

Giles County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Complaints and Grievances	Descriptor Code: 5.501	Issued Date: 05/08/08
		Rescinds: 2.25	Issued: 12/17/98

1 EMPLOYMENT-RELATED COMPLAINTS/GRIEVANCES

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

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

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

14 HARASSMENT/DISCRIMINATION GRIEVANCES

15 Employees should notify any district complaint manager if they believe the Board, its employees or
16 agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute
17 or board policy including: ^{1,3,4}

18 1. Title II of the Americans with Disabilities Act ²

19 2. Title IX of the Education Amendments of 1972 ⁷

20 3. Section 504 of the Rehabilitation Act of 1973 ⁵

21 4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964
22 and Title IX of the Education Amendments of 1972 ^{6,7}

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

- 1 1. *Filing a Complaint* — An employee who wishes to avail himself or herself of this
2 grievance procedure may do so by filing a complaint with any district complaint manager.
3 The employee may request a complaint manager of the same sex. The complaint manager
4 may assist the employee in filing a grievance.
5
- 6 2. *Investigation* — The complaint manager will investigate the complaint or appoint a
7 qualified person to undertake the investigation on his or her behalf. The complaint and
8 identity of the complainant will not be disclosed except (1) as required by law or this
9 policy; or (2) as necessary to fully investigate the complaint; or (3) as authorized by the
10 complainant. The complaint manager shall file a written report within ten (10) days of the
11 filing of the grievance, of his or her findings with the director of schools. If a complaint of
12 sexual harassment contains allegations involving the director of schools, the written report
13 shall be filed with the Board. The director of schools shall keep the Board informed of all
14 complaints.
15
- 16 3. *Decision and Appeal* — After receipt of the complaint manager's report, the director of
17 schools shall render a written decision within five (5) days of the receipt of the report which
18 shall be provided to the employee. If the employee is not satisfied with the decision, the
19 employee may appeal the decision to the Board by making a written request to the
20 complaint manager. The complaint manager shall be responsible for promptly forwarding
21 all materials relative to the complaint and appeal to the Board. Thereafter, the Board shall
22 render within thirty (30) days from the date the appeal was received, review the report and
23 affirm, overrule or modify the decision and render a written finding which shall be provided
24 to the complainant. This grievance procedure shall not be construed to create an
25 independent right to a Board hearing.

26 **APPOINTING COMPLAINT MANAGERS**

27 There shall be a minimum of two complaint managers for the system, one of each gender. The director
28 shall serve as one of the managers and he/she shall appoint the remaining one(s). (*see note*)

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

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.

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