

NON-TITLE IX COMPLAINTS AND GRIEVANCES

Any employee of the Jefferson Davis Parish School Board shall have the right to appeal the application of policies and/or administrative decisions affecting him/her. The employee 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*.

DEFINITIONS

1. *Employee(s)* shall mean any person(s) regularly employed by the Jefferson Davis Parish School Board, either full or part-time.
2. *Grievance* shall mean a written claim by an employee or group thereof that he/she has suffered harm or injury by the violation, interpretation, or application of a School Board policies, rules or regulations under which the employee(s) work. The term *grievance* shall not include matters for which the method of review is prescribed by law or for which the School Board is without authority to act (e.g., promotion, employee lack of certification, discipline, terminations, rebuttal to observation, etc.)
3. *Grievant* shall mean the person making a claim.
4. *Immediate supervisor* shall mean that employee possessing supervisory and/or administrative authority to direct the activities of and next in rank above the grievant.

PROCEDURE

Informal Complaints

Every effort should be made to resolve a complaint before initiating a grievance. The supervisor and employee may meet to discuss the complaint. If a complaint cannot be resolved to the satisfaction of the complainant, then a written grievance, meeting the definition cited herein, shall be promptly filed.

Grievances

Grievances shall be written and shall follow the procedures set forth below. A grievance shall be initiated by the grievant within five (5) working days of the alleged action or

conduct which forms the basis of the grievance. Failure to initiate the grievance timely shall result in waiver of the right to the grievance procedure.

Level One

In order to initiate a grievance, an employee shall file a written grievance with his/her immediate supervisor. The written grievance shall contain: 1) the specific nature of the grievance, 2) the School Board policy, law, or constitutionally guaranteed right violated, and 3) the nature or extent of the harm or injury that initiated the grievance.

The immediate supervisor shall receive, investigate and consider information from all affected parties he/she believes is necessary to resolve the grievance. Within ten (10) working days of receipt of the written grievance, the immediate supervisor shall mail, return receipt requested, or make receipted hand-delivery of his/her decision in writing to the grievant, documenting the date of mailing or delivery to the employee. Unless the employee timely appeals that decision, the grievance shall be deemed resolved or dismissed and the employee shall have no further rights with respect to said grievance.

Level Two

In the event the employee wishes to appeal the decision rendered in Level One or if no decision is rendered within the time specified, the grievance may move to Level Two. Grievant's appeal shall be presented in writing, together with all documentation from Level One, to the next administrator of higher rank above the grievant's immediate supervisor. Such appeal shall be presented within five (5) working days of grievant's receipt of the Level One written decision, or within five (5) working days of the deadline for such decision if no decision has been rendered at Level One. Such appeal shall contain a statement of the grievance, specific references to the alleged action or conduct which forms the basis of the grievance, results of Level One, and dissatisfaction with decision rendered at Level One.

The administrator shall schedule a conference with the employee as promptly as is reasonably possible to attempt to resolve the grievance. Notice of the conference shall be given to all parties involved in the grievance. Within ten (10) working days after the conference, the administrator shall mail, return receipt requested, or make receipted hand-delivery of his/her decision in writing to the grievant, documenting the date of mailing or delivery to the employee. Unless the employee timely appeals that decision, the grievance shall be deemed resolved or dismissed and the employee shall have no further rights with respect to said grievance.

Level Three

In the event the grievant wishes to appeal the decision rendered in Level Two or if no decision has been rendered within the time specified, the grievance may move to Level Three. Grievant's appeal shall be presented in writing, together with all documentation

from Levels One and Two, to the Superintendent. Such appeal shall be presented within five (5) working days of grievant's receipt of the Level Two written decision, or within five (5) working days of the deadline for such decision if no decision has been rendered at Level Two. A copy of the written appeal, together with copies of the decisions rendered in Level One and Level Two, shall be submitted to the Superintendent.

The Superintendent or his/her designee shall schedule a hearing for a specific date and time within twenty (20) working days of receipt of the written appeal and send written notice of the scheduled hearing to the grievant. The Superintendent or his/her designee, at the date and time specified, shall conduct a full hearing on the grievance and maintain a transcript of such hearing. Following the hearing, the Superintendent or his/her designee shall, within thirty (30) working days, make a written recommendation for disposition of the grievance and provide a copy of the transcript to the School Board at a meeting of the School Board. A copy of the Superintendent's or his/her designee's recommendation shall also be provided to the employee.

Level Four

After reviewing the transcript of the grievance hearing conducted by the Superintendent or his/her designee and the recommendation of the Superintendent or his/her designee, the School Board then shall dispose of the grievance.

The employee shall not be entitled to a hearing before the School Board. The School Board shall vote to affirm, reverse, or modify the recommendation of the Superintendent, or remand the matter to the Superintendent or his/her designee for further investigation or information. Notice of the School Board's decision shall be given to the employee(s) and to the individuals who rendered the Level One and Level Two decisions. The School Board's action is **final**.

MISCELLANEOUS

1. A grievance may be withdrawn at any level without prejudice or record.
2. Copies of all written decisions made in connection with grievances may be sent to all parties involved.
3. All documents, communication, or records dealing with a grievance shall be made part of the grievant's files and shall be destroyed only in accordance with School Board policy.
4. Appeals of grievance decisions will be limited to the specific issues raised in the original grievance. The parties involved will not be allowed to expand the issues during the grievance procedure, except to the extent necessary to respond to administrative decisions made along the way.

5. Failure by the grievant to meet the timelines and/or other requirements of this policy shall result in dismissal of his/her grievance. Failure by the administrator tasked with rendering the decision to meet timelines and/or requirements of this policy shall allow the grievant, at his/her option, to proceed to the next level of appeal.
6. If the employee leaves the employment of the School Board, voluntarily or involuntarily, during the pendency of his/her grievance, at any level, then the employee loses the right to continue the grievance process.

REPRESENTATION

Grievant shall have the right to have representation at Level Two and above. If a person chooses to have representation when presenting his/her grievance, said person shall provide notice of such in writing to the appropriate administrative officer at the respective procedural level at least two (2) working days prior to the scheduled meeting or hearing on the grievance.

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Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731

(1968); Board minutes, 8-20-20, 2-16-23.