

Descriptor Term: STAFF COMPLAINTS AND GRIEVANCES, INCLUDING TITLE VII OR IX

Descriptor Code: GACD

Rescinds: GAE

Board Approved: 6/26/2006

Previously Approved: 11/02/1998

**PURPOSE:**

The purpose of this policy is to establish an orderly procedure by which employees of the Gulfport District may secure at the first possible administrative level an equitable solution to any grievance including, but not limited to, Title VII or Title IX grievances. The provisions of this policy are intended to expedite the grievance process to achieve resolutions of grievances as early as will be reasonably possible without making improper and incorrect decisions regarding issues aggrieved.

**DEFINITIONS:**

The following definitions and concepts will apply for interpreting and executing this policy:

1. **GRIEVANCE** - complaint by a bona fide employee based on an alleged violation of a person's rights under federal or state law or Board of Trustees policy;
2. **GRIEVANT** - a bona fide employee or employees making the complaint;
3. **DAYS** - working days or school days exclusive of weekends and authorized holidays or vacation days;
4. **TIME LIMITS** - Strict adherence to time limits will be less important for fulfilling the provisions of this policy than mutual agreement regarding time limits and schedules between the grievant and other parties to the grievance process.
5. **FORMALITY/INFORMALITY** - The intent of this policy is to encourage as much informal, direct communication as possible between the grievant and supervisors in the belief that the more formal the process for presenting and adjudicating the grievance, the less probable mutual satisfaction can result.
6. **HEARING OFFICER** - The Board has the authority to appoint a hearing officer for *Step Three* of this procedure. Such an officer may be a Board member, uninvolved District administrator, attorney, or such other person as the Board determines to be qualified in this capacity.

#### **INFORMAL PROCEDURE:**

STEP ONE: An employee who believes he/she has a proper grievance as defined above, should first orally communicate his/her allegation to her/his immediate supervisor. The supervisor should discuss the allegation with the employee, seek additional advice and counsel from the supervisor's own supervisor, and provide the grievant with an oral response as soon as possible but within ten (10) days after hearing the allegation. If the grievant is satisfied with the response and any proffered resolutions, the grievance shall be deemed to have been appropriately and effectively settled.

STEP TWO: If the grievant is not satisfied with the outcome of *step one*, he/she will submit a detailed statement of the grievance in writing to the Superintendent and request a district-level conference with the Superintendent or designee on the matter. If the grievance is based on Title VII or IX issues, the Superintendent will direct the Title VII or IX Coordinator (Assistant Superintendent) to arrange an informal district-level conference to seek to resolve the matter. In the district-level conference, two-way discussion of the written statement of grievance without concern for final decisions will prevail throughout the conference with all parties being responsible both to ask and to answer questions asked by the other parties. The purpose of such discussion will be a sincere effort to find a mutually agreeable solution to the problem forming the basis of the employee's dissatisfaction. Such a solution, however, must conform to Board policies and be based on defensible reasoning. One fellow employee may accompany the grievant to the district-level conference if the grievant so requests. Within ten (10) days following the *step two* conference, the Assistant Superintendent will provide the grievant with a brief, written statement of the results of the conference. NOTE: The informality described in both *steps one* and *two* cannot occur if the grievant insists on being represented by legal counsel or more than one fellow employee and having said counsel and/or other additional persons present in the conferences. *Step two* is to be eliminated and *step three* will constitute the next level in the event the grievant wishes other than one fellow employee to be present for the *step two* conference.

**PROCEDURAL NOTE:** Transcripts or tape recordings will not be required for *steps one* and *two*. Notes, transcripts and/or tape recording should be kept for *step three*.

STEP THREE: If the grievant does not accept the results of the *step two* conference, the grievant may submit in writing to the Superintendent a request

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for a hearing before the Board of Trustees. The Superintendent must place said request on the agenda of the next available board meeting, which meeting must occur within fifteen (15) school days. The Board will determine a schedule and a site for the hearing to take place within ten (10) days, whether the Board as a body or a hearing officer be appointed to conduct the hearing, and direct the Superintendent to advise the grievant of the time and place for the hearing and who the hearing officer will be in the event the Board elects not to hear the grievance directly. The hearing will be closed unless expressly requested to be open by the grievant. The grievant will be entitled to legal counsel and/or other appropriate persons (including fellow employees) to aid him/her to present his/her case. Fellow employees, however, must be identified at least 48 hours in advance of the hearing in order to make arrangements for their presence at the hearing. The grievant and/or his/her attorney will carry the burden of establishing that a bona fide grievance does, in fact, exist. In the absence of such proof, the Board of Trustees or hearing officer must find the complaint to be without merit and deny any further remedy. In the event the Board has used a hearing officer, the finding of the hearing officer will be placed on the agenda of the next available board meeting, which meeting must occur within thirty (30) days, for ratification or rejection by formal action of the Board. When the Board has decided the results for the hearing either from the report of the hearing officer or through a direct hearing held by the Board, the Board will direct the Superintendent to provide the grievant a written statement of the Board's decision. If the decision of the Board is based on a hearing officer's report and that decision is not acceptable to the grievant, the grievant may extend the *step three* stage of the time and place set by the Board and occurring within thirty (30) days following receipt of a written request for such a direct hearing submitted to the Superintendent. The decision of the Board will be rendered within fifteen (15) days.

After all possible stages of *step three* have been exhausted by the grievant, the next level of grievance action will be a court or agency of proper jurisdiction.