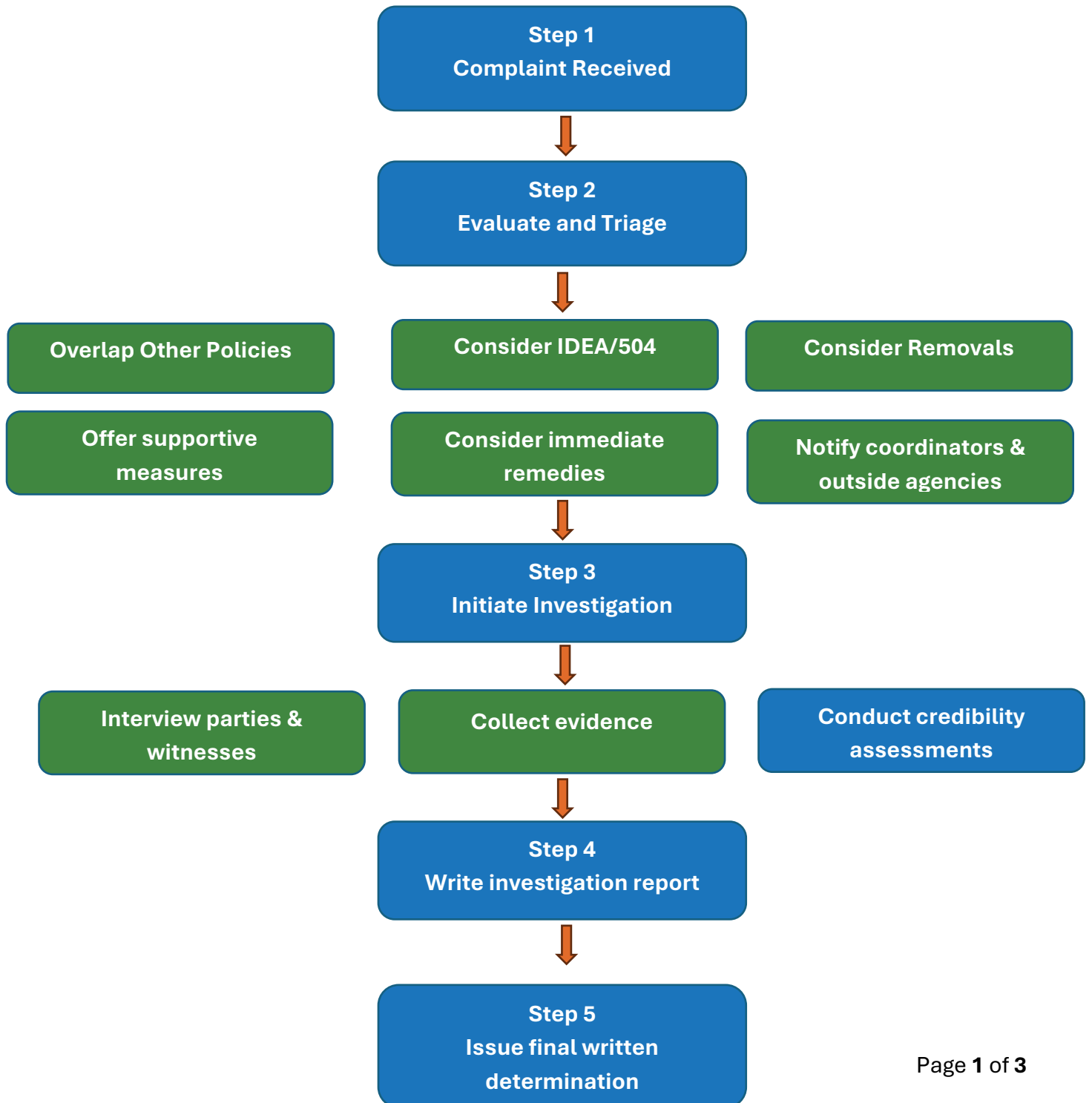


Nondiscrimination Evaluation Tool: Responding to a Complaint



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Step One: Complaint Received

If you receive a complaint, you must initiate your grievance process. Remember that complaints can be verbal, written, formal (i.e. through your complaint form), informal (i.e. an email), from parents, staff, or students. Consider: is this person alleging discrimination, and are they seeking a resolution to the problem? If the answer is “yes” then you have received a complaint.

Step Two: Evaluate and Triage

Prior to initiating the grievance process, you may want to consider conducting a pre-investigation inquiry to address immediate harm/safety and ensure educational access. During this pre-investigation inquiry, the investigator may want to consider:

- **Overlapping Policies:** Do any other district/school policies or procedures apply? (e.g. Every Student Belongs, SIRC)
- **Notify Coordinators and Outside Agencies:** If applicable, notify law enforcement, CPS, SIRC, etc. and relevant district coordinators
- **IDEA/504:** Do any of the individuals involved have an IEP, 504 plan, or other accommodations? How will you ensure FAPE throughout the investigation? Be sure to consult with the IEP/504 team.
- **Removals:** Based on the allegations known, is any conduct severe enough to necessitate temporary removal of a student respondent or administrative leave for an employee respondent?
- **Supportive Measures:** What supportive measures and safety plans are needed to ensure access to educational programs and activities, and the safety of participants?
- **Immediate Remedies:** Based on the information known, are there any immediate steps the school could take to remedy the discrimination?

Step Three: Initiate Investigation

If the complainant desires an investigation, or an investigation is necessary, initiate your complaint investigation process.

- **Interviews:** Interview relevant witnesses and parties. Keep trauma informed processes as much as possible. The purpose of interviews is to learn the facts, establish a timeline, learn impacts on individuals/the school community, and gather enough information to reach a determination.
- **Evidence:** Consider if the evidence helps determine whether something is more or less likely. If it does, the evidence is likely relevant. Evidence can include witness interviews, documents, photographs, social media, and videos.
- **Credibility:** Consider credibility if it is in dispute and relevant to evaluating the allegations. Remember that credibility helps a factfinder determine what is *plausible*.

Step Four: Write Investigation Report

Write the investigation report when you have gathered enough information to come to a conclusion. Consider whether you have interviewed (or attempted to interview) the complainant and respondent, actively solicited information, reviewed the evidence provided, and followed up on any missing information.

Step Five: Write Final Determination

Go back to your policies. Your policies and procedures should guide your decision-making. You will utilize all the information you gathered and apply your evidentiary standard to the totality of the circumstances. Consider, for each allegation presented, does the totality of the circumstances (evidence, interviews, credibility, etc.) indicate that the allegation more likely than not occurred? Possible outcomes:

- Discrimination Occurred
- Discrimination Did Not Occur
- Inconclusive

If discrimination occurred, apply appropriate remedies and sanctions designed to end the discrimination, remedy the impact, and prevent recurrence.