

EMPLOYEES COMPLAINTS AND GRIEVANCES RELATIVE TO MUNICIPAL AND FEDERAL LAWS

The district shall implement a multi-stage grievance procedure and an appellate stage for the settlement of grievances pursuant to the General Municipal Law. In addition, the district shall implement procedures and regulations and designate an employee to carry out the responsibilities under Title IX and Section 504 of the Rehabilitation Act or the Americans with Disabilities Act (ADA).

This policy and accompanying regulation (9140.1-R) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures. 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.

Annual Notification

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to employees. The notice shall:

1. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability; and
2. be included in announcements, bulletins, catalogues, and applications made available by the district.

Adoption date: 1/27/04

EMPLOYEES COMPLAINTS AND GRIEVANCES RELATIVE TO MUNICIPAL AND FEDERAL LAWS*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 him/her.
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.

This regulation and accompanying policy (9140.1) provide grievance procedures for those employees not covered by collective bargaining agreements or whose negotiated agreements do not include grievance procedures and shall be made available to all personnel. The resolution of staff complaints alleging any action prohibited by Title IX, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following manner:

*Stages****A. Stage I--Compliance Officer***

1. Any employee in the district who wishes to file a grievance regarding alleged discrimination shall make such a complaint in writing on forms available in any of the Principal's offices or the District Personnel Office.
2. The form should then be filed with the District Personnel Office and 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 within seven calendar days. All employees of the school district shall cooperate with the Compliance Officer in such investigation.
3. Within 14 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, he/she shall propose a resolution of the complaint.
4. 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 seven days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

The Complainant's responsibility will be:

1. Accept the decision, in writing, addressed to the Compliance Officer; or
2. Disagree with the decision, in writing, addressed to the Compliance Officer.

The failure of the Complainant to make a response will be considered as his/her acceptance of the decision. In the event that the Stage I Compliance

Officer is involved in the alleged discrimination, the Complainant can bypass the Stage I procedure and proceed directly to the Stage II procedure.

B. Stage II--Superintendent of Schools

1. The District Compliance Officer requests the Superintendent of Schools to review the complaint.
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 seven calendar days of the receipt of the appeal by the Superintendent.
4. Within seven calendar 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, 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 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

Adopted by B.O.E.: 1/27/04