

*Policy*

**COMPLAINTS & GRIEVANCES**

*Code GAE Issued 01/28/22*

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In the interest of effective personnel management, the board recognizes the need for a prompt and effective procedure for resolving differences among employees or between employees and administrators at the lowest possible administrative level.

The board encourages employees to discuss their concerns or complaints informally with their supervisors. Often, the cause of a problem or concern is merely a misunderstanding among the individuals involved.

If, at any time, an employee believes that a formal mechanism for raising his/her concern or problem is needed, he/she should follow the procedure in this policy.

- Such a procedure shall be available to all employees of the district.
- A grievance is a claim by an employee of a violation, misinterpretation or misapplication of a provision of board policies and administrative procedures or rules and regulations as they effect the employee or work of the employee.
- The development of a new salary schedule is not a grievance.
- Employees should secure an equitable solution of grievances at the most immediate administrative level. Employees are encouraged to seek resolution of disputes under the existing grievance regulation and will have the right to do so with complete freedom from reprisal. It is important that grievances be settled as quickly as possible.
- The board does not consider actions that are subject to the Teacher Employment and Dismissal Act, S.C. Code Ann. § 59-25-410, et seq., actions subject to S.C. Code Ann. § 59-26-40 and employment decisions implemented under the district's Reduction-In-force Policy to be grievances under this procedure.

**Level I**

An employee who wishes to file a grievance must complete the prescribed grievance form and present it to his or her direct supervisor within ten (10) days following either the event giving rise to the grievance or the time when the employee reasonably should have gained knowledge of its occurrence.

Should the employee believe that resolution of the grievance requires a decision beyond the supervisor's level or area of authority, the employee will so state such belief upon submitting the grievance form. If the supervisor is in agreement concerning the authority to resolve the grievance, he/she will immediately pass the grievance on to the appropriate supervisor, who will handle the matter as a first level grievance. The direct supervisor may, however, determine that resolution of the grievance is not outside his/her authority and hear the grievance.

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The appropriate supervisor will arrange a meeting with the employee within 10 days of receipt of the grievance, provide the employee with a written response to the grievance within 10 days after the meeting and include in the response the name of the next level supervisor to whom the grievance may be appealed, provided such appeal is presented in writing within 10 days.

### **Level II**

The grievance may be appealed through each supervisory or administrative level to the superintendent. At each level, the procedure above will be followed. The original grievance and the supervisor's response will serve as the basis of the meeting. The employee and the supervisor at the preceding level may summarize the facts previously presented.

### **Level III**

If the decision of the supervisor does not resolve the grievance to the satisfaction of the employee or if no decision is made within the allotted time, the grievant may appeal in writing to the superintendent.

On appeal to the superintendent, the superintendent or his/her designee will arrange a meeting within 10 days of receipt of the grievance and will respond in writing to the employee within 10 days of his/her hearing of the grievance.

### **Appeals to the board**

After following the above procedure, an employee may request a meeting with the board for the purpose of discussing the grievance which arose from his/her employment. The request must be made in writing to the superintendent within five (5) days of the superintendent's or his/her designee's response to the grievance.

Upon receiving the grievant's request to be heard by the board, the superintendent will, in advance of the next regularly scheduled board meeting, present to the board the request that the grievance be heard, together with copies of all correspondence and responses from the lower administrative levels.

The board will notify the employee of its decision (whether or not to meet with the grievant to discuss the grievance) within ten (10) days. Should the board decide to discuss the grievance with the grievant, said discussion will be informal and non-adversarial.

### **General provisions**

- Reasonable adjustments to the timeframes set forth in this policy may be made at the request of either party, except that neither party will unreasonably refuse an extension or unreasonably delay the proceeding.
- The definition of "day" is any day on which the administrative office is open.

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- No person shall be the object of administration reprisal, sanction or penalty of any kind for either activating or participating in the grievance procedure.
- Any hearing by the board will be private unless requested in writing by the grievant that it be public.

### **Title VI, VII, Title IX, Section 504 of Rehabilitation Act of 1973 and the Americans with Disabilities Act**

The grievance procedures set forth above are to be used to process employee complaints based on alleged violation of Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendment Act of 1972; Section 504 of the Rehabilitation Act of 1973; and Titles I and II of the American with Disabilities Act of 1990 referred to as “civil rights grievances.”

The above grievance procedure, however, will be modified for civil rights grievances as follows:

- After following the procedure outlined in levels I and II, if the response of successive supervisor or administrator levels below the superintendent do not resolve the grievance to the satisfaction of the employee or if no decision is made within a designated time, the grievant may appeal in writing to the District’s Civil Rights Coordinator if the complaint involves an alleged violation of the Civil Rights or to the Coordinator of Special Services if the complaint involves an alleged violation of Section 504.
- If the grievant fails to appeal within five days of receipt of the written response, the right to appeal is waived.
- If an appeal is made to the Civil Rights Coordinator or the Section 504 Coordinator, an investigation, as may be appropriate, should be undertaken by individual.
  - Within 10 days following any investigation, the Civil Rights Coordinator or Section 504 Coordinator will conduct a hearing and afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.
- The Civil Rights Coordinator or Section 504 Coordinator shall render a decision on the matter within 10 days after receipt of the grievance or if a hearing is conducted, within 10 days after the conclusion of the hearing.
  - The decision, and any description of the resolution shall be in writing, and a copy forwarded to the grievant.
  - After appeal to the Civil Rights Coordinator, the grievant may follow the procedures in accordance with the regular grievance policy.
- The right of an employee to a prompt and equitable resolution of any civil rights grievance shall not be impaired by the employee’s pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency

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