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## GRIEVANCE POLICY FOR STAFF AND STUDENTS

### Legal Authority/Requirements

R277-515                      Utah Educator Standards

#### **I. Duty to Report**

It is the duty of every student and every employee to report any violations of these procedures.

Academy for Math Engineering and Science  
5715 South 1300 East  
Salt Lake City, Utah 84121 | [www.ames-slc.org](http://www.ames-slc.org)  
801-278-9460

#### **II. Confidentiality**

- A. Every effort will be made to protect the confidentiality of all participants in complaint proceedings and investigations; however, absolute confidentiality cannot be guaranteed. In some instances, the AMES' legal obligations, including the need to investigate allegations and take appropriate corrective action, will require the disclosure of certain information.
- B. In all cases, the person receiving the complaint should discuss confidentiality standards and concerns with the Complainant initially. The Complainant must be informed that a confidentiality request may limit AMES' ability to respond to a complaint. If the Complainant continues to ask that his/her name not be revealed, all reasonable steps must still be taken to investigate and respond to the complaint consistent with the Complainant's request as long as doing so does not prevent AMES from responding effectively to the complaint.

Respondents are entitled to due process, thus, if a Complainant, who was the only other individual involved, insists that his/her name not be revealed, and the Respondent cannot respond to the charges without that information, disciplinary action against the Respondent may not be appropriate.

- C. All individuals involved in a complaint or investigation shall refrain from discussing the matter, except with those who have a legal need to know.

### **III. Submitting an Initial Complaint**

- A. A Complainant may submit an initial complaint as follows:

- 1. Any complaint involving students must be immediately referred to the Principal/CEO.
  - a. Any AMES employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the principal, and then shall immediately notify the principal.

Such behavior will also warrant reporting to the appropriate licensing or law enforcement authority.

- b. Pursuant to state law, when a complaint involves allegations of child abuse, the complaint must immediately be reported to either the Division of Child and Family Services (DCFS) or local law enforcement, and the anonymity of both the Complainant and school officials involved in the investigation will be strictly protected.
- 2. If the complaint involves an AMES employee, the Complainant may submit a complaint to their supervisor.
- 3. If the complaint involves an AMES employee, please see Board Policy for procedures.

When the Respondent is a third-party such as a vendor, visiting speaker, patron, volunteer, etc., if the Complainant is a student, s/he should contact the principal; if the Complainant is an AMES employee, s/he should contact Principal/CEO

- B. Any complaint clearly alleging criminal conduct will be forwarded to local law enforcement for investigation.

- C. Good faith submission of a complaint will not adversely affect the Complainant's future employment, grades, work assignments, or participation in AMES sponsored programs or activities. However, a student or employee who knowingly files a false report may be subject to civil and/or legal actions as well as disciplinary action.

#### **IV. The Initial Complaint**

- A. The initial complaint may be submitted either orally or in writing. Whether or not a Complainant files a complaint or otherwise asks the person receiving the complaint to take action, where the AMES knows or reasonably should know of an incident, the AMES must take steps to understand what occurred and respond appropriately.
  - 1. A complaint should be made as soon as possible, but preferably not later than thirty (30) days after the incident(s) in order to be effectively investigated and resolved.
  - 2. It should set forth in plain language the circumstances, which the individual believes, support the allegation(s) of unlawful behavior, the names of the individual(s) against whom the claim is made, and any remedies that are being sought.
  - 3. Individuals should provide as much information as possible including any conversation(s) with the Respondent, noting the time, date and place, what was said or done, and any other relevant circumstances surrounding the event(s).

#### **V. Responsibilities and Protocol for Resolving a Complaint**

- A. Any principal or supervisor receiving a complaint will first document the complaint in writing. In circumstances involving allegations of sexual violence, the AMES will forward the complaint to local law enforcement for investigation, and Complainants shall immediately be informed of their right to file a criminal complaint or police report with law enforcement.
- B. The principal or supervisor must notify the chair of the Board of Trustees of a complaint.
- C. At any point during or after the complaint is raised, AMES may take steps to protect and or support the Complainant, Respondent, students, and other employees.
  - 1. For students, such actions may include providing counseling services and/or academic support services, and/or adjusting passing times, class seating arrangements, and/or class schedules.

2. For employees, appropriate steps may include changing work schedules or work locations, but any changes will be dependent on the employee's job responsibilities and must be arranged through the principal and Board of Directors
  3. School administrators must take strong responsive action against retaliation, and shall offer assistance to victims, and if applicable their parents, in reporting subsequent problems and new incidents.
- D. Complaints will be informally resolved/investigated by the following individuals:
1. Any complaint alleging a student violation against another student shall initially be informally resolved/investigated by the principal.
  2. Any complaint alleging an AMES employee violation against a student or other employee(s) shall be reported immediately to AMES Administration who will then be responsible for informally resolving/investigating the complaint.
  3. Any complaint alleging a third party violation against a student shall be informally resolved/investigated by the principal.
  4. Any complaint alleging a third party violation against an employee shall be informally resolved/investigated by the AMES Administration.
- E. The administration may dismiss all or part of the complaint without any further investigation if:
1. The allegations in the complaint are insufficient to establish a policy violation even if all the factual allegations in the complaint are true;
  2. The complaint was not filed in a timely manner; and/or
  3. The administration decides to limit the scope of the investigation.
- F. Any staff member who does not immediately follow the protocol as indicated above may be subject to disciplinary action.

## **VI. Informal Process**

- A. Any complaints involving severe discrimination, harassment, or retaliation may not be informally resolved without obtaining prior permission from the AMES administration.

- B. The complaint may be handled informally if the Complainant seeks to resolve the issues directly with the individual(s) involved or through appropriate Administration personnel.
1. All parties must agree to an informal resolution for one to occur. An informal resolution may only occur after the person informally resolving the complaint receives a full disclosure of the allegations, determines the matter is appropriate for the informal process, and informs the Complainant of the option for a formal resolution.
  2. In no event will a student victim be required to work out a problem directly with the Respondent without participation by the AMES Administration.
  3. The individual resolving the complaint will use his/her best efforts to resolve the complaint through mediation and negotiation with all parties.
  4. If satisfactory resolution is reached informally, no further action will be taken and the matter will be considered closed.
    - a. When the individual resolving the complaint is addressing a student to student concern, s/he shall document in writing that the matter has been resolved informally by including the relevant details of the matter and the outcome to the AMES administration.
  5. If the Complainant or Respondent is not satisfied with the outcome of the informal process, they may request that the complaint be handled formally.
  6. A request for the matter to be resolved through a formal process may be made at any time.
  7. The informal process should be completed within twenty (20) business days, unless a longer period of time is deemed necessary.
- C. If the behavior warrants any sanction above a verbal warning with respect to employment matters, the principal and Board of Trustees must be involved in determining appropriate discipline and reviewing any gathered documentation.
1. Discipline imposed on an employee may be separately appealed through the appropriate process outlined the administrative procedures associated with the employee code of conduct.
- D. If a student's behavior rises to a serious violation of policy and warrants a suspension or expulsion, the principal and Board of Trustees must be involved in determining appropriate discipline and reviewing any gathered documentation.

## VII. First Level Formal Investigation and Response

- A. The individual designated to investigate the complaint (“Investigator”) shall be responsible for investigating the complaint as outlined in these procedures. Failure to properly investigate a complaint may result in discipline.
- B. Initial investigation
  1. At a minimum, the Investigator will immediately:
    - a. notify the Complainant of his/her right to have someone translate or interpret during the interview;
    - b. notify the Complainant of his/her right to have someone of the same gender conduct or be present during the interview;
    - c. interview the Complainant and document the conversation;
    - d. instruct the Complainant to have no contact or communication regarding the complaint with the Respondent;
    - e. inform the Respondent that a complaint has been filed against him/her;
    - f. inform the Respondent that if the objectionable conduct has occurred, it must cease immediately;
    - g. provide the Respondent with a copy of these procedures;
    - h. inform the Respondent of his/her rights and responsibilities during the investigation;
    - i. notify the Respondent that s/he will be afforded a full and complete opportunity to respond to the allegations;
    - j. instruct the Respondent to have no contact or communication regarding the complaint with Complainant, and to not take any retaliatory action against the Complainant; and
    - k. document the conversation with the Respondent.
  2. The Respondent (and when appropriate, his/her parent) shall have the opportunity to respond to the complaint in writing prior to formal interviews. The Respondent should be provided with sufficient details of the events, the proposed violations of policy, the identity of the Complainant, and the approximate date and location of the events.

3. Within five (5) business days of receiving notice of a complaint, the Respondent shall submit a written answer to the Investigator.
  - a. The answer shall include:
    - i. an admission or denial of each allegation in the complaint;
    - ii. a statement as to the extent to which the complaint has merit;
    - iii. any other information the Respondent deems relevant.
  - b. If the Respondent admits all or part of the allegations in the complaint, appropriate disciplinary action will be coordinated by the Principal/CEO or Board of Trustees.
    - i. At a minimum, a written reprimand shall be issued to the Respondent and a copy placed in the Respondent's file for employment matters.
4. The investigation in a formal process may also include interviews with any other individuals believed to have pertinent information.
5. The investigation in a formal process will be impartial. Both the Complainant and Respondent shall have the opportunity to present witnesses and evidence.
6. The Investigator will interview the Respondent regarding the complaint, his/her answer, witness statements, and other gathered information. Under no circumstances will the alleged perpetrator be permitted to question the Complainant directly.
7. All witnesses will have the opportunity to review, edit, and acknowledge by signature the accuracy of their own written statements or accountings of their interviews.
8. The Investigator should attempt to keep the parties, the principal/administration, informed of the progress of the investigation. When appropriate, the Investigator should also attempt to keep parents informed about the progress of the investigation, as well as the results of the investigation.
9. Within twenty (20) business days of receipt of the complaint, unless a longer period of time is deemed necessary, the Investigator shall complete his/her investigation.

10. The Investigator shall provide the Complainant and the Respondent (and parents when appropriate) with a draft of the findings. Both parties shall have five (5) calendar days after receipt of the draft to submit written comments and any additional documents. The Investigator may reinvestigate if either party raises new issues or allegations.
11. At the conclusion of the further investigation, if any, or at the conclusion of the 5-day period described above, the Investigator shall issue the results of the investigation to the Complainant and Respondent, and coordinate an appropriate response with the appropriate AMES Administration as outlined below.
  - a. In incidents involving student violations against another student, the complaint, along with the investigative report, shall be forwarded to the Principal/CEO. The Investigator should also log the relevant information or discipline into ASPIRE (administrator access only) and use appropriate designations.
  - b. In all other circumstances, the complaint, along with the investigative report, shall be forwarded to the Principal/CEO and Board of Trustees.
  - c. The final investigative report shall also be forwarded to appropriate Board of Trustees.
12. Within five (5) business days of receiving the final investigative report from an Investigator, the Principal/CEO will review the documentation and meet with the Investigator to determine and initiate any appropriate action based on the investigative results.

C. Final Investigative Report:

1. Within fifteen (15) business days of the conclusion of the investigation, unless a longer period is deemed necessary, and if an allegation is found to be substantiated in whole or in part. The appropriate district administrator, in consultation with the Board of Trustees, will determine and implement corrective discipline and remedial steps necessary to eliminate the effects of the discrimination, harassment, or retaliation.
2. If the investigation results in a CAUSE finding based on a violation of one or more board policies, disciplinary action may result in disciplinary action.



3. The appropriate AMES Administration will then inform the Complainant:
  - a. whether or not appropriate action will be or has been taken.
  - b. that s/he should immediately report any further objectionable behavior or retaliatory actions.

## **VIII. Appeal of Investigative Report**

- A. Complainants and Respondents (hereafter collectively referred to as “Appellants”) who are not satisfied with the outcome of the first level investigation may file a request for an appeal with the Board of Trustee’s per Board Grievance Policy. The appeal must be made within ten (10) business days of the receipt of the final investigative report.

## **IX. Responsibility for Dissemination of Policy**

- A. Principals and supervisors will take appropriate actions to reinforce these procedures and the accompanying board policy by:
  1. Providing annual employee in-service, with documentation and employee signatures.
  2. Including a summary of this policy in the Employee Handbooks.
  3. Ensuring that by October 1 of each year every student receives an age-appropriate explanation of the policy and is given the opportunity to discuss the policy in a classroom setting.
  4. Notifying parents and guardians of this policy by October 1 of each year either by including it in the student handbook and by posting it on the school’s website.
- B. A summary of these procedures and related materials shall be posted on the AMES website.

## **X. Records**

- A. Records of discrimination or harassment complaints shall be maintained by the AMES administration. The records will be kept in a separate and confidential file as required by the Governmental Records and Access Management Act.
- B. The release of information regarding the specific disciplinary action imposed on a student or employee must meet the requirements of the applicable state and federal laws.

- C. Information gathered, developed, and documented in the investigation will be regarded as a protected record.
- D. If the Complainant is an employee, no record of the complaint shall be kept in the Complainant's personnel file.
- E. If there appears to be no foundation to the allegation(s), no record will be placed in the Respondent's personnel file.
- F. Records of initial complaints and investigations shall be retained for at least one year.
- G. Records of Board of Trustee investigations shall be retained for at least three years.

## **XI. AMES Compliance Office**

- A. All questions related to discrimination, harassment, and retaliation should be directed to the AMES Dean of Students.
- B. The AMES Dean of Students serve as a resource to for AMES to provide information, counseling, training, and advice regarding discrimination, harassment, and retaliation. Individuals are encouraged to discuss their concerns or complaint with the appropriate AMES Administration in order to clarify whether discrimination may be occurring and to determine his/her options, including the pursuit of more formal action.
- C. The Dean of Students can also provide information relating to any external remedies which may be available to the Complainant.

## **XII. Outside Reporting Procedures**

- A. Nothing in this policy shall prohibit an individual from filing a discrimination or harassment claim with the Utah Anti-Discrimination and Labor Division (UALD), 160 East 300 South, 3<sup>rd</sup> Floor, P.O. Box 146600, Salt Lake City, UT 84114-6600.

An employee has a maximum of one-hundred and eighty (180) calendar days from the alleged date of discrimination to file a claim with the UALD.

- B. If concerns cannot be resolved at the school or Board of Trustee level, discrimination complaints may be filed with the Office for Civil Rights, Region VIII, U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, Colorado, 80204-3582.

### **XIII. Training**

- A. All new employees shall receive information about these procedures and the related policy at new employee orientation. All other employees shall be provided information on a regular basis regarding these procedures, and AMES' commitment to providing a learning and working environment free from discrimination, harassment, and retaliation.
  
- B. Principals in each school are responsible for informing students and training staff on these procedures.