

NON-TITLE IX COMPLAINTS AND GRIEVANCES

Any employee of the Livingston Parish School District, or student, will have the right to appeal the application of policies and administrative decisions affecting him/her. The person filing the grievance must be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal with respect to a personal grievance.

This policy will 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 will 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*.

All grievances must be handled expeditiously, and according to the following procedures.

DEFINITIONS

1. A *grievance* is a claim by a student, parent, employee or group thereof involving the application or violation of a contract, a school board policy and/or procedure affecting him/her. The term "grievance" does not include matters for which the method of review is prescribed by law or where the School Board is without authority to act (e.g., employee lack of certification, terminations, rebuttal to observation, etc). Complaints or grievances about any job action taken against an employee will be excluded from this policy.

Any claim by an individual that there has been a violation of rights will be a grievance and must be resolved through the procedures set forth herein.

2. A *grievant* is the person making the claim.
3. A *party in interest* is the person making a claim (grievant) and any person or persons who might be required to take action or against whom action might be taken in order to resolve the claim.
4. The term *day* will mean working day.

PROCEDURE

Grievances must be processed as rapidly as possible. The number of days indicated at each level is a maximum, and every effort must be made to expedite processing the grievance. All proceedings of a grievance must be kept confidential.

Step 1. After informally and thoroughly discussing any grievance with the employee's

immediate supervisor or principal, upon reaching no satisfactory resolution of the grievance, the employee or student will promptly present the grievance in writing to the immediate supervisor or principal. Such notice must be presented no later than five (5) working days from the date of discussion. The written grievance submitted must state the nature of the grievance and the harm or injury caused that initiated the grievance. The employee or student and the immediate supervisor or principal must attempt to resolve the grievance. The immediate supervisor or principal will make a proper disposition of the grievance and must reply to the grievant within five (5) working days following the date of submission. If the grievance is not submitted within the time prescribed, the grievant must be deemed not to have further right with respect to said grievance.

Step 2. In the event the grievant wishes to appeal the decision at Step 1, or if no decision has been rendered in the time specified, the appeal must be presented to the Superintendent or designee in writing within five (5) working days of the receipt of the Step 1 decision. Such appeal must contain a statement of the grievance and specified references to the action taken causing the grievance. Upon receipt of such a written appeal, the Superintendent or designee will schedule a hearing at a specific date and time and send proper notice of the scheduled hearing to the grievant. The Superintendent or designee, at the date and time specified, must conduct a full hearing on the grievance, and in doing so, maintain a transcript of the proceedings. Following the hearing, the Superintendent or designee will 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 Board.

Step 3. After reviewing the transcript of the grievance hearing and the recommendation of the Superintendent or designee, the School Board then must dispose of the grievance.

MISCELLANEOUS

1. A grievance may be withdrawn at any level without prejudice or record. Additionally, there will be no recrimination against a person because a grievance has been filed in accordance with the provisions outlined herein.
2. Copies of all written decisions of grievances must be sent to all parties involved.
3. All documents, communication, or records dealing with a grievance must be made part of the grievant's files and will be destroyed only in accordance with Board policy.
4. Appeals of grievance decisions will be limited to the specific issues raised in the original grievance. The parties involved must 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 requirements of this procedure will result in dismissal of his/her grievance. Failure by the administrative person rendering the decision to meet timelines and requirements of this procedure will allow the grievant, at his/her option, to proceed to the next level of appeal.
6. If an employee leaves the employment of the School District during the pendency, at any level, of a complaint or grievance, then the employee loses the right to continue the complaint process.

REPRESENTATION

The person bringing forth the grievance will have the right to present his/her own grievance. Grievants have the right to have representation at Steps 2 and 3.

If a person chooses to have representation when presenting his/her grievance, said person must provide advance notice of such in writing to the immediate supervisor at the respective procedural level at least two (2) days prior to the meeting on the grievance.

Revised: September 8, 2016

Revised: August 6, 2020

Ratified: August, 20, 2020

Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968); Board minutes, 6-77, 8-3-78, 9-8-16, 8-6-20, 8-20-20.