

Complaints & Grievances

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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.
- The procedure will be used to resolve employee grievances related to
 - contracts,
 - salaries and
 - working conditions.
- 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. § 59-24-410, 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

Step 1 – Any employee having a grievance shall first orally review or discuss such grievance with his immediate supervisor.

Step 2 – If the discussion at Step 1 does not resolve the matter to the satisfaction of the employee, the employee shall have the right to present the grievance in writing to his immediate supervisor.

- The written grievance shall consist of a concise statement of the facts upon which the grievance is based and a reference to the specific provision of the contract, policy, rule or regulation in question.
- The employee must present the grievance in writing to his immediate supervisor within 10 days after completing Step 1. Failure to do so shall mean that the grievance no longer exists.
- A copy of such grievance will be filed with the superintendent.
 - 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.
- The grievance may be appealed through each supervisory or administrative level to the superintendent.
 - » At each level, the procedure in Level 1/Step 2 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 II

Step 1 – 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.

Step 2 – 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. The superintendent or his/her designee may, at his/her discretion, hear witnesses and evidence directly.

Level III

Step 1 – If the action taken by the superintendent does not resolve the grievance to the satisfaction of the grievant, he may request in writing that the superintendent notify the board of the grievant's wish to be heard by the board.

- Any such request must include a brief statement of the questions to be presented to the board.
- Failure to file such a request with the superintendent within five working days after receipt of the superintendent's decision on the grievance shall cause the decision of the superintendent to become the final judgment in the matter.

Step 2 – Upon receiving the grievant's request to be heard by the board, the superintendent will, at the next regularly scheduled meeting of the board, deliver in executive session to the board the grievant's request to be heard together with copies of all correspondence and decisions from Levels One and Two.

- After examining these materials, the board may or may not grant the request.

Step 3 – Written notice of the board's decision on the grievant's request to be heard shall be rendered within 45 calendar days of the board's receipt of the request and sent to the grievant, the superintendent and the supervisor.

- If the board decides to hear the matter, the grievant will be given written notice of the date, time and place of such a hearing. Should the board decide to discuss the grievance with the grievant, the 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.

- All notices to be given as part of this procedure by the administration should be served by certified mail, return receipt requested.
- At Level I/Step 1 or Step 2, the grievant may be represented by a colleague or friend also employed by the district.
- At Level II and III, the grievant may be represented by an attorney at the cost of the grievant.
- The district will not provide counsel for the grievant.
- If the grievant chooses to be represented by legal counsel at Level II or III, written notice to the superintendent of that intent must be given not later than 5 calendar days before the scheduled date of the hearing. Failure to give such notice could result in postponement of the hearing.
- 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.

Procedure for Appeal of Termination of Classified Personnel

In the case of termination of a classified employee, an appeal of the decision may be made initially to the principal, department head or other person having the final responsibility for the decision.

- The employee may take a further appeal of the termination to the superintendent or his/her designee.
- Finally, the employee may request a meeting with the board to discuss the grievance in accordance with the procedure outlined above.
- The board may grant or deny the request for a hearing consistent with the appeals procedure set forth above.

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 steps 1 and 2 above, 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.

Adopted July 20, 2004