

# Marion County Board of Education

Monitoring:

Descriptor Term:

Descriptor Code:

Issued Date:

**Review:  
Annually,  
in March**

## **Complaints and Grievances**

**5.501**

**05/23/17**

Rescinds:

Issued:

**5.501**

**08/24/14**

### **EMPLOYMENT-RELATED COMPLAINTS/GRIEVANCES**

The Board believes that differences of opinions arising in the course of employment should be resolved as quickly as possible and at the lowest supervisory level.

In instances of questions by an individual staff member concerning the interpretation of policies and procedures to that staff member, administrative practices within his/her particular school, and relationships with other employees, the staff member concerned must consult the administrative or supervisory personnel to whom he/she is responsible. If a satisfactory resolution of the problem cannot be reached after ample opportunity for consideration of the matter, the staff member concerned may discuss the matter with the next level of supervision up to and including the director of schools.

In instances where an individual staff member feels for personal reasons that he/she cannot discuss a problem with his/her immediate superior, he/she may take the problem directly to the director of schools. After review of the case, the director of schools shall take action as he/she deems appropriate and within a prompt, reasonable time shall notify all parties concerned of his decision.

### **HARASSMENT/DISCRIMINATION GRIEVANCES**

Employees should notify any district complaint manager if they believe the Board, its employees or agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute or board policy including: <sup>1,3,4</sup>

1. Title II of the Americans with Disabilities Act <sup>2</sup>
2. Title IX of the Education Amendments of 1972 <sup>7</sup>
3. Section 504 of the Rehabilitation Act of 1973 <sup>5</sup>
4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 <sup>6,7</sup>

The complaint manager will endeavor to respond and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

1. *Filing a Complaint* — An employee who wishes to avail himself or herself of this grievance procedure may do so by filing a complaint with any district complaint manager. The employee may request a complaint manager of the same sex. The complaint manager may request the employee to provide a written statement regarding the nature of the complaint. The complaint manager may assist the employee in filing a grievance.

2. *Investigation* — The complaint manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. The complaint and identity of the complainant will not be disclosed except (1) as required by law or this policy; or (2) as necessary to fully investigate the complaint; or (3) as authorized by the complainant. The complaint manager shall file a written report within ten (10) days of the filing of the grievance of his or her findings with the director of schools. If a complaint of sexual harassment contains allegations involving the director of schools, the written report shall be filed with the Board. The director of schools shall keep the Board informed of all complaints.

3. *Decision and Appeal* — After receipt of the complaint manager's report, the director of schools shall render a written decision within five (5) days of the receipt of the report which shall be provided to the employee. If the employee is not satisfied with the decision, the employee may appeal the decision to the Board by making a written request to the complaint manager. The complaint manager shall be responsible for promptly forwarding all materials relative to the complaint and appeal to the Board. Thereafter, the Board shall render within thirty (30) days from the date the appeal was received, review the report and the board may hear the complaint if it so chooses but must defer to the management decision to the Director of Schools per state law.<sup>8</sup> This grievance procedure shall not be construed to create an independent right to a board hearing.

### **APPOINTING COMPLAINT MANAGERS**

The director of schools shall appoint at least two complaint managers, one of each gender. The Federal Rights Coordinator may be appointed as a complaint manager. The director of schools shall insert into this policy the names, addresses and telephone numbers of current complaint managers. (*see note*)

*(Note: Title IX regulations require districts to identify the name, address and telephone number of the person who is responsible for coordinating the district's compliance efforts. A policy should not be adopted with a person's name in it; rather, the identifying information can be added and amended as necessary.)*

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#### Legal References:

1. Age Discrimination Employment Act, 29 U.S.C. § 621 et seq.
2. Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.
3. Equal Pay Act, 29 U.S.C. § 206(d)
4. Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.
5. Rehabilitation Act, 29 U.S.C. § 791 et seq.
6. Title VII of Civil Rights Act, 42 U.S.C. § 2000e et seq.
7. Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq.
8. T.C.A. § 49-2-301 (b)(1)(L)

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#### Cross References:

- Appeals To and Appearances Before the Board 1.404
- Section 504/ADA Grievance Procedures 1.802
- Equal Opportunity Employment 5.104
- Discrimination/Harassment of Employees 5.500