

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two (2) procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Complaints and Grievances Coordinator

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Civil Rights Compliance Officer; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement, which advises students, parents/guardian, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Civil Rights Compliance Officer.

In accordance with the ADA, Americans with Disabilities Act of 1990, the District recognizes that it is prohibited from employee discrimination on the basis of a person's physical or mental disability. The Act defines "disability" as "(A) a physical or mental impairment that substantially limits one or more of the major life activities of such individual, (B) a record of such impairment, or (C) being regarded as having such an impairment."

Accordingly, a "disability" exists only where an impairment "substantially limits" a major life activity, not where it "might, could, or would", be substantially limiting if mitigating measures were not taken.

The Civil Service Compliance Officer shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, weight, creed, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, or use of a recognized guide dog, hearing dog or service dog.

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SUBJECT: STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise among various members of the staff. These procedures are defined in collective bargaining agreements. Staff members have the right to present complaints and grievances in accordance with the established procedures and free from coercion, interference, restraint, discrimination or reprisal. For those matters not covered by procedures contained within collective bargaining agreements, the District shall implement a two stage grievance procedure and an appellate stage for the resolution 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 required under Title IX, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. Those filing a complaint or grievance alleging that there is an action affecting them which is prohibited by Title IX, Section 504 of the Rehabilitation Act or the Americans with Disabilities Act shall be provided with information regarding the prompt and equitable resolution of the complaint or grievance. Those presenting such complaint and grievance in accordance with the procedure shall have the right to do so free from coercion, interference, restraint, discrimination or reprisal.

Those complaints which are not covered by the procedures contained within the collective bargaining agreements, nor under the General Municipal Law; and which cannot be resolved under the procedures of Title IX, Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, shall be subject to the discretion of the Board as to the method by which the complaint may be processed.

Annual Notification

At the beginning of each school year and in accordance with regulations to be developed by the Superintendent, the District shall publish a notice which shall:

1. inform parents, employees, students and the community that the school district does not discriminate in admission or access to or employment in its programs and activities on the basis of sex, race, color, national origin or disability;
2. identify the individual(s) designated as being responsible to coordinate its efforts to comply with Title IX, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act; and
3. be included in announcements, bulletins, catalogues, and applications made available by the District.

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Note: Formerly Policy #4160 AND #9140.1

Cross Ref: #9860.1 – Grievance

Adopted: April 17, 1985

Revised: December 10, 1997

SUBJECT: GRIEVANCES

All grievances shall be in written form specifying the following:

1. The name and position of the grievant and the date the grievance was originally presented.
2. The unit to which the person presenting the grievance belongs.
3. The date the grievance occurred and a summary statement describing the nature of the grievance.
4. The section of the grievance procedure under which the person presenting the grievance is proceeding. The specific provisions of the current collective agreement applicable should be included and specifically itemized in the summary of the grievance.
5. A statement as to whether the grievance pertains to a District written policy or by-law, administrative ruling or regulation and, if so, specifying the policy ruling or regulation involved. A summary of what transpired during the informal conference held pursuant to Step I. A statement of the reasons why the grievance was not resolved under Step I. A statement of when the report under Step I was received by the person presenting the grievance.

Note: Formerly Policy # 9520 AND 9860.1

Ref: Civil Service Law §204

General Municipal Law, Art. 15-C

Civil Practice Law and Rules Art. 75

Cross-Ref: #9140.1 - Staff Complaints

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.
Prohibits discrimination on the basis of disability.

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Genetic Information Nondiscrimination Act of 2008 (GINA) Public Law 110-233

Prohibits discrimination in the workplace based upon genetic information.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, predisposing genetic characteristics, marital status, or use of a recognized guide dog, hearing dog or service dog.

Military Law Sections 242 and 243

NOTE: Refer also to Policy #3420 -- Anti-Harassment in the School District

Re-Adopted: October 10, 2012