

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: April 21, 2009

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON THE PROPOSED DELETION OF BOARD OF
EDUCATION POLICY 4216 – PERSONNEL: PROFESSIONAL-
GRIEVANCE PROCEDURE-TITLE IX**

ORIGINATOR: J. Robert Haines, Esquire, Deputy Superintendent

**RESOURCE
PERSONS:** Donald Peccia, Assistant Superintendent, Human Resources

RECOMMENDATION

That Board of Education reviews the proposed deletion of Policy 4216. This is the first reading.

Attachment I – Policy Analysis
Attachment II – Policy 4216

**Policy Analysis for
Board of Education Policy Number 4216
General: Grievance Procedure – Title IX**

Statement of Issues or Questions Addressed

Board of Education Policy 4216 for classified personnel refers to a grievance procedure that is not utilized to handle Title IX complaints. Title IX issues are handled by the EEO Office and there is no grievance procedure under that office. There is therefore, no need for the policy and its deletion is recommended.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by deleting this policy.

Relationship to Other Board of Education Policies

Board of Education Policy 4162, *Grievance Procedure – Title IX and Section 504 of the Rehabilitation Act (1977)*

Legal Requirements

None

Similar Policies Adopted by Other Local School Systems

None

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

Staff intends to add a policy and/or rule in the future to address the processing and handling of complaints filed under Title IX.

Timeline

First reading – April 21, 2009

Public comment – May 5, 2009

Third reading – June 9, 2009

PERSONNEL: Classified

General: Grievance Procedure - Title IX

1. Introduction

The Board of Education of Baltimore County recognizes its responsibilities for the prompt and orderly disposition of employee problems that are based on an alleged sex discrimination claim. Basis for such claims will be the provisions of Title IX of the 1972 Education Amendments. Reliance on the following grievance procedure does not detract from the right of an employee to discuss any matter with a member of the administration to seek a resolution of the problem.

Employees may have their complaints processed through the utilization of this procedure, or through direct appeal to the Office of Civil Rights, Region III, Philadelphia, Pennsylvania.

2. Definitions

- a. Grievance: A grievance is a complaint by an employee or group of employees concerning the interpretation, application or alleged violation of an expressed provision or provisions of Title IX of the 1972 Education Amendments.
- b. Grievant: A grievant is the person or persons filing a grievance.
- c. Representation: At any level of the grievance, an employee may submit relevant evidence and be represented by himself/ herself or an individual of his/her choice.
- d. Time Limits: Days shall refer to duty days unless otherwise specified. If the employer fails to answer within the time limits provided, the grievance may be appealed to the next step. If the grievant fails to appeal within the time limits provided, it shall be deemed as acceptance of the employer's disposition of the claim. Time limits may be extended by mutual agreement in writing.
- e. Title IX Representative: The grievant may receive advice and counseling at any level of the grievance from the Affirmative Action Specialist, Baltimore County Public Schools, Towson, Maryland 21204 (telephone: 887-5783).

3. Procedure

- a. Informal - An employee who feels he/she has a grievance shall discuss it, either orally or in writing, with his/her immediate supervisor or the official Title IX representative within twenty-one (21) calendar days of the event giving rise to the complaint or his/her first knowledge thereof. The informal discussion of problems and continuous interchange of views between employees and their administrative supervisors is encouraged in order to resolve as many disputes as possible. The disposition at this informal level may be either orally or in writing.
- b. Formal - If an employee is not satisfied with the disposition of his/her claim at the informal level, he/she may appeal, in writing, to the Superintendent or contact the official Title IX representative for assistance within ten (10) days. The Superintendent or his/her designated representative shall inform the grievant as to the disposition of his/her claim within ten (10) days of the receipt of the appeal at this level. The decision of the Superintendent shall be final for this internal procedure.