.34

Date Policy Adopted By The Board: August 22, 1989 (formerly B.P. 5021)

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