

Oneida Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Complaints and Grievances	Descriptor Code: 5.501	Issued Date:
		Rescinds: 5.501	Issued: 03/11/04

1 EMPLOYMENT-RELATED COMPLAINTS/GRIEVANCES

2 The Board believes that differences of opinions arising in the course of employment should be
3 resolved as quickly as possible and at the lowest supervisory level.

4 In instances of questions by an individual staff member concerning the interpretation of policies and
5 procedures to that staff member, administrative practices within the staff member's particular school,
6 and relationships with other employees, the staff member concerned must consult the administrative or
7 supervisory personnel to whom they are responsible. If a satisfactory resolution of the problem cannot
8 be reached after ample opportunity for consideration of the matter, the staff member concerned may
9 discuss the matter with the next level of supervision up to and including the director of schools.

10 In instances where an individual staff member feels, for personal reasons, that they cannot discuss a
11 problem with their immediate superior, the staff member may take the problem directly to the director
12 of schools. After review of the case, the director of schools shall take action as they deem appropriate
13 and within a prompt, reasonable time shall notify all parties concerned of their decision.

14 HARASSMENT/DISCRIMINATION GRIEVANCES

15 Employees should notify any district complaint manager if they believe the Board, its employees or
16 agents have violated their rights guaranteed by the state or federal constitution, state or federal statute
17 or board policy including: ^{1,3,4}

- 18 1. Title II of the Americans with Disabilities Act ²
- 19 2. Title IX of the Education Amendments of 1972 ⁷
- 20 3. Section 504 of the Rehabilitation Act of 1973 ⁵
- 21 4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964 and Title IX of
22 the Education Amendments of 1972 ^{6,7}

23 The complaint manager will endeavor to respond and resolve complaints without resorting to this
24 grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The
25 right of a person to prompt and equitable resolution of the complaint shall not be impaired by the
26 person's pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit
27 of other remedies and use of this grievance procedure does not extend any filing deadline related to the
28 pursuit of other remedies.

- 29 1. Filing a Complaint — An employee who wishes to avail themselves to this grievance procedure
30 may do so by filing a complaint with any district complaint manager. The employee may

- 1 request a complaint manager of the same sex. The complaint manager may assist the employee
2 in filing a grievance.
- 3 2. Investigation — The complaint manager will investigate the complaint or appoint a qualified
4 person to undertake the investigation on their behalf. The complaint and identity of the
5 complainant will not be disclosed except (1) as required by law or this policy; or (2) as
6 necessary to fully investigate the complaint; or (3) as authorized by the complainant. The
7 complaint manager shall file a written report within ten (10) days of the filing of the grievance,
8 of his or her findings with the director of schools. If a complaint of sexual harassment contains
9 allegations involving the director of schools, the written report shall be filed with the Board.
10 The director of schools shall keep the Board informed of all complaints.
- 11 3. Decision and Appeal — After receipt of the complaint manager's report, the director of schools
12 shall render a written decision within five (5) days of the receipt of the report that shall be
13 provided to the employee. If the employee is not satisfied with the decision, the employee may
14 appeal the decision to the Board by making a written request to the complaint manager. The
15 complaint manager shall be responsible for promptly forwarding all materials relative to the
16 complaint and appeal to the Board. Thereafter, the Board shall render within thirty (30) days
17 from the date the appeal was received, review the report and affirm, overrule or modify the
18 decision and render a written finding that shall be provided to the complainant. This grievance
19 procedure shall not be construed to create an independent right to a Board hearing.

20 APPOINTING COMPLAINT MANAGERS

21 The director of schools shall appoint at least two complaint managers, one of each gender. The Federal
22 Rights Coordinator may be appointed as a complaint manager. The director of schools shall insert into
23 this policy the names, addresses and telephone numbers of current complaint managers. (*see note*)

24 (*Note: Title IX regulations require districts to identify the name, address and telephone number of the*
25 *person who is responsible for coordinating the district's compliance efforts. A policy should not be*
26 *adopted with a person's name in it; rather, the identifying information can be added and amended as*
27 *necessary.*)

Legal References

1. Age Discrimination Employment Act, 29 U.S.C. § 621 et seq.
2. Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.
3. Equal Pay Act, 29 U.S.C. § 206(d)
4. Immigration Reform and Control Act, 8 U.S.C. § 1324a et seq.
5. Rehabilitation Act, 29 U.S.C. § 791 et seq.
6. Title VII of Civil Rights Act, 42 U.S.C. § 2000e et seq.
7. Title IX of the Education Amendments, 20 U.S.C. § 1681 et seq.

Cross References

Appeals To and Appearances Before the Board 1.404
Section 504 & ADA Grievance Procedures 1.802
Equal Opportunity Employment 5.104
Discrimination/Harassment of Employees 5.500

