

GB-2 Complaints

The board encourages all complaints regarding the district to be resolved at the lowest possible administrative level. Whenever a complaint is made directly to the board as a whole or to a board member as an individual, it will be referred to the administration for study and possible resolution.

Garnett USD #365 does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Harassment of an individual on any of these grounds and retaliation are also prohibited. For questions or complaints based on race, color, national origin, sex, age, equal access, or disabilities please contact: District Compliance Coordinator, 305 N. Oak, Garnett, KS 66032. Phone: 785-448-6155. Any act of retaliation is prohibited, including intimidation, threats, coercion, or discrimination, against any person who has filed a complaint of discrimination, or testified, assisted, or participated in any manner in an investigation by the District or any outside agency. Any person who retaliates is subject to immediate disciplinary action, up to and including expulsion for a student or termination of employment for an employee. The filing of a complaint or otherwise reporting discrimination, including harassment or retaliation, shall not reflect upon the student's status or grades.

Complaints about Discrimination, Discriminatory Harassment and Retaliation.

Complaints of discrimination or discriminatory harassment or retaliation by an employee should be reported to the employee's supervisor, the building principal, or the district compliance coordinator. Complaints by a student should be reported to the building principal, another administrator, the guidance counselor, teacher, or another staff member. Any school employee who receives a complaint of discrimination or harassment from a student shall inform the student of the employee's obligation to report the complaint and any proposed resolution of the complaint to the building principal. If the building principal is the alleged harasser, the complaint shall be reported to the district compliance coordinator. Complaints by any other person (members of the public, applicants, etc.) alleging discrimination should be reported to the District's compliance coordinator. During the course of the District's investigation, the complainant may resolve the complaint voluntarily, but any informal, voluntary resolution attempts or process will not delay or impede the District's investigation. Complaints about discrimination, including complaints of harassment and retaliation, will be resolved through the following complaint procedures:

Complaint Procedure

A complaint may be filed verbally or in writing. The complaint should briefly describe the alleged violation. If an individual does not wish to file a written complaint, the building principal or the District's compliance coordinator may initiate the complaint. Forms for filing written complaints are available in each building office and the central office or accessed on the District's website.

A complaint should be filed as soon as possible after the conduct occurs, but not later than 180 days after the complainant becomes aware of the alleged violation, unless the conduct forming the basis for the complaint is ongoing or extenuating circumstances exist.

The District shall conduct a prompt investigation after a complaint of discrimination is filed. If the complaint is against the superintendent, the board shall appoint an investigating officer. In other instances, the investigation shall be conducted by the building principal, the compliance coordinator or another individual appointed by the board. The investigation shall be thorough, adequate, reliable, and impartial. All interested persons, including the complainant and the person against whom the complaint is lodged, will be afforded an opportunity to submit written or oral evidence relevant to the complaint.

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- A written determination of the complaint's validity and a description of the resolution shall be issued by the investigator, and a copy forwarded to the complainant no later than 30 days after the filing of the complaint.
- If the investigation results in a recommendation that a student be suspended or expelled, procedures outlined in board policy and state law governing student suspension and expulsion will be followed.
- If the investigation results in a recommendation that an employee be suspended without pay or terminated, procedures outlined in board policy, the negotiated agreement or state law will be followed.
- Records relating to complaints filed and their resolution shall be forwarded to and maintained in a confidential manner by the district compliance coordinator.

The complainant may appeal the determination of the complaint. Appeals shall be heard by a hearing officer appointed by the board, or by the board itself as determined by the board. The request to appeal the resolution shall be made within 20 calendar days after the date of the written resolution of the complaint at the lower level. The appeal officer shall review the evidence gathered by the investigator and the investigator's report, and shall afford the complainant and the person against whom the complaint is filed an opportunity to submit further evidence, orally or in writing, within 10 calendar days after the appeal is filed. The appeal officer will issue a written determination of the complaint's validity and a description of its resolution within 30 calendar days after the appeal is filed.

Use of this complaint procedure is not a prerequisite to the pursuit of any other remedies including the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education, the Equal Employment Opportunity Commission, or the Kansas Human Rights Commission.

Complaints About Policy

The superintendent shall report any unresolved complaint about policies to the board at the next regularly scheduled board meeting.

Complaints About Curriculum

The superintendent shall report a failure to resolve any complaint about curriculum to the board at the next regularly scheduled board meeting.

Complaints About Instructional Materials

The building principal shall report any unresolved complaint about instructional materials to the superintendent immediately after receiving the complaint.

Complaints About Facilities and Services

The superintendent shall report any unresolved complaint about facilities and services to the board at the next regularly scheduled board meeting.

Complaints About Personnel

Complaints about personnel should be resolved using according to board policy GB. The superintendent or the building principal involved shall report any unresolved complaint about personnel to the board at the next regularly scheduled board meeting.

Complaints About Emergency Safety Intervention Use

Complaints concerning the use of emergency safety interventions by district staff shall be addressed in accordance with the local dispute resolution process outlined in board policy DDA-2.