

## NON-TITLE IX COMPLAINTS AND GRIEVANCES

Any employee of the Claiborne Parish School Board shall have the right to appeal the application of policies and administrative decisions affecting him/her. Complaints or grievances about any job action taken against an employee are excluded from this policy. The employee or group of employees 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 shall be handled in accordance with the following:

### GENERAL PROVISIONS

1. Purpose. The purpose of this grievance procedure is to provide an orderly and efficient method for airing and resolving employee complaints about policies of the Claiborne Parish School Board. This grievance procedure is not intended to replace or serve as a substitute for those due process and grievance procedures currently provided for by statute or constitutional provisions. Policies referred to herein shall be:
  - A. those written resolutions adopted as such by the School Board;
  - B. the written rules implementing those policies;
  - C. practices of each school.
2. Grievance defined. A *grievance* is the petition setting out the complaint of the employee(s) claiming that the employee(s) is suffering from the interpretation, application or violation of a contract, a School Board policy, or the written rules, procedures and/or regulations implementing those policies and/or practices. ~~This~~ 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., promotions, employee lack of certification, discipline, terminations, rebuttal to observation, reduction of personnel, etc.)
3. Counsel. The grievant may be accompanied at any step beyond the Informal Step by counsel of his/her choosing. Chosen counsel need not be a lawyer, but must

advise the Board in writing prior to appearing for the grievant of his/her retention as counsel.

4. Immediate supervisor. Immediate supervisor means the principal or that employee possessing supervisory and administrative authority next in rank above the grievant.
5. Grievance Committee. A Grievance Committee consisting of seven (7) members shall be appointed and composed as follows: three (3) white members who are either classroom teachers, librarians, guidance counselors or teacher-counselors from the Claiborne Parish Schools; three (3) black members who are either classroom teachers, librarians, guidance counselors or teacher-counselors of the Claiborne Parish Schools; and one (1) black or white member who is a teacher, librarian, guidance counselor or teacher-counselor and shall serve in alternating years.
6. Written decisions. All decisions rendered at all levels beyond the Informal Level of the grievance procedure shall be in writing setting forth the decision and the reasons thereof and shall be transmitted promptly to the appropriate parties. Grievances shall be processed in a manner which does not affect tenure and which does not interfere with the employee's work and the normal operation of the school system. No reprisals of any kind shall be taken by the principal or by the Board or by any member of the administration against any grievant or any other participant in the grievance procedure by reason of such participation.
7. Timelines. Failure by the aggrieved person to meet the timelines and requirements of this procedure shall result in dismissal of the grievance. Failure by respondent to meet timelines and requirements of this procedure shall allow the aggrieved person, at his/her option, to proceed to the next level of appeal.

If the grievant voluntarily or involuntarily leaves the employment of the Board during the pendency, at any level, of a complaint or grievance, then the grievant shall lose the right to continue the complaint process.

#### GRIEVANCE PROCEDURE

1. Informal Level. All grievances should be presented within thirty (30) calendar days from the date the grievant became aware of the cause of such grievance. Grievances shall be processed as rapidly as possible. The aggrieved employee shall present the grievance to his/her immediate supervisor, and if possible, it should be settled at that level through informal discussion. The immediate supervisor should render a decision to the employee concerning the complaint as soon as possible, but must render an oral decision within seven (7) calendar days.
2. Level I. If the grievant is not satisfied with the decision at the Informal Level or if a

decision is not rendered within the prescribed time limit, the grievant may, within ten (10) calendar days of the decision or expiration of the time limit for a response dictated by the Informal Level procedures, present the grievance in writing to his/her supervisor who shall arrange to meet with the grievant within ten (10) calendar days from receipt of the grievance.

The supervisor shall afford the grievant an opportunity to present his/her viewpoints and shall attempt to resolve the grievance. This may include involving all parties concerned in the investigation of the grievance. A written report containing any decision reached shall be rendered within ten (10) calendar days of the meeting. The grievant shall be entitled to submit a written statement to supplement the report. Said supervisory official thereto shall maintain the report, grievance, and any supplement on file and when resolved, other than by withdrawal, a copy of same shall be forwarded to the Personnel Department for placement in the employee's personnel file.

3. Level II. In the event that the decision in Level I does not satisfy the grievant, the grievant may present the grievance in writing within ten (10) calendar days of the decision or expiration of the time limit for a response dictated by the Level I procedures, to the Grievance Committee of the Claiborne Parish School Board. The Grievance Committee shall arrange a conference with the grievant within ten (10) calendar days from receipt of the grievance. The grievant shall be afforded an opportunity to present his/her viewpoints and an effort shall be made to resolve the grievance and may require involved parties to participate in the proceedings. The Superintendent and/or designee shall render a written report containing any decision reached within ten (10) calendar days of the meeting. The grievant shall be entitled to submit a written statement to supplement the report. Said supervisory official thereto shall maintain the report, grievance, and any supplement on file and when resolved, a copy of same shall be forwarded to the Personnel Department for placement in the employee's personnel file.
4. Level III. In the event that the decision in Level II does not satisfy the grievant, the employee may present the grievance in writing within ten (10) calendar days of the decision or expiration of the time limit for a response dictated by the Level II procedures, to the Superintendent of the Claiborne Parish School Board. The Superintendent and/or designee shall arrange to meet with the grievant within ten (10) calendar days from receipt of the grievance. The grievant shall be afforded an opportunity to present his/her viewpoints and an effort shall be made to resolve the grievance. The Superintendent and/or designee shall render a written report containing any decision reached within ten (10) calendar days of the meeting. The grievant shall be entitled to submit a written statement to supplement the report. Said supervisory official thereto shall maintain the report, grievance, and any supplement on file and when resolved, other than by withdrawal, a copy of same shall be forwarded to the Personnel Department for placement in the employee's personnel file.

5. Level IV. In the event the grievant(s) is not satisfied with the written notice of disposition of the grievance by the Superintendent, the grievant may, within five (5) days of the date of receipt of the Superintendent's notice of disposition, request a full hearing, of the claim or grievance before the Superintendent. If the grievant fails to request a hearing within the time limit set out above, the person shall have no further right to proceed through the complaint/grievance process.

The Superintendent shall schedule the full hearing with the grievant(s) within twenty (20) days of the request for a hearing. The Superintendent may receive at the hearing written statements of witnesses, other written materials and/or interview witnesses, if relevant to the claim or complaint. The hearing shall be an informal meeting or hearing controlled by the Superintendent. The purpose of any such fair hearing is to resolve the complaint. The Superintendent shall provide for the recording of the hearing and shall maintain a transcript of the proceedings. Following the hearing, the Superintendent shall make a written recommendation regarding the disposition of the grievance. The recommendation of the Superintendent shall be provided to the employee not more than thirty (30) days following the hearing. The Superintendent's recommendation, together with a copy of the transcript of the hearing as well as the previous decisions, shall also be provided to the School Board within the same time frame set out above for disposition of the grievance.

6. Level V. On the basis of the written recommendation and the transcript of the hearing before the Superintendent provided to the School Board, the School Board shall dispose of the grievance. There shall be no hearing involving testimony, the receipt of evidence or additional matters before the School Board. An employee or their representative may comment on the School Board's proposed disposition of the grievance. The School Board may vote to affirm, reverse or modify the recommendation. Absent a motion and second to modify or reverse the recommendation, the Superintendent's recommendation shall stand. Notice of the School Board's decision shall be given to the employee(s) and to the individuals who rendered any previous level decisions. The School Board's action shall be final.

#### CONFIDENTIALITY

It is understood that a grievance shall be kept confidential except to the extent necessary to investigate and resolve the grievance.

Revised: August 6, 2020

Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S.Ct. 1731 (1968); Board minutes, 8-6-20.