

Board of Education Policy

EMPLOYEE COMPLAINT PROCEDURE REGULATION

The Board of Education of the Miller Place Union Free School District hereby accepts and approves the following Staff Complaints & Grievances Regulation:

Definitions

1. Grievant shall mean an employee who alleges that there has been a violation of Title IX, Section 504 or the Americans with Disabilities Act (ADA) statute or regulations which affect this employee.
2. Grievance shall mean any alleged violation of Title IX, Section 504 or ADA statute or regulations.
3. Compliance Officer shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under Title IX, Section 504 and the ADA. In those cases where the Compliance Officer engaged in the alleged violation of Title IX, Section 504 of the Rehabilitation Act or the ADA, such grievance shall be filed directly with the Superintendent of Schools.
4. Representatives shall mean any person designated by the grievant as his/her counsel or to act on his/her behalf.

This regulation and the accompanying Policy (9140.1) provide procedures for the resolution of staff complaints alleging any action prohibited by Title IX, Section 504 of the Rehabilitation Act or the ADA. Such complaints shall be addressed as follows:

This policy and accompanying regulation provide grievance procedures for those employees not covered by collective bargaining agreements. Staff complaints that are not covered under the General Municipal Law, or cannot be resolved under procedures of Title IX and Section 504 or the ADA shall be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

Stages

Stage I – Compliance Officer

1. Within 30 days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer. The Compliance Officer may informally discuss the grievance with the grievant. He/she shall promptly investigate the complaint. All employees of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 *school* days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, the Compliance Officer shall propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant may, within 15 days after he/she has received the report of the Compliance officer, file a written request for review by the Superintendent of Schools.

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Stage II – Superintendent of Schools

1. The Superintendent may personally hear and determine the grievance or may, in his/her discretion, designate a hearing officer.
2. The Superintendent may request that the grievant, the Compliance Officer, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
3. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.
4. Within 15 **school** days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of Title IX, Section 504 of the Rehabilitation Act or the ADA, and if applicable, a proposal for equitably resolving the complaint.
5. If the grievant is not satisfied with the determination of the Superintendent, the grievant may, within 15 **school** days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

Stage III – Board of Education

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the grievant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within 15 school days after the hearing has been concluded.

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Stage IV – Commissioner of Education

1. If the grievant is not satisfied with the determination of the Board of Education, the grievant may appeal the determination to the Commissioner of Education at: New York State Commissioner of Education, New York State Education Department, Washington Avenue, Albany, New York 12234.

Reference: 42 USC § 12111-12117; 12210 (Americans with Disabilities Act)
General Municipal Law, Article 15-c
20 USC Chapter 38;
45 CFR Part 86 (Title IX, Education Amendments of 1972)
29 USC §794 (Rehabilitation Act of 1973, §504)

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