

# Scott 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>04/19/12</b>
		Rescinds: <b>5.501</b>	Issued: <b>08/09/01</b>

## 1 EMPLOYMENT-RELATED COMPLAINTS/GRIEVANCES

2 The Board believes that differences of opinions arising in the course of employment should be resolved  
3 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 schools.  
12 After review of the case, the director of schools shall take action as he/she deems appropriate and within  
13 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, district 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>1,2,3</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
- 22 Civil Rights Act of 1964 and Title IX of the
- 23 Education Amendments of 1972<sup>6,7</sup>

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

- 30 1. *Filing a Complaint* — An employee who wishes to avail himself or herself of this grievance  
31 procedure may do so by filing a complaint with any district complaint manager. The employee

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

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

11 3. *Decision and Appeal* — If either party is not in agreement with the findings of fact as reported  
12 by the complaint manager, an appeal may be made, within five (5) work days to the director of  
13 schools. The director of schools will review the investigation, make any corrective action deemed  
14 necessary and provide a written response to the parties. If either party is not in agreement with  
15 the director of schools' findings of fact, appeal may be made to the Board of Education within  
16 five work days. The Board shall, within thirty (30) days from the date the appeal was received,  
17 review the investigation and the actions of the director of schools and may support, amend or  
18 overturn the action based upon review and report their decision in writing to the parties.

## 19 APPOINTING COMPLAINT MANAGERS

20 The director of schools shall appoint at least two complaint managers, one of each gender. The Federal  
21 Rights Coordinator may be appointed as a complaint manager. The director of schools shall insert into  
22 this policy the names, addresses and telephone numbers of current complaint managers. (*see note*)

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

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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