

# Complaints & Grievances

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In the interest of providing effective communication among students, teachers, staff and administrators, the board recognizes the need for a prompt and effective procedure for resolving student concerns, complaints or grievances at the lowest possible level.

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

If, at any time, a student 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 will be available to all students of the district.
- At every level of the process, the parent/guardian is encouraged to be involved in the process, to assist the student in meeting the procedures required by the process and to participate in finding a resolution to the concern, complaint or grievance.
- A grievance is a claim by a student of a violation, misinterpretation or misapplication of a provision of board policies and administrative procedures or rules and regulations as they affect the student or work of the student.
- Students are encouraged to seek resolution of concerns, complaints or grievances under the procedure outlined in this policy and will have the right to do so with complete freedom from reprisal. It is important that concerns, complaints or grievances be settled without undue delay.
- The grievance may be appealed through each level to the board.
  - The original grievance and the response of the teacher or staff member involved will serve as the basis for each meeting.
  - The student and the teacher or staff member at the preceding level may summarize the facts previously presented.

## Level I

**Step 1** – Any student having a grievance will first orally review or discuss such grievance with the teacher or staff member involved.

**Step 2** – If the discussion at Step 1 does not resolve the matter to the satisfaction of the student, the student has the right to present the grievance in writing to the teacher or staff member involved.

- The written grievance must contain a concise compilation of the facts upon which the matter is based and must include a reference to the specific policy, rule or regulation in question.
- The student must present the matter in writing to the teacher or staff member involved within 5 school days after completing Step 1. Failure to do so will mean that the grievance no longer exists.
- A copy of such grievance will be filed with the building principal.
- The teacher or staff member involved will
  - » arrange a meeting with the student within 5 school days of receipt of the written grievance,

- » provide the student with a written response to the grievance within 5 school days after the meeting and
- » include in the response the name of the next level school staff member to whom the grievance may be appealed.

## Level II

**Step 1** – If the decision of the teacher or staff member involved does not resolve the grievance to the satisfaction of the student or if no decision is made within the allotted time, the student may appeal in writing to the next school administrative level.

**Step 2** – On appeal to this level, the administrator

- » will arrange a meeting within 5 school days of receipt of the grievance,
- » may, at his/her discretion, hear witnesses and evidence directly and
- » will respond in writing to the student within 5 school days of his/her hearing of the grievance.

**NOTE:** If the decision of a teacher or staff member is appealed to an assistant principal and the grievance is not resolved to the satisfaction of the student or if no decision is made within the allotted time, the student must then appeal to the principal of the school following Steps 1 & 2 above before moving to Level III.

## Level III

**Step 1** – If the decision of the principal does not resolve the grievance to the satisfaction of the student or if no decision is made within the allotted time, the student may appeal in writing to the superintendent.

**Step 2** – On appeal to this level, the superintendent or his/her designee

- » will arrange a meeting within 10 school days of receipt of the grievance
- » may, at his/her discretion, hear witnesses and evidence directly and
- » will respond in writing to the student within 10 school days of his/her hearing of the grievance.

## Level IV

**Step 1** – If the action taken by the superintendent or his/her designee does not resolve the grievance to the satisfaction of the student, he/she may request in writing that the superintendent notify the board of the student's wish to be heard by the board.

- » The student's request must include a brief statement of the issues to be presented to the board.
- » Failure to file such a request with the superintendent within 5 school days after receipt of the superintendent's decision on the grievance will cause the superintendent's decision to become the final judgment in the matter.

**Step 2** – Upon receiving the student's request to be heard by the board, the superintendent will, at the next regularly scheduled board meeting, deliver to the board in executive session the student's request and copies of all correspondence and decisions from Levels I, II & III.

**Step 3** – After examining these materials, the board may or may not grant the hearing request.

- » Written notice of the board's decision on the student's request will be rendered within 45 calendar days of the board's receipt of the request and sent to
  - ✓ the student,
  - ✓ the superintendent,

- ✓ the administrator(s) and
- ✓ the teacher or staff member involved.
- » If the board decides to hear the matter, the student 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 student, 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 & II/Steps 1 or Steps 2, the student may be represented by a parent.
- At Level III and IV, the student may be represented by an attorney with the cost borne by the student.
- The district will not provide legal counsel for the student.
- If the student chooses to be represented by legal counsel at Level III or IV, written notice to the superintendent of that intent must be given not later than 5 school days before the scheduled date of the hearing. Failure to give such notice could result in postponement of the hearing.
- No student will be the object of teacher or administrative 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 the student is not a minor and the student requests in writing that it be public.

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

The grievance procedures set forth above are to be used to process student 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:

- If the response of successive administrative levels below the superintendent do not resolve the grievance to the satisfaction of the student or if no decision is made within a designated time, the student 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 student fails to appeal within five school 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 school 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 school days after receipt of the grievance or if a hearing is conducted, within 10 school 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 student.
  - After appeal to the Civil Rights Coordinator, the student may follow the procedures in accordance with the regular grievance policy.
- The right of a student to a prompt and equitable resolution of any civil rights grievance shall not be impaired by the student's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency.

**Adopted June 21, 2005**

## **Constitutional and Statutory Provisions**

### **United States Code**

- Title VI of the Civil Rights Act of 1964 – Prohibits discrimination on the basis of race, color, national origin, religion or sex.
- Section 86.8(a,b)– Title IX Regulations of the Education Amendments of 1972 – Prohibits sex discrimination by federal education grantees.
- Section 504 of the Rehabilitation Act of 1973 – Prohibits discrimination against "otherwise qualified" handicapped persons by federal grantees

### **South Carolina Code, 1976, as amended**

- Section 59-19-90(3)– Authority to regulate student conduct