

**F. SECTION 504 AND A.D.A GRIEVANCE PROCEDURE**

*1. Definitions*

- A. Complaint: A written complaint alleging an incident of discrimination.
- B. Student Grievant: A student who submits a complaint alleging an incident of discrimination.
- C. Employee Grievant: An employee who submits a complaint alleging an incident of discrimination.
- D. Designated Complaint Receiver: The person(s) designated to coordinate efforts to comply with and carry out responsibilities under Section 504 of the Rehabilitation Act of 1973.
- E. Respondent: The person alleged to be responsible for the violation alleged in a complaint. The term may be used to designate persons with responsibility for a particular action or those persons with supervisory responsibility for procedures and policies in those areas covered in the complaint.
- F. Day: Day means a working day. The calculation of days in complaint processing excludes Saturdays, Sundays, and holidays.

*2. Pre-Filing Procedures*

Prior to the filing of a written complaint, the student or employee is encouraged to visit with the superintendent, and a reasonable effort should be made to resolve the problem or complaint.

*3. Filing and Processing Discrimination Complaints*

A. Grievant

Submits written complaint to designated complaint receiver stating name, nature, and date of alleged violation; names of persons responsible (where known); and requested action. Complaint must be submitted within 60 days of alleged violation. Complaint forms are available in school office or other designated area.

B. Designated Complaint Person

Notifies respondent within 5 days and asks respondent to:

- 1. Confirm or deny facts;
- 2. Indicate acceptance or rejection of student or employee's requested action; or
- 3. Outline alternatives.

C. Respondent

Submits answer within 5 days to designated complaint receiver.

D. Designated Complaint Person

Within 5 days after receiving respondent's answer, refers to written complaint and respondent's answer to the principal or other designee. The coordinator also schedules a hearing with the grievant, the respondent, and the principal or other designee.

E. Principal, Grievant, Respondent, and Designated Complaint Person

Hearing is conducted.

F. Principal

Within 5 days after hearing, issue a written decision to the student or employee, respondent and designated complaint person.

G. Grievant or Respondent

If the grievant or respondent is not satisfied with the principal's decision, he/she must notify the complaint receiver within 5 days and request a hearing with the superintendent.

H. Designated Complaint Person

Within 5 days of request, schedules a hearing with the grievant, respondent, and superintendent.

I. Superintendent, Grievant, Respondent, and Designated Complaint Person

Hearing is conducted.

J. Superintendent

Issue a decision within 5 days following the hearing.

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### K. Grievant

If the Grievant or respondent is not satisfied with the superintendent's decision, he/she must notify the designated complaint person within 5 days and request a hearing with the governing board.

L. Designated Complaint Person Notifies governing board within 5 days receiving request. Schedules hearing the governing board. Hearing is to be conducted within 30 days from the date of notification to the governing board.

M. Governing Board or Hearing Panel established by the Board, Grievant, and Designated Complaint Person

Hearing is conducted.

N. Governing Board Issues a final written decision within 5 days after the hearing regarding the validity of the grievant and any action to be taken.

### GENERAL PROVISIONS

*A. Extension Time:* Any time limits set by these procedures may be extended by mutual consent of the parties involved. The total number of days from the date that the complaint is filed until the complaint is resolved shall be no longer than 110 days.

*B. Confidentiality of Records:* Complaint records will remain confidential unless permission is given by the parties involved to release such information. No complaint record shall be entered in the personnel file. Complaint records shall be maintained on file for three years after complaint resolution.