COMPLAINT PROCEDURES

Section I: DEFINITION

A complaint is a claim by a full-time employee that there has been an action that has unjustly caused a loss of some employment benefit or has imposed an unjustified burden as a result of a misinterpretation or misapplication of Section G of the Jackson Public School District’s Policy Handbook. Written or verbal reprimands with no loss of pay or compensation shall not be the subject of a complaint under this policy. A complaint may also arise as a result of suspension or dismissal of a full-time employee. However, dismissal, suspension, or non-renewal of certificated employees shall be governed by the applicable provisions of the Mississippi Code rather than this complaint policy.

This complaint procedure shall not apply to any matter, which is prescribed by state or federal law and/or regulations, or to any matter over which the board is without power to act, including, but not limited to, the reinstatement of classified employees after such employee has been terminated by the superintendent. The administration of the district is that of line and staff. Employees shall conduct their affairs with their administrators according to this organizational arrangement. The board of trustees is the policymaker for the school district, and the superintendent, as the board’s chief executive officer, is charged with the general operation of the entire school district. The superintendent is responsible to the board of trustees and all other employees are responsible to the superintendent and to the board through the superintendent.

All employees shall refer matters requiring administrative action to their immediate supervisor who shall refer such matters to the next higher authority when necessary. Within individual schools, the principal’s administrative organization is the established authority. While employees will report to the designated administrator on specific problems, the principal remains the final authority at the individual school level.

In those circumstances involving sexual harassment by a supervisor, or other complaint of a sensitive nature, the employee may proceed to the next supervisor in line, the executive director of human resources, or the Title IX coordinator for sexual harassment complaints.

In the event a satisfactory answer or resolution is not given by the immediate supervisor, then the employee shall report to the next level of supervision in accordance with the steps outlined in the complaint procedures. All employees shall have the right to appeal any decision made by their supervisor through applicable procedures. All concerns raised in accordance with this complaint policy will receive final consideration from the superintendent or his designees. Except for those certified employees whose employment is governed by the Education Employment Procedures Law as set forth in
Procedures

Miss. Code Ann. §37-9-101 et. seq., once an employee is dismissed or suspended by the superintendent, the board of trustees has no legal authority to re-hire or reverse the suspension of that employee absent a recommendation from the superintendent to do so.

Within the broad framework of board policy, other school officials shall assist the supervisor in charge as assigned. All supervisors have the responsibility for communication with those under their supervision.

This policy does not modify the at-will status of administrative or non-administrative classified employees.

The superintendent may develop administrative regulations that are additional to those outlined in Section II, Employee Conduct and Code of Ethics, of this policy regarding standards of conduct for staff members.

Section II: REQUIREMENTS FOR PROCESSING COMPLAINTS

1. Since it is important that complaints be filed and processed as rapidly as possible, the number of days indicated at each step are considered as maximum and every effort will be made to expedite the process. At any step in the complaint procedure, the time limits may be extended when necessary.

2. Facts elicited during Step Two proceedings are confidential and do not become part of the employee’s official personnel file. A copy of documents, communications, and records dealing with the processing of a complaint will be placed in a separate file in the Office of Human Resources.

3. The failure of a complainant to proceed from one step of the procedure to the next within the set time limits shall be deemed to be acceptance of the decision previously rendered and shall eliminate any future review concerning that particular complaint.

4. The failure of the reviewing officers to communicate their decision to the complainant within the time limits shall permit the complainant to proceed to the next step.

5. If more than one employee in the same division has a similar complaint which has individually been discussed as provided in Step One, the complaints may be consolidated and heard by the Step Two reviewing committee.

6. Complaints filed which have been resolved within the three (3) previous years through the complaint procedure shall be invalid. The Office of Human
Resources shall provide the complainant a statement of the ruling involving the same subject matter.

7. Failure to file the complaint in writing on the appropriate form as specified in each step shall mean the complaint is waived.

8. The Step Two reviewing committee may determine whether facts in support of the complaints should be presented in writing or orally by persons having information regarding a specific complaint or by any combination of these methods. Representation of a complainant by other individuals will not be permitted.

9. The filing of a complaint shall in no way interfere with the right of the administration or board to continue its management responsibilities subject to the final decision of the complaint. The action or condition which is the subject matter of the complaint shall remain in effect pending final resolution.

10. The complainants may withdraw their complaint at any step without prejudice. However, they shall not be permitted to re-file that same complaint once withdrawn.

11. No reprisal shall be invoked against any employee for filing a complaint or for participation in any way in this procedure.

12. If the complainant fails to attend a step review without legitimate cause, this constitutes acceptance of the decision previously rendered and shall constitute a waiver of any future appeal concerning that complaint.

Section III: ADMINISTRATION

Administration of this complaint procedure shall be the responsibility of the Office of Human Resources.

Section IV: PROCEDURES

Step One: Within five (5) days of the time a complaint becomes known, the employee will present the complaint in writing by completing a “Step One Complaint Form” to his immediate supervisor with the objective of resolving the matter informally and without further action. Within five (5) days after the written presentation of the complaint, the immediate supervisor shall give his response in writing to the employee. If the complaint is not resolved at the immediate supervisor’s level, the employee may, within five (5) days of receipt of the immediate supervisor’s written response, proceed to the immediate supervisor’s supervisor for resolution. Within five (5) days, the immediate supervisor’s supervisor shall give his response in writing.
Step Two: If the complaint is not resolved at the Step One level, the employee may, within five (5) days of receipt of the immediate supervisor's written response, submit the “Step Two Complaint Form” to the Office of Human Resources. The executive director of Human Resources shall chair a committee consisting of members of the administrative team within 10 days of the receipt of the “Step Two Complaint Form”. All other administrators in line of authority will be consulted as necessary. The committee will initially determine whether the complaint on its face merits further consideration. If this determination is negative, the committee shall respond to the complainant in writing with statements that support its decision. Otherwise, the committee will proceed as it deems necessary to obtain sufficient information with which to reach a decision.

The committee will prepare a written summary of all relevant facts, being careful to state such facts fairly and objectively. The committee will then express its findings and conclusions. The summary of facts, findings, and conclusions will then provide the basis for subsequent review in the event of further appeal by a complainant.

Step Three: Within five (5) days of review of the response of Step Two, the complainant may appeal this decision by submitting the “Step Three Complaint Form” to the district counsel who serves as the designee for the superintendent of schools. The superintendent’s designee will review the written summary of the Step Two reviewing committee within ten (10) days of receipt of the Step Two appeal and render a written decision within five (5) days following the review.

Section V: COMPLAINT PROCEDURE FORM DISTRIBUTION

Step 1
1. Complainant retains original copy of written complaint and gives a copy to his immediate supervisor and immediate supervisor’s supervisor

After Written Decision
2. Copy to complainant
3. Copy to Office of Human Resources
4. Copy retained by immediate supervisor and the immediate supervisor’s supervisor

Step 2
1. Complainant retains original copy of written appeal

After Review and Written Decision
2. Copy to complainant
3. Copy to Step 1 immediate supervisor and the immediate supervisor’s supervisor
4. Copy retained in Office of Human Resources

Step 3
1. Complainant retains original copy of written appeal

After Written Decision
2. Copy to complainant
3. Copy to Step 1 immediate supervisor and the immediate supervisor’s supervisor
4. Copy to Office of Human Resources
5. Copy retained by superintendent’s designee

Section VI: TIMELINE CHART

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<tr>
<th>Step 1</th>
<th>Maximum Number of Days</th>
<th>Restriction</th>
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<tbody>
<tr>
<td>A. Submit written complaint to immediate supervisor and his supervisor within 5 days of the time the complaint becomes known</td>
<td>5</td>
<td>From date the complaint becomes known</td>
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<tr>
<td>B. Written response from immediate supervisor</td>
<td>5</td>
<td>From date of receipt of written complaint</td>
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<tr>
<td>C. Submit written complaint to immediate supervisor’s supervisor within 5 days of response from the immediate supervisor</td>
<td>5</td>
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<tr>
<td>D. Written response from immediate supervisor’s supervisor</td>
<td>5</td>
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Step 2
A. Submit written appeal to Office of Human Resources                     | 5                     | From date of written response B of Step 1       |
B. Review conducted by Office of Human Resources committee                 | 10                    | From date of receipt of written appeal of Step 1 |
C. Committee renders decision in writing 5  From date of Step 2 review

Step 3
A. Submit written appeal to superintendent’s designee 5  From date of written decision of Step 2
B. Review conducted by superintendent’s designee of schools 10  From date of receipt of written appeal of Step 2
C. Superintendent’s designee renders decision in writing 5  From date of Step 3 review

Section VII: DEFINITIONS

ADMINISTRATIVE MANAGEMENT TEAM: Executive Director, Deputy Superintendents, and others designated by the Superintendent

COMPLAINANT: Any full-time employee filing a complaint

COMPLAINT FORM: The approved documentation on which a complaint is filed

DAY: Monday through Friday except Board-approved holidays as specified in Section GADR, Policy Handbook

FULL-TIME EMPLOYEE: Any person employed on a regular basis and working the number of hours designated for that job

REVIEWING COMMITTEE: The individuals responsible for a decision at Step Two, Section IV of complaint procedures

LEGITIMATE CAUSE: Class “A” absences: personal illness, illness in immediate family, death in immediate family,
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Professional activity or emergency recognized by the superintendent, court summons, or jury duty

- September 1998
- November 2003
- March 28, 2014
- December 6, 2016