



Regulation GAE-R(1): Complaints and Grievances - Employees

Status: ADOPTED

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Purpose

All employees have the right to present and resolve complaints relating to certain matters affecting the employment relationship. This document establishes the District's complaint procedures for all employees.

1. Definitions

- a. Administrator - a supervisory individual who presides over and makes decisions with respect to complaints. The Employee Relations Department is the superintendent's official designee to manage workplace disputes, including coordination level one, two, and three hearings.
 - i. Level one administrator - complainant's immediate supervisor, unless the superintendent names another administrator.
 - ii. Level two administrator - a member of the central office administrative staff designated by the superintendent or the Employee Relations Department.
- b. Complaint - any claim by a certified employee who is affected by an alleged violation, misinterpretation, or misapplication of statutes, policies, rules, regulations, or written agreements of the board with which the administration is required to comply.
- c. Complainant - any certified employee of the board who files a complaint pursuant to this policy.

2. Time Limits

Any complaint must be made in writing to the immediate supervisor no later than 10 days from the act prompting the complaint or no later than 10 days of the most recent occurrence.

Complaint Level - Administrator	Number of Days to File	Number of Days for the District to Hear the Case and Respond
Level One - Supervisor	10 days (from incident)	10
Level Two - Central Office	10 days (from receipt of level one decision)	10
Level Three	10 (from receipt of level two decision)	25

- a. The total timeframe for the proceedings, from complaint filing to level three board decision delivery, must not exceed 60 calendar days. This provision may be mutually waived in writing, which extends the overall time frame to 120 days.
- b. Any complaint not processed within the timeframe required by this policy will automatically be escalated to the next level designated in this policy.

3. Complaint Requirements

The complaint must be in writing and include the following components:

- a. The complainant's mailing address and e-mail address where notices and other documents can be delivered;
- b. State the complainant's intent to use this procedure;
- c. A reference to or description of the statute, policy, rule, regulation, or written agreement allegedly violated, misapplied, or misinterpreted;

- d. A brief statement of the facts the complainant is basing the complaint's claim on and how it affects the employment relationship; and
- e. A statement of the relief desired.

There is a standard complaint form in GAE. The complaint must be filed with the Employee Relations Department by certified or U.S. Mail, e-mail, facsimile or hand-delivery.

4. Notice

- a. Notice of receipt by the district will be via certified or U.S. Mail, e-mail, facsimile or hand-delivery.
- b. Notice of complaint updates, including how the complaint is being addressed, complaint resolution or complaint closure can be sent by e-mail. If the complaint does not include an email address or physical address, the complainant's last known address or email address on file with the Human Resources Division will be used. If the notice is sent by certified mail, it is considered delivered when put in the United States mail. It must be adequately addressed and contain adequate postage.

5. Informal Resolution Conference

To expedite complaint resolutions at the lowest possible level, employees are encouraged to first file a request for an Informal Resolution Conference (IRC) with the Employee Relations Department prior to requesting a level one hearing. If a request for an IRC is filed with the Employee Relations Department within 10 calendar days from the alleged incident the complaint is based on, an employee preserves all rights under this policy. If participation in an IRC does not resolve the complainant's allegations, the complainant must file their complaint within 10 calendar days of the conclusion of an IRC.

6. Level One Hearing

- a. Upon receipt, the Employee Relations Department will document the complaint filing date. If Employee Relations determines that the complainant did not attempt to resolve the matter at the lowest level possible, the complaint can be sent to the local school or department to address. If the complaint includes excluded topics described in GAE, the complaint will be dismissed.
- b. If appropriate, a level one hearing will be scheduled with a written notice provided to the complainant of the time and place of the hearing. Such notice will be delivered via e-mail to the complainant at least five calendar days prior to the date of the hearing.
- c. At the hearing, the complainant will be afforded an opportunity to be heard, present evidence, and examine witnesses. The level one administrator may consider evidence from any source the administrator deems relevant. In cases where another employee is accused of acting improperly, that employee may be a witness.
- d. The written decision of the level one administrator must:
 - i. Be made and mailed to the complainant within 10 calendar days of the complaint filing date.
 - ii. Include "Finding of Facts," the decision made, and the reasons for that decision.

7. Level Two Hearing: Appeal from Level One

- a. A complainant who is dissatisfied with the level one decision may appeal to the level two administrator.
 - i. The appeal must clearly state the issues involved and reasons why the complainant is dissatisfied with the level one decision. The Employee Relations Department will document the appeal's filing date.
 - ii. If the appeal is filed within ten days of the lower decision, a level two hearing will be scheduled. The level two administrator will deliver notice at least five days prior to the hearing date, which includes the time and place of the hearing.
- b. The level two administrator will obtain a record of the proceedings and evidence introduced at the level one hearing, and a copy of the complaint. The administrator must conduct a hearing within 10 calendar days of the date of the filing of the appeal.
- c. The complainant:

- i. Will be afforded an opportunity to be heard.
 - ii. Cannot present new evidence, unless such additional evidence is submitted to the level two administrator in writing at least five calendar days prior to the level two hearing date. If there are new witnesses, the complainant must provide in writing the witnesses' names and the matters of the witnesses' expected testimony.
- d. The level two administrator may consider evidence from any relevant source. In cases where another employee is accused of acting improperly, that employee will be a witness.
- e. The written decision of the level two administrator must:
- i. Be made and mailed to the complainant within 10 calendar days of the complaint filing.
 - ii. Be dated.
 - iii. Include "Finding of Facts", the decision made, and the reasons for that decision.

8. Level Three Hearing - Appeal to the Board of Education - Certified Employees Only

1. A complainant, who is a certified employee and is dissatisfied with the level two administrator's decision, may appeal to the board. The appeal must clearly state the issues involved and the reasons the complainant is dissatisfied with the previous decision.
2. Appeal Process
 - a. A representative from the Employee Relations Department will document the appeal date and give it to the Board Office.
 - b. If the appeal is filed in a timely manner, the Board Chair or, in the chair's absence, the vice-chair will set a meeting time, date, and place for the Board to conduct a level three hearing.
 - c. A majority of the board members must be present for the hearing to proceed. If both the chair and vice-chair are unable to attend, the chair will designate a member to conduct the level three hearing and act as the hearing administrator.
 - d. The hearing officer will deliver written notice of the hearing's time and place of the hearing at least five calendar days prior to the date of the hearing.

3. Hearing Process

- a. The level three hearing must be conducted by the board within 10 calendar days of the date the appeal is filed.
 - b. At the hearing, the complainant must present the case as if it had not been presented before without presenting any new evidence. New evidence must be submitted to the hearing administrator in writing at least five calendar days prior to the date set for the level three hearing.
 - i. If such additional evidence involves the presentation of new witnesses, the complainant must provide the names of those witnesses in writing and the matter about which they are expected to testify.
 - ii. The board can consider evidence from any other source it deems relevant. In cases where another employee is accused of acting improperly, that employee will always be a witness.
4. Within 10 calendar days of the date an appeal is filed, the board must deliver its written findings of fact, decision, and reasons for that decision to the superintendent.
5. The board's written decision must be made and delivered to the complainant no later than 60 calendar days after the initial complaint was filed. Parties may agree in writing to extend the 60-day time limit.

9. Appeals to the State Board of Education - Certified Employees Only

A complainant, who is a certified employee and is dissatisfied with the board's decision, can appeal that decision to the State Board of Education. Such appeals are governed by the applicable State Board policy and O.C.G.A. § 20-2-1160.

10. Record

- a. All proceedings must be recorded, and all evidence preserved. The record of the proceedings and the evidence introduced must always be made available to the complainant and the administrators.
- b. The recording of the level two and three hearings may be done by a third party, but not level one.

11. Representation and Collective Bargaining

- a. At a level one hearing, the presence of any individual other than the complainant, the level one administrator, and witnesses called to testify by either of them is prohibited. At level two and level three hearings, the complainant and the administration are entitled to the presence of an individual of their choice to assist in case presentation.
- b. At the level three hearing, the board members may choose to have an attorney present to rule on issues of law, but who will not participate in presenting either party's case.
- c. Nothing in this regulation will be interpreted as authorizing or permitting collective bargaining by or on behalf of any employee or group of employees.

12. Costs

The board will pay the cost of preparing and preserving the record of the proceedings conducted under this policy. All other costs and fees, including legal fees, must be paid by the party incurring them unless otherwise agreed upon by the parties involved.

13. Reprisals

A complainant will not be subject to any retaliation for filing a complaint under this policy. Should any such retaliation occur, the complainant can refer the matter to the Professional Standards Commission.
