

TITLE IX/SECTION 504/TITLE II GRIEVANCE PROCEDURES

The Barnstable Public School District has adopted internal grievance procedures providing for the prompt and equitable resolution of complaints alleging any action prohibited by Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II). Title IX prohibits discrimination on the basis of sex. Both Section 504 and Title II prohibit discrimination on the basis of disability.

The Title IX/Section 504/Title II Coordinator for the District is: Gina Hurley, Ed.D., Director of Student Services, Barnstable Public Schools, 230 South Street, P.O. Box 955, (508) 862-4951.

As used in these procedures, the term “complainant” means any student, parent, employee, or other District patron who believes he or she has been subjected to discriminatory action by the District in violation of Title IX, Section 504, or Title II.

Grievance Procedure

A complainant who believes that they or someone else has been subject to discrimination on the basis of sex or disability may first discuss his/her concerns with the Title IX/Section 504/Title II Coordinator in an attempt to resolve the matter informally.

If the Title IX/Section 504/Title II Coordinator is not successful in achieving a resolution that is satisfactory to the complainant within 10 calendar days, or if the complainant wishes to bypass the informal process, he/she may notify the Title IX/Section 504/Title II Coordinator that he/she would like to file a formal grievance. This must be filed within 90 calendar days after the complainant becomes aware of the alleged discrimination. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.) To file a formal grievance the complainant must inform the Title IX/Section 504/Title II Coordinator that he/she is filing a formal grievance and provide, either verbally or in writing: the name and address of the person filing and a brief description of the alleged discriminatory action, including the date the action occurred and the name(s) of the person(s) believed to be responsible. When this information is provided verbally, the Title IX/Section 504/Title II Coordinator will document the information provided.

Upon receiving the grievance, the Title IX/Section 504/Title II Coordinator will conduct an investigation with respect to all timely filed grievances which raise issues under Title IX, Section 504, or Title II. This grievance procedure contemplates informal but thorough and impartial investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a grievance.

The District will provide a prompt and equitable resolution, including taking steps to prevent recurrence of any discrimination that it finds has occurred, and to correct the effects of such discrimination on the complainant and others, if appropriate. The Title IX/Section 504/Title II

Coordinator will issue a written determination as to the validity of the grievance and a description of the resolution, if any, and forward a copy to the complainant no later than 30 calendar days after the grievance was filed.

A complainant who is dissatisfied with the resolution can request a reconsideration of the case. The request for reconsideration must be made in writing to the Title IX/Section 504/Title II Coordinator within 10 calendar days after the complainant's receipt of the written determination. The Barnstable School Committee will consider the request for reconsideration within 60 days after the District's receipt of the request. At the meeting at which the request for reconsideration is considered, the complainant may address the School Committee concerning the grievance, in public or executive session, as appropriate and lawful. The School Committee will provide the complainant with a written decision within 10 calendar days after the meeting at which the request for reconsideration is considered.

General Provisions

Non-Exclusive Procedures: The right of a person to a prompt and equitable resolution of any grievance filed under these procedures will not be impaired by the person's pursuit of other remedies such as the filing of a Title IX, Section 504, and/or Title II complaint with the responsible federal department or agency. Utilization of these grievance procedures is not a prerequisite to the pursuit of other remedies. However, these grievance procedures may not be used by an employee if he or she has filed a grievance under a collective bargaining agreement with the Barnstable School Committee which involves substantially the same set of facts and issue(s).

Confidentiality: Every reasonable effort will be made to protect the privacy and confidentiality of all parties during the investigation, consistent with and subject to the District's need to investigate the complaint and implement decisions made in order to resolve the complaint. It must be understood that in order to permit the District to carry out its obligation to investigate all complaints fairly, and to ensure that non-discrimination is a reality within the school community, no representative of the District is authorized to promise complete confidentiality to any person who possesses information relevant to the investigation of a complaint, including the complainant.

Maintenance of Grievance Records: The Title IX/Section 504/Title II Coordinator will maintain the records of the Barnstable Public School District relating to grievances filed under these procedures. A record must be kept of each grievance (whether informal or formal), including, at a minimum: the name of the complainant and his or her status (that is, student, parent, teacher, staff, etc.); the date the grievance was received; the allegation(s) made in the grievance; the name(s) of any person(s) alleged to be responsible for discrimination; a statement of the resolution and the nature of date of any corrective action taken.

Alternate Title IX/Section 504/Title II Coordinator: If a grievance alleges discrimination stemming from the Title IX/Section 504/Title II Coordinator, the complainant may discuss his/her concerns and/or file a formal grievance with the Superintendent, who will designate an alternate District official to serve as Title IX/Section 504/Title II Coordinator for purposes of that grievance.

Retaliation Prohibited: Discrimination against any individual because he or she reported Title IX, Section 504, and/or Title II violations, or made a complaint, testified, assisted, or participated in any investigation or proceeding, is prohibited. Coercion or intimidation of, threats toward, or interference with anyone because he or she exercised or enjoyed Title IX, Section 504, and/or Title II rights, or helped or encouraged someone else to do so, is also prohibited.

These procedures are intended to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the Barnstable Public School District complies with Title IX, Section 504, Title II, and their implementing regulations.

ADOPTION DATE: January 16, 2001

REVISED: August 12, 2008
December 15, 2009
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