

# AAA Grievance Policy

Auburn Adventist Academy is an environment where we expect all community members to be treated with respect and to show respect to others. In the event this does not happen, we have the following grievance policy and procedures pursuant to the North Pacific Union Conference Education Code sections 3042, 3044, and 3046<sup>1</sup>.

## DEFINITIONS

For understanding of this grievance policy and procedures, please note the following definitions:

**1. HARASSMENT:** Harassment is any unwelcome comments or actions (verbal, written, graphic, electronic or physical) relating to a person's actual or perceived race, color, national origin, ethnicity, religion, gender, marital status, sexual orientation, age, or disability that are severe and/or persistent, resulting in interference with or limiting a student's ability to participate in or benefit from Auburn Adventist Academy's programs or activities, or that creates a hostile, humiliating, intimidating, or offensive environment. This includes any harassment that occurs while off campus.

Harassment also means any unwelcome comments or actions (verbal, written, graphic, electronic or physical) relating to a person's actual or perceived race, color, national origin, ethnicity, religion, gender, age, marital status, sexual orientation, age, or disability that *does not* involve severe and/or persistent behavior, *but if it persists*, will likely create a hostile, humiliating, intimidating or offensive environment.

(<https://www.doi.gov/employees/anti-harassment/definitions>)

**2. GRIEVANCE:** An official complaint due to any harassment or action that is deemed wrong or unfair.

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### <sup>1</sup> NPUC Ed Code 3042:19 Grievance Procedure—Students

Each school should adopt a grievance procedure for students and/or parents. To reach the goal of collaborative resolution the policy should directly involve the student and/or parents with the administrator and appropriate school personnel involved; seek appropriate confidentiality; and seek to ensure clear, coherent communication. The opportunity for student/parent(s) to present a grievance to the school board should be reserved for major student disciplinary actions of suspension and/or dismissal.

### NPUC Ed Code 3044:19 Harassment of Students and Other Persons

1. No staff member, student, or any other person associated with a Seventh-day Adventist school shall concur with, cooperate with, permit, or participate in any act that injures, degrades, or disgraces, or tends to injure, degrade, or disgrace any student attending school or other person.
2. Harassment includes such conduct as slurs, jokes, intimidation, or any verbal, physical, or psychological attack, in person or by electronic media, that is directed at an individual for any reason (i.e. race, religion, age, ethnicity, gender, physical appearance, etc.).
3. Sexual harassment is unlawful and prohibited (See Code #3046.). Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, in person or by electronic media, when such conduct has the purpose or effect of unreasonably interfering with the individual's work or school performance or creating an intimidating, hostile, or offensive school environment.
4. Incidents of harassment shall be reported in writing to the building principal or head teacher. To the greatest extent possible, such complaints will be treated in a confidential manner. If, after appropriate investigation, it is determined that policy has been violated, prompt corrective action will be taken in accordance with the applicable policy and/or state law.
5. "Hazing" activities are also prohibited. Hazing includes any method of student initiation into the school, a student organization, or any tradition or amusement in connection with a school activity or organization which causes, or is likely to cause, bodily injury or physical, psychological, or emotional harm.

### NPUC Ed Code 3046:19 Student Sexual Harassment

Sexual harassment of any student by another student, employee, or other person under the supervision of the school is unlawful and prohibited. Any student who engages in sexual harassment shall be subject to disciplinary action, up to and including dismissal/expulsion. Any school employee who permits or engages in sexual harassment of students may be subject to employment disciplinary action, up to and including termination. Each school shall adopt a student sexual harassment policy that includes a definition of sexual harassment and procedures for mandatory reporting of sexual harassment. The policy shall be published in the student handbook and distributed to students and parents. Teachers shall discuss the policy with students in age-appropriate ways. In addition, each school shall adopt administrative guidelines for investigating and responding to reports of sexual harassment.

(<https://npuc.org/wp-content/uploads/2021/06/Educ-Code-2021-SOURCE-FINAL.pdf>)

**3. FORMS OF HARASSMENT:** Below are some specific examples and definitions of harassment and discrimination that could result in the filing of a grievance<sup>2</sup>:

A. **DISABILITY HARASSMENT:** Unwelcome verbal, written, graphic, electronic or physical conduct or comments directed at a person based on that person's disability or perceived disability. This includes damaging or interfering with their equipment, imitating their manner of movements or speech, using slurs like "retard," or invading their personal space to intimidate.

B. **NATIONAL ORIGIN HARASSMENT:** Unwelcome verbal, written, graphic, electronic or physical conduct or comments directed at a person based on that person's national origin, ancestry, or ethnic background. This includes negative comments, graffiti or symbols about surnames, culture, language, accents, immigration status, or manner of speaking.

C. **RACIAL HARASSMENT:** Racial harassment is unwelcome verbal, written, graphic, electronic or physical actions or comments based on a person's race or color, including any characteristic of a person's race or color, racial slurs or insults, racial graffiti or symbols, hostile actions or comments based on race, nicknames based on racial stereotypes, racist jokes, imitating mannerisms, taunting, or invading their personal space to intimidate.

D. **RELIGIOUS HARASSMENT:** Unwelcome verbal, written, graphic, electronic or physical conduct or comments directed at a person based on that person's religion, including negative comments, graffiti or symbols about religious beliefs, traditions, practices, or religious clothing. This also includes harassment against individuals based on their non-belief or lack of religion.

E. **SEXUAL HARASSMENT:** Unwelcome verbal, written, graphic, electronic or physical conduct and/or comments that are sexually suggestive, such as requests for sexual favors, sexual advances (touching, groping, kissing, etc., that is non-consensual), and other verbal or physical conduct of a sexual nature, including sexting, sending nude photos, quid pro quo sexual requests, making inappropriate jokes or comments that are sexual in nature, jokes or comments about another person's body parts that are inappropriate or sexual in nature, and other verbal or physical conduct that by design or innuendo is sexual in nature.

F. **SEXUAL ORIENTATION HARASSMENT:** Unwelcome verbal, written, graphic, electronic or physical conduct or comments, directed at a person based on that person's actual or perceived sexual orientation/gender identity, such as anti-gay slurs or insults, graffiti, hate speech, imitating mannerisms, taunting, or invading their personal space to intimidate.

G. **SOCIO-ECONOMIC HARASSMENT:** Unwelcome verbal, written, graphic, electronic or physical conduct or comments directed at a person based on that person's financial status or perceived social class, including derogatory comments, name-calling, taunting, or invading their personal space to intimidate.

**4. DISCRIMINATION:** treating a student or group of students less favorably, or interfering with or preventing a student or students from enjoying the advantages, privileges, and/or school programs because of that student's race, color, national origin, ancestry, religion, gender, age, or ability.

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<sup>2</sup> <https://www.doi.gov/employees/anti-harassment/definition>  
<https://www.eeoc.gov/harassment>

<https://npuc.org/wp-content/uploads/2021/06/Educ-Code-2021-SOURCE-FINAL.pdf>

<https://www.cttech.org/wp-content/uploads/2020/09/GRIEVANCE-Procedure-bullying-discrimination.pdf>

## PROCESS & TIMELINE FOR GRIEVANCE<sup>3</sup>

Auburn Adventist Academy is an environment where we expect all community members to be treated with respect and to show respect to others. In the event this does not happen, listed below are the procedures to follow:

### 1. Filing a Grievance

- a. Whenever a student, parent or guardian believes that he or she has been harassed or discriminated against by a fellow student or a school employee, they may file a grievance as provided in this policy. The filing of the grievance can take place electronically via the link on the school website, the Anonymous Hotline on Jupiter, or physically via the form found in the school handbook or school front office. A grievance can also be processed through the school's Ombudsman. Grievances submitted anonymously may result in an inconclusive outcome.
- b. A grievance must be filed, if possible, no later than 30 days after the discovery of the facts that led to the grievance. For a grievance submitted after the 30 days, the vice-principal or Well-Being Coordinator will determine factors, such as the reason for the delay; the extent of the delay; the effect on the ability of the school to investigate and respond to the grievance; and whether the investigation of the grievance is necessary to meet any legal obligations. Please note: students, parents and guardians should recognize that delays in filing a grievance may, in turn, delay the school to investigate and respond effectively. Therefore, as much as possible, file a grievance within 30 days.
- c. A student, parent or guardian who has a grievance must provide the following information on the grievance form:
  - (1) the name of the employee, individual or department whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any school policy, board policy, state or federal law, or NPUC Education Code policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue, then the principal or vice-principal will address the concern with the parties involved.
- d. If the Principal is the employee whose decision or action is at issue, the student can either submit the grievance first to the principal in order for the principal to address the issue, or can submit it to the Superintendent, or to another member of the school administration who will send it to the Superintendent.
- e. If a student reports a grievance to a staff member, that staff should help direct the student to file a grievance and may notify parents immediately. The staff shall preserve the confidentiality of the persons involved, disclosing it only, if need be, to the appropriate school administrator or the Superintendent, or as otherwise required by law. Depending on the type of grievance, as a mandated reporter, the staff member may be legally required to report to proper state agencies and to an Administrator. Failure by any staff member to timely report such grievances may subject the staff member to disciplinary action.
- f. If a student wants to initiate a grievance regarding a decision by the superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will be submitted to the Associate Superintendent, who shall forward the grievance to the Academy Board Chair.

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<sup>3</sup> [https://www.wallawalla.edu/fileadmin/user\\_upload/Human\\_Resources/HR.2021.Discrimination\\_and\\_Harassment\\_Policy.pdf](https://www.wallawalla.edu/fileadmin/user_upload/Human_Resources/HR.2021.Discrimination_and_Harassment_Policy.pdf)  
<https://npuc.org/wp-content/uploads/2021/06/Educ-Code-2021-SOURCE-FINAL.pdf>  
<https://www2.ed.gov/about/offices/list/ocr/grievance.html>  
[https://bes.buncombeschools.org/UserFiles/Servers/Server\\_93111/File/Parents/Grievance%20Policy/1740\\_4010%20Student%20or%20Parent%20Grievance%20Procedure%20APPROVAL%204.11.pdf](https://bes.buncombeschools.org/UserFiles/Servers/Server_93111/File/Parents/Grievance%20Policy/1740_4010%20Student%20or%20Parent%20Grievance%20Procedure%20APPROVAL%204.11.pdf)  
<https://www.cguhsd.org/StudentGrievanceProcedure.aspx>

## 2. Intake & Support

- a. A member of administration along with the Well-Being Coordinator or Vice-Principal for Spiritual Life shall schedule and hold a meeting with the student who submitted the grievance and/or parent or guardian within 5 school days after the grievance has been filed. The student may be accompanied by a parent, legal guardian, or another person who is in the position of acting in loco parentis to the student.
- b. During the Intake & Support meeting, the student (i) may be asked clarifying questions about the grievance they are submitting and (ii) will be informed of the next steps of the grievance process.

## 3. Investigation

- a. The principal and/or appropriate administration team members shall conduct any investigation of the facts necessary before rendering a decision. Supporting evidence may be requested during the investigation.
- b. The Wellbeing Coordinator will be kept informed and may be involved in the grievance process as a resource for any support that may be required.
- c. By law, the confidentiality of individuals involved in any grievance will be upheld.
- d. Filing a grievance with false information, intentionally or maliciously, may result in disciplinary action.

## 4. Response by Administration

- a. Administration shall provide a written response to the written grievance within 14 business days of the meeting. The response may include the administration's decision regarding (i) a resolution of the grievance, or (ii) if the investigation is ongoing, and the basis for the decision. The 14 business day timeline will reset until a decision has been made and communication sent. The administration may not disclose information about other students or employees that is considered confidential by law.
- b. A copy of the grievance and the administration's response will be filed with the Superintendent and documentation kept on file at the school.

## 5. Response by Superintendent

- a. If the individual with the grievance is dissatisfied with the principal's decision, they may appeal the decision to the Superintendent. The appeal must be made in writing within 5 school days of receiving the principal's decision.
- b. The Superintendent shall review the written documents and respond or may schedule and hold a conference with the grievant, principal, and any other individuals the Superintendent determines to be appropriate within 5 school days after receiving the appeal. The student may be accompanied by a parent, legal guardian or another person who is in a position of loco parentis to the student.
- c. The Superintendent shall provide a written response within 10 school days after receiving the appeal. In responding, the Superintendent may not disclose information about other students or employees that is considered confidential by law.
- d. "The opportunity for student/parent(s) to present a grievance to the school board should be reserved for major student disciplinary actions of suspension and/or dismissal." (NPUC Code 3042).

**AUBURN ADVENTIST ACADEMY**

**GRIEVANCE FORM**

For the electronic version, click [HERE](#). For a hardcopy version, see the front office.

*(To be filed with a school administrator, or the Well-Being Coordinator, AAA Ombudsman or a school staff member who will forward this form to the school Administrator.)*

*Please use additional pages if needed.*

**Please print:**

Name \_\_\_\_\_ Date \_\_\_\_\_

Telephone \_\_\_\_\_ If a minor, your parent/guardian's phone number \_\_\_\_\_

E-mail address \_\_\_\_\_ If a minor, your parent's email address \_\_\_\_\_

**I wish to report about the following:**

*Name of person, department, program, or activity*

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*Please specify your grievance or complaint by stating what happened, who participated, any background of the incident that could be relevant or useful, and any attempts you have made to solve the issue. Be sure to include any dates, times, and locations that you feel are pertinent.*

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*If there is anyone who could provide more information regarding this, please include name(s), email address(es), and telephone number(s) if you have them.*

<i>Name</i>	<i>Email Address</i>	<i>Telephone Number</i>
_____	_____	_____

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**Possible Solution:**

*Indicate what you think can and should be done to solve the problem. Be as specific as possible.*

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*I certify that this information is correct to the best of my knowledge.*

<i>Signature of Grievant</i>	<i>Date Signed</i>
_____	_____

<i>Administrator / Staff member receiving initial grievance</i>	<i>Date initial grievance received</i>
_____	_____

*The administration shall give one (1) copy to the grievant and retain one (1) copy to be placed on file.*

## MANDATED REPORTING

It is important to note that all school employees are mandated reporters. This means that staff members at AAA are required by law to report any cases of suspected child abuse or neglect to the appropriate state agencies.

[Mandated Reporter | Washington State Department of Children, Youth & Families](#)

## CONFIDENTIALITY

By law, please note that the confidentiality of individuals involved in any grievance will be upheld.

## LAW ENFORCEMENT

By law, some types of grievances may be processed outside of school personnel and may involve law enforcement. These include instances of suspected criminal activity and allegations of sexual assault.

## TAKING DISCIPLINARY, CORRECTIVE AND REMEDIAL ACTION

As grievances are dealt with, everyone involved will be treated with the utmost respect. If in the event of the grievance procedure discipline is required, the school will follow the NPUC Ed Code sections 3030, 3032, 3034, and 3036<sup>4</sup>, which include following steps of due process for the accused.

## NAME & CONTACT INFORMATION

The contact information of persons mentioned in this policy are included below for your convenience:

<b>Principal:</b> Peter Fackenthall	<a href="mailto:peter.fackenthall@auburn.org">peter.fackenthall@auburn.org</a>
<b>Vice-Principal:</b> Joe Underhill	<a href="mailto:joe.underhill@auburn.org">joe.underhill@auburn.org</a>
<b>Well-Being Coordinator:</b> La-Dana Manhertz-Smith	<a href="mailto:ladana.manhertzsmith@auburn.org">ladana.manhertzsmith@auburn.org</a>
<b>Superintendent:</b> Michelle Wachter	<a href="mailto:michelle.wachter@wc.npuc.org">michelle.wachter@wc.npuc.org</a>
<b>Associate Superintendent:</b> Ron Jacaban	<a href="mailto:ron.jacaban@wc.npuc.org">ron.jacaban@wc.npuc.org</a>
<b>School Board Chair:</b> Doug Bing	<a href="mailto:doug.bing@wc.npuc.org">doug.bing@wc.npuc.org</a>
<b>Ombudsman:</b> Dr. Columbus Candies	<a href="mailto:ombuds@auburn.org">ombuds@auburn.org</a>

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### <sup>4</sup> NPUC Ed Code 3030:19 Student Discipline

Discipline should be designed to be redemptive, remedial, and corrective rather than punitive. Corporal punishment is not to be used as a means of discipline.

### NPUC Ed Code 3032:19 Disciplinary Authority

The principal is responsible for ensuring that school disciplinary procedures are established. All members of the school staff share in the responsibility for supervision of student conduct. Minor disciplinary issues are to be handled by individual staff members. Repeated offenses or major infractions of school rules are to be handled by the principal.

### NPUC Ed Code 3034:19 Suspension of Students

Suspension is the temporary exclusion of a student from regular attendance as a form of punishment.

1. Procedures for suspension are to be developed by the staff and approved by the school board. A record of written communication with parents and students regarding suspension is to be maintained, including the reason for, and the length of the student suspension.
2. Suspension from school is to be a decision of the principal or head teacher. In a one-teacher school the teacher is to consult with the local conference superintendent or the board chair.
3. A student may be suspended for repeated offenses when other disciplinary procedures have not been effective. Written documentation should include prior corrective measures and parental notification.
4. In the case of a serious overt act or violation of school regulations, the principal may suspend a student from school even though there has been no prior serious misbehavior. The suspension period is not to exceed two weeks.

### NPUC Ed Code 3036:19 Dismissal of Students

Dismissal or expulsion is the involuntary discontinuance of a student enrolled in school by action of the school board which is the final authority in the dismissal or expulsion of a student. Such action is upon the recommendation of the principal. Generally, dismissal or expulsion is used when other means of disciplinary actions fail to effect a change in student conduct and/or when the parent does not, or will not, voluntarily withdraw the student. A recommendation for dismissal or expulsion should be considered only when the student's actions pose a substantial disruption to the school environment or constitute a threat to the safety and welfare of other students. Student actions of a criminal nature will likely result in a recommendation for student expulsion. The student and parents shall be notified of the recommendation for dismissal and of the right to a hearing. If such a hearing is requested in writing, the school board or authorized subcommittee shall conduct the hearing in executive session following approved grievance procedures for students. The board decision subsequent to the hearing shall be final.

<https://npuc.org/wp-content/uploads/2021/06/Educ-Code-2021-SOURCE-FINAL.pdf>