



# Yakama Nation Tribal School

*"Knowledge for Generations to Come"*

Policy: 3210P

Section: 3000 - Students

## Procedure - Nondiscrimination

Anyone may file a complaint that the Yakama Nation Tribal School (YNTS) has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations shall be directed toward a just solution that is satisfactory to the complainant, the administration and the Board of directors. The Yakama Nation Tribal School is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a complaint under this Regulation and procedure and from retaliating against an individual for filing such a complaint.

All written and verbal communication regarding a discrimination complaint will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

This grievance procedure shall apply to the general conditions of the non-discrimination Regulation (3210) and more particularly to the policies dealing with guidance and counseling (2140), co-curricular program (Regulation 2150), and curriculum development and instructional materials (Regulation No. 2020). As used in this procedure,

1. "Complaint" means a written, charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws including Title IX regulations and Washington Administrative Code (WAC) 392-190 or Section 504 of the Rehabilitation Act of 1973, or Title VII of the Civil Rights Act of 1964. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any District, school or to the compliance officer responsible for investigating discrimination complaints. Any YNTS employee who receives a complaint that meets these criteria will promptly notify the compliance officer.
2. "Respondent" means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.
3. The time period for filing a complaint is limited to one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing limitation may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by YNTS that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that YNTS was required to provide under WAC 392-190-065 or WAC 392-190-005.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps shall be taken:

### A. Informal Process for Resolution

Anyone with an allegation of discrimination may request an informal meeting with the compliance officer or designated employee to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, the complainant may submit a written complaint to the compliance officer. During the course of the informal process, the complainant must be provided a copy of the discrimination complaint procedure.

### B. Formal Process for Resolution

#### Level One: Complaint to Yakama Nation Tribal School

1. The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation.
2. The officer or designee shall conduct a prompt and thorough investigation into the allegations.
3. The officer shall provide the superintendent with a full written report of the complaint and the result(s) of the investigation.
4. The superintendent shall respond in writing to the complainant as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit.





# Yakama Nation Tribal School

*"Knowledge for Generations to Come"*

- a. If an extension is needed, the complainant must be notified in writing of the reasons for the extension and the anticipated response date; this notice must be provided.
5. The decision of the Superintendent or designee will include:
  - a. a summary of the results of the investigation;
  - b. whether YNTS has failed to comply with anti-discrimination laws;
  - c. if non-compliance is found, corrective measures deemed necessary to correct it; and
  - d. notice of the complainant's right to appeal to the school Board and the necessary filing information. The superintendent's or designee's response

## **Level Two – Appeal to the Board of Directors**

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may appeal the decision to the Board of Directors by filing a written notice of appeal with the secretary of the Board within ten (10) calendar days following the date upon which the complainant received the response.

The Board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. A copy of the appeal decision will be sent to the office of the superintendent of public instruction.

## **Level Three**

In the event a complainant remains aggrieved with the decision of the Board, the complainant may appeal the decision to any federal or state agency empowered with the authority to resolve such complaint such as the Office of the Superintendent of Public Instruction.

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.



# Yakama Nation Tribal School

*"Knowledge for Generations to Come"*

---

## **Level Four - Administrative Hearing**

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

## **Preservation of Records**

The files containing copies of all correspondence relative to each complaint communicated to the Yakama Nation Tribal School and the disposition, including any corrective measures instituted will be retained in the office of the compliance officer for a period of six years.

Adoption Date:

Classification: **Essential**

Revised Dates: **2.24**