

## REGULATION - STAFF COMPLAINTS AND GRIEVANCES

### *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.
4. *Representative* shall mean any person designated by the grievant as his/her counsel or to act in his/her behalf.

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. 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. Within ten (10) working 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 ten (10) working 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.
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 ten (10) working days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

#### *B. Stage II--Superintendent of Schools*

1. The Superintendent of Schools 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.
2. The Superintendent of schools 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 ten (10) working school days of the receipt of the appeal by the superintendent of schools
3. Within ten (10) working days of the hearing, the superintendent of schools 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 Americans With Disabilities Act (ADA) and a proposal for equitably resolving the complaint
4. If the grievant is not satisfied with the determination of the superintendent of schools, the grievant may, within fifteen (15) working days after its receipt, file with the Clerk of the Board of

Education a written request for review by the Board of Education.

C. ***Stage III – Board of Education***

1. When a request for review by the Board of Education has been made, the superintendent of schools shall submit all written statements and other materials concerning the case to the President of the Board of Education
2. The Board of Education shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within fifteen (15) working 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 of Education shall render a decision, in writing, within fifteen (15) working days after the hearing has been concluded.

*NOTE:* Title IX and NYS General Municipal Law require all Boards of Education to adopt written procedures regarding employee complaints and grievances. Such procedures are often included as part of various negotiated agreements. This regulation need only be adopted in the event that the district employs personnel who are not covered by such agreements.

**ADOPTED:** May 7, 1997