

# Hamblen County Board of Education

Monitoring: <b>Review: Annually, in March</b>	Descriptor Term: <b>Complaints and Grievances</b>	Descriptor Code: <b>5.501</b>	Issued Date: <b>04/25/13</b>
		Rescinds: <b>GAO</b>	Issued: <b>12/18/00</b>

## 1 EMPLOYMENT-RELATED COMPLAINTS/GRIEVANCES

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

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

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

## 17 HARASSMENT/DISCRIMINATION GRIEVANCES

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19  
20 Employees should notify any district complaint manager if they believe the Board, its employees or  
21 agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute,  
22 or Board policy including: <sup>1,3,4</sup>

- 23  
24 1. Title II of the Americans with Disabilities Act <sup>2</sup>  
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26 2. Title IX of the Education Amendments of 1972 <sup>7</sup>  
27  
28 3. Section 504 of the Rehabilitation Act of 1973 <sup>5</sup>  
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30 4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964 and Title IX of  
31 the Education Amendments of 1972 <sup>6,7</sup>

32  
33 The complaint manager shall endeavor to respond and resolve complaints without resorting to this grievance  
34 procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right  
35 of a person to prompt and equitable resolution of the complaint shall not be impaired by the person's  
36 pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other  
37 remedies, and use of this grievance procedure does not extend any filing deadline related to the pursuit  
38 of other remedies.

- 39  
40 1. *Filing a Complaint* — An employee who wishes to avail himself/herself of this grievance pro-  
41 cedure may do so by filing a complaint with any district complaint manager. The employee may

1 request a complaint manager of the same sex. The complaint manager may assist the employee  
2 in filing a grievance.

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

12  
13 3. *Decision and Appeal* — The director of schools shall render a written decision within five (5)  
14 days of receipt of the complaint manager's report, which shall be provided to the employee. If  
15 the employee is not satisfied with the decision, the employee may appeal the decision to the  
16 Board by making a written request to the complaint manager. The complaint manager shall be  
17 responsible for promptly forwarding to the Board all materials relative to the complaint and  
18 appeal. The Board shall, within thirty (30) days from the date the appeal was received, review  
19 the report and affirm, overrule, or modify the decision and render a written finding, which shall  
20 be provided to the complainant. This grievance procedure shall not be construed to create an  
21 independent right to a Board hearing.

## 22 **APPOINTING COMPLAINT MANAGERS**

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25 The director of schools shall appoint at least two (2) complaint managers, one (1) of each gender. The  
26 Federal Rights Coordinator may be appointed as a complaint manager. Current complaint managers  
27 are as follows:

28  
29 Assistant Director for Administration  
30 210 East Morris Boulevard  
31 Morristown, Tennessee 37813  
32 (423) 586-7700

33  
34 Supervisor of Federal Programs  
35 210 East Morris Boulevard  
36 Morristown, Tennessee 37813  
37 (423) 586-7700

### 38 39 40 41 Legal References:

- 42  
43 1. Age Discrimination Employment Act, 29 U.S.C. § 621 et seq.  
44 2. Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.  
45 3. Equal Pay Act, 29 U.S.C. § 206(d)  
46 4. Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.  
47 5. Rehabilitation Act, 29 U.S.C. § 791 et seq.  
48 6. Title VII of Civil Rights Act, 42 U.S.C. § 2000e et seq.  
49 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