




**GWINNETT
COUNTY
PUBLIC
SCHOOLS**

Gwinnett County Board of Education

Level: Procedure G-Personnel	Accompanying Policy: GAE 	Descriptor Code: P.GAE	Rescinds February 19, 2014
Descriptor Term: Staff Complaints and Grievances		Effective Date: March 28, 2014	

The Board of Education subscribes to an orderly, well-defined process for the resolution of problems derived from applications of Board policies and district procedures.

The Superintendent shall have the responsibility for developing and implementing a uniform procedure to insure that complaints by personnel will be handled as expeditiously as possible.

Section 1 - Purpose

The purpose of this procedure is to provide a way for the Board of Education and its employees to reach solutions to problems, disputes, or controversies that may occur. Good morale is maintained, effective job performance is enhanced, and the citizens of the community are better served when sincere efforts of employer and employee are exerted toward constructive solutions to problems that may arise. It is the intent of this policy to provide in a clear and concise way for the solution of complaints at the lowest possible administrative level, as fairly and as expeditiously as possible. Complaints that may be addressed under this policy are more specifically defined below and generally include those matters that affect the terms or conditions of employment. Notwithstanding any other provision of this policy to the contrary, this policy may also be used specifically as a procedure by employees who allege discrimination or harassment on the basis of age, gender, race, color, religion or disability. In the case of alleged discrimination based on age, gender, race, color, religion, or disability, employees may complain directly to the school system Director of Equity and Compliance, Title IX, Section 504/Title II Coordinator who will make a prompt investigation. Any supervisor who becomes aware of such a complaint should notify the Director of Equity and Compliance, Title IX, Section 504/Title II Coordinator no later than on the business day immediately following his/her knowledge of the complaint.

DEFINITIONS

- A. Complaint - A complaint means any claim by an employee of the Gwinnett County Board of Education who is affected in his or her employment relationship by an alleged violation, misinterpretation or misapplication of statutes, policies, rules, regulations, or written agreements with which the Board of Education is required to comply.

The performance ratings contained in personnel evaluations and professional development plans pursuant to O.C.G.A. 20-2-210 and job performance shall not be subject to complaint hereunder. Job performance evaluations shall not be subject to complaint under the provisions of this policy. The termination, non-renewal, demotion,

suspension or reprimand of any employee, as set forth in O.C.G.A. 20-2-940 et seq., and the revocation, suspension or denial of certificates of any employees, as set forth in O.C.G.A. 20-2-790 et seq., shall not be subject to complaint under the provisions of this policy.

An employee who chooses to appeal under O.C.G.A. 20-2-1160 (School Law Tribunals; Appeals) shall be barred from pursuing the same complaint under this policy.

- B. Employee - Employee shall mean any person hired by the Board of Education to perform services either full or part-time.
- C. Administrator - The individual at each level designated by the Board to preside over and make decisions with respect to complaints.
- D. Days - Days shall mean working days exclusive of Saturday, Sunday, or official holidays unless otherwise noted.
- E. Immediate Supervisor - Immediate supervisor is that employee possessing that degree of administrative authority next in rank above any complainant.
- F. Parties in Interest - Any persons involved in the processing of the complaint.
- G. Central Office Administrator - The superintendent of schools or his/her designee. This person shall receive all communications for the Board.
- H. Complainant File - A file maintained by the superintendent for the complainant. This shall be separate from the personnel file and shall be open to parties in interest only.
- I. Board - The Board of Education of the Gwinnett County School System.

Section 2 - Procedure

1. It is the desire of the Board of Education that a complaint be processed as rapidly as possible. The initial complaint shall be in writing, clearly stating the intent to access the complaints policy and specifically setting forth the statute, policy, rule, regulations or written agreement that is alleged to have been violated. All employees must request in writing successive levels of review and deliver the written request by certified mail or hand delivery to the appropriate administrator.

Gwinnett County Board of Education Employee Complaint Forms are attached at the end of this procedure.

2. In no instance shall there be more than ten (10) calendar days between the most recent alleged act about which a complaint may be filed and the first written notice of complaint is received nor shall there be more than ten (10) calendar days between the decision at any level and the date the appeal to the next level is received. In no instance may the time frame from the notice of the initial request from the complainant for the hearing or meeting to the final decision be more than sixty (60) calendar days. The failure to answer a concern within applicable limit of time shall entitle the complainant to proceed in accordance with these rules to the next level.
3. The complainant shall be adequately notified of the time and place of the initial meeting and appeals in writing by hand delivery or certified mail.
4. The complainant is entitled to an opportunity to be heard, to present relevant evidence and to examine witnesses at each level.

5. The complainant is entitled to the presence of an individual of his/her choice to assist in the presentation of the complaint at the Superintendent and Board level. Such person is prohibited at any level prior to that of the Superintendent. At the Board level nothing shall prevent the Board from having an attorney present to serve as the law officer who shall rule on issues of law and who shall not participate in the presentation of the case for the administrator or the complainant. Nothing herein shall be deemed to prevent the superintendent from having an attorney participate to present his or her case.
6. The complainant cannot present additional evidence at each level of the complaint process, unless it is determined by the administrator presiding over the complaint that such evidence is relevant to the issues presented at the initial hearing and such evidence was either not made available by the administration or not discoverable by the complainant or unless it is presented and received in writing to the person presiding over the complaint at least five (5) work days prior to the set date for any hearing beyond Level One. Anytime a complainant is permitted to present additional evidence that was not presented at any prior level and it is determined that such evidence might have produced a different decision on the complaint, the complaint may be remanded to the previous level with ten (10) calendar days allowed for reconsideration. The Board of Education, when hearing an appeal from a prior complaint level, shall hear the complaint de novo.
7. Decisions at each level shall be in writing and dated. Each decision shall contain findings of fact and reasons for the particular resolution reached. The decision reached at each complaint level shall be sent to the complainant by certified mail or hand delivered by a person designated by the Superintendent within twenty (20) calendar days of the hearing.
8. At each level, an accurate record of the proceeding must be kept by mechanical means and all evidence preserved and shall be made available to the parties involved. At any level below Level Three, (Superintendent level) this record shall be made by a tape recording device.
9. All costs and fees shall be borne by the party incurring them unless otherwise agreed upon by the parties involved, except that the cost of preparing and preserving the record of the proceedings shall be borne by the Board.
10. Appeals from the decision of the Board of Education to the State Board of Education shall be governed by the state board policy and O.C.G.A. 20-2-1160.
11. Nothing in this procedure shall be construed to limit any fact finder or decision maker from using any equitable means available to establish the truth of the circumstances pertinent to the complaint, provided that the complainant shall have an opportunity to respond to any information considered by the decision maker in reaching a conclusion.
12. Nothing in this policy shall be construed to permit or foster collective bargaining as part of the Board of Education's policies.
13. No reprisals of any kind shall be taken by the Board of Education or by any member of the administration against any complainant as a result of participation in the complaint process. Should any reprisal occur, the complainant may refer the matter to the Georgia Professional Standards Commission.

Section 3 - Steps

1. Informal Discussion - Informal discussion between parties concerned.
2. Level One - Employee must present complaint in person to the administrator (immediate supervisor)
3. Level Two - Division of Human Resources and Talent Management: At this level, the administrator shall be the Associate Superintendent of Human Resources and Talent Management or designee.

The complainant may appeal the Level One decision to the Division of Human Resources and Talent Management. This appeal should be delivered to the Associate Superintendent of Human Resources and Talent Management who may serve as administrator or designate someone at the director's level or above to hear the complaint.

4. Level Three - The Level of the Superintendent or designee.

Either the complainant or the administrator may appeal the decision of the Division of Human Resources and Talent Management to the Superintendent of Schools. The Superintendent or his/her designee shall serve as administrator at Level Three.

5. Level Four - The Level of the Board of Education

Either the complainant or the administrator may appeal the Level Three decision to the Board of Education.

At Level Four, the Board shall consider the complaint de novo by one of the following methods:

- a. Hear the evidence itself;
- b. Designate an impartial hearing officer to hear the evidence; make findings of fact and recommendations; or
- c. Designate a Personnel Review Panel to hear the evidence, make findings of fact and recommendations. This panel may be presided over by an impartial hearing officer.

The Personnel Review Panel is made up of school system employees who are appointed by the Board of Education. These individuals represent a cross section of school system staff including classified, teaching, and administrative personnel who have demonstrated exemplary service to the school system and who have received appropriate training prior to service.

The complainant shall select one member of the panel. The superintendent or his/her designee shall select one member. Each of these two appointees shall together select the third member. All three must be chosen from the approved Board appointed review panel list. An impartial hearing officer may serve as presiding officer in a non-voting capacity. It shall be his/her responsibility to write the findings of fact and recommendations of the review panel.

The Personnel Review Panel shall be comprised of fifteen (15) school system employees, appointed by the Board and representing the following categories:

Six (6) classroom teachers

Six (6) classified employees - Three (3) should be local school based

Two (2) local school administrative personnel

One (1) central office administrator

Regardless of how the Board elects to take evidence, it shall make the final decision in each case brought before it.

Attached: Gwinnett County Public Schools Employee Grievance Forms:



GCPS Grievance Forms.pdf