

# Hardin 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>04/11/16</b>
		Rescinds: <b>5.501</b>	Issued: <b>09/10/10</b>

## 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: <sup>1,3,4</sup>

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

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.

- 29 1. *Filing a Complaint* — An employee who wishes to avail himself or herself of this grievance

1 procedure may do so by filing a complaint with any district complaint manager. The employee may  
 2 request a complaint manager of the same sex. The complaint manager may assist the employee in  
 3 filing a grievance.

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

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

## 21 **APPOINTING COMPLAINT MANAGERS**

22 The director of schools shall appoint at least two complaint managers, one of each gender. The director  
 23 of schools shall insert into this policy the names, addresses and telephone numbers of current  
 24 complaint managers.

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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.

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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