

Bartlett City Board of Education		5031
Descriptor Term: COMPLAINTS AND GRIEVANCES	Descriptor Code: Personnel	Issue Date: 04/24/2014
	Rescinds:	Revised:

1 **Employment Related Complaints and 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
5 and procedures to that staff member, administrative practices within the staff member's particular
6 school, and relationships with other employees, the staff member concerned must consult the
7 administrative or supervisory personnel to whom they are responsible. If a satisfactory resolution
8 of the problem cannot be reached after ample opportunity for consideration of the matter, the staff
9 member concerned may discuss the matter with the next level of supervision up to and including
10 the Superintendent.

11 In instances where an individual staff member feels, for personal reasons, that they cannot
12 discuss a problem with their immediate superior, the staff member may take the problem directly
13 to the Superintendent. After review of the case, the Superintendent shall take action as they deem
14 appropriate and within a prompt, reasonable time shall notify all parties concerned of their
15 decision.

16 **Harassment/Discrimination Grievances**

17 Employees should notify any district complaint manager if they believe the Board, its employees
18 or agents have violated their rights guaranteed by the state or federal constitution, state or federal
19 statute or board policy including:¹²³

- 20 1. Title II of the Americans with Disabilities Act ⁴
- 21 2. Title IX of the Education Amendments of 1972 ⁵
- 22 3. Section 504 of the Rehabilitation Act of 1973⁶
- 23 4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964 and

¹ Age Discrimination Employment Act, 29 U.S.C. §621 et seq.

² Equal Pay Act, 29 U.S.C. §206(d)

³ Immigration Reform and Control Act, 8 U.S.C. §1324(a) et seq.

⁴ Americans with Disabilities Act, 42 U.S.C. §12101 et seq.

⁵ Title IX of the Education Amendments, 20 U.S.C. §1681 et seq.

⁶ Rehabilitation Act, 29 U.S.C. §791 et seq.

1 5. Title IX of the Education Amendments of 1972⁷

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

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

30 **Appointing Complaint Managers**

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

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

⁷ Title VII of the Civil Rights Act, 42 U.S.C. §2000(e) et seq.