

SECTION 504 - TITLE IX EMPLOYEE COMPLAINT PROCESS

1.0 PURPOSE

Mercer County Public Schools does not discriminate on the basis of race, color, national origin, sex, age or disability in admission or access to, or treatment in or employment in, its programs and activities.

2.0 DEFINITIONS

Complaint - an allegation of violation of any policy, procedure, or practice which would be prohibited by Title IX, Section 504 and other federal and state civil rights laws, rules and regulations.

Title IX - of the Education Amendments of 1972, the 1975 Implementing Regulations, and any memoranda, directives, guidelines, or subsequent legislation that may be issued.

Section 504 - the Rehabilitation Act of 1973.

Federal and State Civil Rights Laws, Rules and Regulations - 1964 Civil Rights Act, Title VI, Title VII as amended, Title IX, Age Discrimination Act of 1967 and 1975 as amended, Equal Pay Act of 1963, Section 504, the West Virginia Human Rights Act, and implementing federal and state rules and regulations.

Complainant - a student, parent, guardian or employee of the Mercer County Public School District who submits a complaint.

Public School District - Mercer County Public Schools, 1403 Honaker Avenue, Princeton, West Virginia 24740.

Title IX and Section 504 Coordinators - the employees designated to coordinate the District's efforts to comply with equity regulations and facilitate processing of complaints (hereafter Coordinator).

Day - a working day; the calculation of days in complaint processing shall exclude Saturdays, Sundays and school holidays (18A-5-2 WVC).

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3.0 BASIC PROCEDURAL RIGHTS - (applicable to all levels of the complaint process)

The Title IX and/or Section 504 Coordinator shall receive complaint, actively and independently investigate merit of the complaint, and assist the parties in resolution of the complaint. The coordinator may be utilized as a resource by any party at any level of this procedure.

This procedure does not deny the right of the complainant to file a formal complaint with other state and federal agencies (e.g., West Virginia Human Rights Commission, U. S. Department of Education Office of Civil Rights) or to seek private counsel for a complaint alleging discrimination.

Intimidation, harassment or retaliation against any person filing a complaint or any person participating in the investigation or resolution of a complaint is a violation of law and constitutes the basis for filing a separate complaint.

It is the policy of this District to process all complaints in a fair, expeditious and confidential manner.

Any person believing that the Mercer County Public School District or any of the District's staff has inappropriately applied the regulations of Section 504 of the Rehabilitation Act of 1973 and/or Title IX may bring forward a complaint to the District's Section 504 Coordinator and/or Title IX Coordinator by contacting Mercer County Public Schools, 1403 Honaker Avenue, Princeton, WV 24740 or calling 304-487-1551, ext. 293 (Section 504); 304-487-1551, ext. 156 (Title IX).

The process for initiating - filing a complaint is:

Step 1: Principal or Immediate Supervisor (Informal and optional - may be bypassed by complainant)

It is encouraged the complainant first discuss the complaint with immediate supervisor. An exception is that complaints of sexual harassment should be discussed with the first line supervisor or administrator not involved in the alleged harassment.

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Step 2: Title IX and/or Section 504 Coordinator (Formal)

If complaint is not resolved (or bypassed) at Level 1, the complainant may file a written complaint stating: 1) the nature of the complaint; 2) name(s) and address of persons who may have information relative to the complaint; 3) the corrective action requested; 4) be signed and dated by the complainant. The written complaint must be filed with the appropriate Coordinator within fifteen (15) days of the event or incident, or from the date the complainant could reasonable become aware of such occurrence.

The Coordinator has authority to investigate all written grievances. If possible, the Coordinator will resolve the complaint. If the parties cannot agree on resolution, the coordinator will prepare a written report of the investigation which shall include the following:

- A statement of the allegations and remedy sought by the complainant.
- A statement of the facts as contended by each of the parties.
- A statement of the facts as found by the Coordinator and identification of evidence to support each fact.
- Documents reviewed during the investigation.
- A narrative describing the attempts to resolve the complaint.
- Conclusion and recommendation.

The Coordinator will complete the investigation and file findings with the Superintendent within thirty (30) days of receipt of the written complaint. The Coordinator will send a copy of the report to the complainant.

Corrective actions shall be facilitated by the Superintendent, should they be necessary.

The Coordinator and Superintendent may appoint an outside investigator once a written complaint is filed.

This procedure does not deny the right of the complainant to file formal complaints with other state and federal agencies (e.g., West Virginia Human Rights Commission, West Virginia Department of Education, U. S. Department of Education Office of Civil Rights or to seek private counsel for complaints alleging discrimination.

Source: Board of Education Minutes

Date(s): 7/23/92; 6/27/95

Mercer County Public Schools
Section 504 - Title IX

Complaint Form

Date: _____

Your name _____

Your school and position _____

Place where you may be reached _____

Address _____

Telephone(s) _____

Nature of your complaint. (Please describe the policy and/or action you believe have been violated. Identify any person(s) you believe may be responsible.)

Name, address and telephone of person(s) who may have information relative to your complaint.

Please describe any corrective action you wish to see taken with regard to the alleged violation.

Submit any written documentation in connection with your complaint with this form.

Signature of Complainant

Date Submitted

Signature 504/Title IX Coordinator

Date Received