

NON-TITLE IX COMPLAINTS AND GRIEVANCES

Any employee of the City of Baker School Board, or student, shall have the right to appeal the application of policies and administrative decisions affecting him/her. The person filing the grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal with respect to a personal grievance.

This policy shall not apply to sexual harassment complaints made pursuant to Title IX of the Education Amendments of 1972 (Title IX) and Part 106 of Title 34 of the United States Code of Federal Regulations. Any such Title IX complaints shall be subject to the Grievance Procedure developed and maintained by the Superintendent or his/her designee under the provisions of policy *JAAA, Title IX Sexual Harassment*.

All grievances shall be handled expeditiously, and according to the following procedures.

1. Definitions:

- A. A *grievance* is a claim by a student, parent, employee or group thereof that he/she has suffered harm or injury by the interpretation, application or violation of a contract, a School Board policy, administrative regulation or procedure, a law or constitutionally guaranteed rights. The term *grievance* does not include matters for which the method of review is prescribed by law or where the School Board is without authority to act (e.g., employee lack of certification, terminations, rebuttal to observation, etc.)
- B. A *grievant* is the person making the claim.
- C. A *party in interest* is the person making a claim (grievant) and any person or persons who might be required to take action or against whom action might be taken in order to resolve the claim.

2. Procedure:

Grievances shall be processed as rapidly as possible. The number of days indicated at each level is a maximum, and every effort shall be made to expedite processing the grievance. All proceedings of a grievance shall be kept confidential.

Step 1. After informally and thoroughly discussing any grievance with the employee's immediate supervisor or principal, upon reaching no satisfactory resolution of the grievance, the employee or student shall promptly present the grievance in writing to the immediate supervisor or principal. Such notice shall be presented no later than five (5) working

days from the date of discussion. The written grievance submitted shall state the nature of the grievance and the harm or injury caused that initiated the grievance. The employee or student and the immediate supervisor or principal shall attempt to resolve the grievance. The immediate supervisor or principal shall make a proper disposition of the grievance and shall reply to the grievant within five (5) working days following the date of submission. If the grievance is not submitted within the time prescribed, the grievant shall be deemed not to have further right with respect to said grievance.

Step 2. In the event the grievant wishes to appeal the decision at Step 1, or if no decision has been rendered in the time specified, the grievant may present the grievance in writing to the Superintendent or his/her designee within five (5) working days of the date of the response submitted by the immediate supervisor or principal, or ten (10) working days from the date of the submission of the written grievance in Step 1, if no decision has been rendered. If the grievance is not submitted within the time prescribed, the grievant shall be deemed not to have any further right with respect to said grievance.

Such appeal shall contain a statement of the grievance and specified references to the action taken causing the grievance. The Superintendent or his/her designee shall make a proper disposition of the grievance and shall send a written reply to the grievant within ten (10) working days of receipt of the Step 2 appeal.

Step 3. In the event the grievant wishes to appeal the decision at Step 2, or if no decision has been rendered in the time specified, the grievant may request in writing within five (5) working days of the receipt of the Step 2 decision a full hearing before the Superintendent or his/her designee. Such appeal shall contain a statement of the grievance and specified references to the action taken causing the grievance. Upon receipt of such written request, the Superintendent or his/her designee shall schedule a hearing at a specific date and time and send proper notice of the scheduled hearing to the grievant. The Superintendent or his/her designee, at the date and time specified, shall conduct a full hearing on the grievance, and in doing so, maintain a transcript of the proceedings. Following the hearing, the Superintendent or his/her designee shall make a written recommendation for disposition of the grievance and provide a copy of the transcript to the School Board at a meeting of the School Board.

Step 4. After reviewing the transcript of the grievance hearing and the recommendation of the Superintendent or his/her designee, the Board then shall dispose of the grievance.

3. Miscellaneous

- A. A grievance may be withdrawn at any level without prejudice or record. Additionally, there shall be no recrimination against a person because a grievance has been filed in accordance with the provisions outlined herein.
- B. The grievance procedure shall cease at any step when the grievant accepts the decision being reached.
- C. Copies of all written decisions of grievances shall be sent to all parties involved.
- D. All documents, communication, or records dealing with a grievance shall be made part of the grievant's files and shall be destroyed only in accordance with Board policy.
- E. Appeals of grievance decisions will be limited to the specific issues raised in the original grievance. The parties involved will not be allowed to expand the issues during the grievance procedure, except to the extent necessary to respond to administrative decisions made along the way.
- F. Failure by the grievant to meet the timelines and requirements of this procedure shall result in dismissal of his/her grievance. Failure by the administrative person rendering the decision to meet timelines and requirements of this procedure shall allow the grievant, at his/her option, to proceed to the next level of appeal.
- G. If an employee leaves the employment of the School Board during the pendency, at any level, of a complaint or grievance, then the employee loses the right to continue the complaint process.
- H. Termination or disciplinary action against an employee may not form the basis of a complaint or grievance by that employee.

4. Representation

The person bringing forth the grievance shall have the right to present his/her own grievance. Grievants have the right to have representation at Steps 2 and 3. If a person chooses to have representation when presenting his/her grievance, said person shall provide advance notice of such in writing to the immediate supervisor at the respective procedural level at least two (2) days prior to the meeting on the grievance.

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Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968); Board minutes, 3-7-06, 8-4-20.