

DISCRIMINATION GRIEVANCE PROCEDURES FOR EMPLOYEES (See also Policy... "Sexual Harassment" and Policy... "Communication with the Public")

G-34

No person shall be denied employment, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity on the basis of handicap, gender, race, religious belief, national origin or ethnic group, color, or age.

Purpose: To resolve at the lowest possible administrative level, differences and issues related to alleged discrimination against employees within the meaning of the Vocational Rehabilitation Act, the Americans with Disabilities Act or the Federal Education Amendment, and any other applicable state or federal statute or regulation. These proceedings will be kept as informal and confidential as may be appropriate at all levels of procedure.

Definitions: A "grievance" is a complaint by any professional or support staff member specifically asserting a possible violation of any of the above-referenced statutes or regulations. A grievance procedure is the method by which a person may seek to resolve such a complaint.

Level One (Informal Procedures)

The aggrieved employee must first discuss his or her grievance with the immediate supervisor with the objective of resolving the matter informally. (The principal should be considered the immediate supervisor for all building employees.) If the person against whom the complaint is being made is the aggrieved employee's immediate supervisor, the employee may take the complaint to the appropriate Coordinator.

The aggrieved employee and his/her immediate supervisor should confer on the grievance with a view toward arriving at a mutually satisfactory resolution of the complaint. At the conference, the employee may appear alone or be accompanied by a representative of his or her choice. The supervisor may have such other persons present as he or she deems appropriate.

If the grievance arises from the actions of a specific person or persons, the supervisor should inform such persons of the nature of the grievance and attempt to ascertain the facts of the case from their perspective. If it is agreeable to all parties, a conference will be held which includes the aggrieved employee, the supervisor, and the person(s) against whom the grievance has been made.

Each of these parties may appear alone or be represented, and the discussion should be directed at reaching a mutually satisfactory resolution of the complaint.

Level Two (Formal Procedures)

Step 1

If as a result of the discussion between the complainant, supervisor and possible other parties, the matter is not resolved to the satisfaction of the complainant, then within five (5) school days of such conference, unless an exception is granted by the supervisor in his or her sole discretion, he or she shall set forth his or her grievance in writing to the supervisor specifying:

1. the nature of the grievance.
2. the nature or extent of the alleged injury, loss or inconvenience.
3. the corrective action sought.
4. the results of previous discussion(s) and conference(s), and
5. the basis of and reasons for his or her dissatisfaction with decision previously rendered.

The complainant shall be informed that if he or she so requests, assistance will be provided in developing a written statement of the grievances. The supervisor should communicate his or her decision in writing to the complainant upon the written presentation of the grievance in as soon as practicable, preferable within 10 school days. If a grievance is pursued beyond this level, written records should be forwarded to the next level of procedure by the complainant.

Step 2

If the complainant is not satisfied with the disposition of his or her grievance at Level Two, Step 1, he or she may present his or her grievance to the Superintendent of Schools within five (5) school days of receipt of the supervisors written decision unless an exception is granted by the Superintendent. The superintendent may consult with or refer the matter to the appropriate coordinator, in the superintendent's sole discretion.

The Superintendent or coordinator, as the case may be, should review the written record, counsel with the complainant, hear witnesses as he or she deems necessary, and render a decision in writing as soon as practicable.

Level Three (Formal Procedures)

Step 1

In the event the employee is not satisfied with the disposition of his or her grievance at Level Two, Step 2, he or she may file the grievance in writing with the Board of Education through the office of the Superintendent within five (5) school days after receipt of the decision from Level Two, Step 2, unless an exception is granted by the Superintendent.

He or she may request a private hearing before the Board of Education by providing a written request to the Superintendent within the same time frame. In that event, the Superintendent will submit to the Board of Education copies of the written record. The aggrieved employee as well as the Superintendent and school system staff may be represented or accompanied by legal counsel at this hearing, and minutes of the proceeding will be made. The Board of Education may call witnesses as it deems appropriate. The aggrieved employee shall be given a written decision by the Board of Education as soon as practicable, preferable within 10 school days.

Adopted: March 20, 1995