

**Policy GAAA: Equal Opportunity Employment****Gilmer County Board of Education****Original Adopted Date:** 09/12/1995 | **Last Revised Date:** 06/21/2018 | **Last Reviewed Date:** 05/29/2018**Status:** ADOPTED

The Gilmer County Board of Education does not discriminate on the basis of race, color, religion, national origin, age, disability, or sex in its employment practices. It is the policy of the Gilmer County Board of Education to comply fully with the requirements of Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, the Age Discrimination in Employment Act (ADEA) and all accompanying regulations.

Any employee, applicant for employment, or other person who believes he or she has been discriminated against or harassed in violation of this policy must make a complaint in accordance with the procedures outlined below.

**DISCRIMINATORY COMPLAINTS PROCEDURE**

Complaints made to the Gilmer County School System regarding alleged discrimination or harassment on the basis of race, color or national origin in violation of Title VI, on the basis of sex in violation of Title IX or on the basis of handicap in violation of Section 504 of the Rehabilitation Act of 1973, disability in violation of the Americans With Disabilities Act or on the basis of age in violation of the ADEA, will be processed in accordance with the following procedures:

1. Any employee, applicant for employment or other person with a complaint alleging a violation as described above shall promptly notify, in writing or orally, either their school principal or the coordinator designated from time to time by the Board of Education. If the complaint is oral, either the coordinator or school principal to whom the complaint is made shall promptly prepare a memorandum or written statement of the complaint as made to him or her by the complainant and shall have the complainant read and sign the memorandum or statement if it accurately reflects the complaint made. If the complaint is told to a school principal, he or she shall be responsible for notifying the appropriate coordinator of the complaint.
2. If the alleged offending individual is the coordinator designated by the Board of Education, the complaint shall either be made by the complainant to the Superintendent or, if the complaint is initially made to the school principal, reported by the principal to the Superintendent. If the alleged offending individual is the Superintendent, the complaint shall be made to the designated coordinator, who shall, without further investigation, report the complaint to the Board of Education.
3. The coordinator or his or her designee shall have 15 work days to gather all information relevant to the complaint made, review the information, determine the facts relating to the complaint, review the action requested by the complainant, and attempt to resolve the complaint with the complainant and any other persons involved. The coordinator or designee shall prepare a written response to the complaint detailing any action to be taken in response to the complaint and the time frame in which such action will be taken. Copies of this response shall be furnished to the complainant, the appropriate coordinator and the Superintendent or his or her designee.
4. If the complaint is not resolved at the conclusion of this 15-day period or if the complainant is not satisfied with the resolution of the complaint, the complainant shall have the right, within five work days of receiving a copy of the written response, to have the complaint referred to the Superintendent. If the alleged offending individual is the Superintendent, the complainant may have the complaint referred to the Board of Education, rather than the Superintendent.
5. The Superintendent shall have 15 work days to review the complaint and response of the coordinator or designee and attempt to resolve the complaint. The Superintendent shall furnish to the complainant a

written response setting forth either approval of the action recommended by the coordinator or designee or the action to be taken by the School District in response to the complaint in lieu of that recommended by the coordinator or designee and the time frame in which such action shall be taken.

6. If the complainant is dissatisfied with the response of the Superintendent, then the complainant shall have the right, within 15 work days of the receipt of the written response of the Superintendent, to have the complaint referred to the Board of Education. In order to have the Board review the Superintendent's decision, the complainant must file with the Superintendent a written statement setting forth the reasons he or she disagrees with the response of the Superintendent and the action the complainant is requesting the School District to take. The complainant shall also include in the written response a request that his or her complaint be referred to the Board of Education.

7. Within 30 work days of receipt of the written request of the complainant, the Superintendent shall present the matter to the Board at its regular meeting or at a special meeting called for that purpose. The Board shall review the original complaint, the response of the coordinator or designee, the response of the Superintendent, and the response of the complainant. In addition, the Board may, but is not required to, hear directly from any individuals with knowledge of any relevant facts relating to the complaint.

8. The Board will either uphold the recommendation of the Superintendent or require the School District to take some other action in response to the complaint. A copy of the action of the Board will be furnished to the complainant, either as a part of the minutes from the Board of Education meeting or as a separate written statement. The Board shall be the final reviewing authority within the School District.

9. This policy is not intended to deprive any employee of any right they may have to file a grievance pursuant to any other policy of the local Board of Education. The complainant retains at all times the right to contact the Office of Civil Rights, the Equal Employment Opportunity Commission, or any other state or federal agency with regard to any allegations that the system has violated the statutes described above.

10. The school system shall be responsible for distributing and disseminating information relevant to this policy and procedure to employees through appropriate procedures.

11. No reprisal shall occur as a result of reporting unlawful harassment under this policy, and any attempt to retaliate against a complainant shall be disciplined as is appropriate.

12. The confidentiality of any individual making a complaint or report in accordance with this policy, to the extent it is reasonably possible and in compliance with law, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding consideration.

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**Policy GAE: Complaints and Grievances****Gilmer County Board of Education****Original Adopted Date:** 10/13/1992 | **Last Revised Date:** 06/21/2018 | **Last Reviewed Date:** 05/29/2018**Status:** ADOPTED**SECTION 1. PURPOSE; INFORMAL RESOLUTION PREFERRED**

It is the purpose of this policy to implement the provisions of O.C.G.A. §20-2-989.5 et seq. In accordance with the foregoing, it is the policy of the Board of Education that certified personnel shall have the right to present and resolve complaints relating to certain matters affecting the employment relationship at the lowest organizational level possible. The Board of Education encourages all employees to resolve their complaints informally in a spirit of collegiality where possible. This policy and procedure is available where such efforts do not succeed.

**SECTION 2. DEFINITIONS**

- a. "Level One Administrator" means the principal of a school with respect to teachers and other certificated personnel assigned to that school. With respect to the certificated Administrators supervised by the Superintendent, the "Level One Administrator" shall be the Superintendent. In any case not covered by this paragraph, the "Level One Administrator" shall be the supervisory certificated person responsible for evaluating the employee.
- b. "Central Office Administrator" means the local school system Superintendent.
- c. "Complaint" means any claim or grievance by a certificated employee of this school district who is affected in his or her employment relationship by an alleged violation, misinterpretation, or misapplication of statutes, policies, rules, regulations, or written agreements of this school district with which the district is required to comply.
- d. "Notification" means delivery in person to the party entitled to notification, by statutory overnight delivery or deposit in the United States Mail, certified mail, return receipt requested, to the last known address of the party notified.

**SECTION 3. SCOPE OF COMPLAINT; EXCLUSIONS**

- a. Scope. Unless excluded by paragraph (b) hereof, this complaint and grievance procedure is applicable to any claim by any professional employee certificated by the Professional Standards Commission who is affected in his or her employment relationship by an alleged violation, misinterpretation, or misapplication of statutes, policies, rules, regulations, or written agreements of this school district or with which the district is required to comply.
- b. Exclusions. This procedure shall not apply to:
  - 1. Performance ratings contained in personnel evaluation and professional development plans pursuant to O.C.G.A. §20-2-210; (however, such exclusion shall not apply to procedural deficiencies on the part of the school or system in conducting the evaluation)
  - 2. Professional Development Plans
  - 3. Job performance;
  - 4. Termination, non-renewal, demotion, suspension, or reprimand of any employee;
  - 5. The revocation, suspension, or denial of certificates of any employee, as set forth in O.C.G.A. §20-2-984.5.

c. A certificated employee who chooses to appeal under O.C.G.A. §20-2-1160, shall be barred from pursuing the same complaint under this policy.

#### SECTION 4. HEARING RIGHTS; EVIDENCE; REPRESENTATION; DECISIONS; RECORDS

a. Hearing Evidence. The complainant shall be entitled to an opportunity to be heard, to present relevant evidence, and to examine witnesses at each level, but the complainant may not present additional evidence at the Second or Third Hearing levels unless notice of the Complainant's intention and the evidence to be presented are submitted in writing five (5) days prior to the hearing to the Administrator who will preside at such level, and in the case of the local board, to the Superintendent. When hearing an appeal from a prior level, the local Board of Education shall hear and decide all appeals de novo.

b. Representation. The Complainant and the administrator against whom the complaint is filed or whose decision is appealed shall be entitled to the presence of an individual, including an attorney to assist in the presentation of the complaint and the response thereto, at the Central Office Administrator and at the local Board of Education level. The presence of any individual other than the Complainant and the Administrator at Level One is prohibited, except witnesses who present testimony or documents.

c. Hearing Officer. The local Board of Education may appoint a member of the State Bar to serve as law officer who shall rule on all issues of law and other objections, but such attorney shall not assist in the presentation of the case for either party.

d. Overall Hearing Time Schedules. The overall time frame from the initiation of the complaint until rendition of the decision by the local board and notification thereof to the Complainant shall not exceed sixty (60) days.

e. Automatic Referral To Next Level. Any complaint not processed by the administrator or the local unit of administration within the time frame required by this policy shall be forwarded to the next level for determination.

f. Records. Accurate records of the proceedings at each level shall be kept; the proceedings shall be recorded by mechanical means; all evidence shall be preserved and made available to the parties at all times; and all costs and fees shall be borne by the party incurring them unless otherwise agreed upon by the parties; except that the cost of preparing and preserving the record of the proceedings shall be borne by the local Board of Education; provided however, the cost of transcribing the transcript of evidence and proceedings before the local Board shall be borne by the party requesting same, and all costs of the record on appeal to the superior courts and appellate courts shall be paid by the party required to do so by the laws relating thereto.

g. Decisions. Each decision shall be made in writing and dated, and shall contain findings of fact and reasons for the particular decision reached. The decision at each level shall be sent to the complainant by certified mail or statutory overnight delivery or hand delivered by a person designated by the Superintendent.

h. Notice to the Complainant. Notice to the Complainant shall be deemed to have been made on the date of hand delivery or delivery to a statutory overnight delivery service or on the date of deposit in the U. S. Mail by certified mail, return receipt requested to the address stated in the complaint or, if not contained in the complaint, to the last known address of the complainant on file with the Board of Education.

#### SECTION 5. FIRST LEVEL; PRESENTATION; TIME; CONTENTS

The complaint shall be presented in writing to the Level One Administrator within ten (10) calendar days after the most recent incident upon which the complaint is based. The complaint shall include the following:

- a. The mailing address of the complainant to which all notices and other documents may be mailed;
- b. The intent of the complainant to utilize this complaint procedure, clearly stated;
- c. A reference or description of the statute, policy, rule, contract provision or regulation that is alleged to have been violated, misinterpreted or misapplied;
- d. A brief statement of the facts reasonably calculated to show how such statute, policy, rule or regulation was violated or misapplied, and how it substantially affects the employment relationship of the complainant; and
- e. A statement of the relief desired.

The Superintendent or designee shall prepare forms for use in accordance with the foregoing requirements.

#### SECTION 6. FIRST LEVEL HEARING AND DECISION

The Level One Administrator shall record the date of filing on the complaint, and shall give notice, as provided in Section 4, to the complainant of the time and place of the hearing. The Level One Administrator shall conduct a hearing on the complaint and render a decision thereon within ten (10) days of the filing of the complaint. The decision shall be dated and a copy shall be sent to the complainant as provided in Section 4.

#### SECTION 7. SECOND LEVEL; APPEAL FROM FIRST LEVEL TO CENTRAL OFFICE ADMINISTRATOR

A complainant dissatisfied with the decision of the first level shall be entitled to appeal to the Central Office Administrator by filing written notice of appeal with the Office of the Superintendent. The appeal must be filed within ten (10) calendar days after the complainant is notified of the Level One decision. The Central Office Administrator shall record the date of the filing on the appeal and shall notify the Complainant in writing of the time and place of the hearing in the same manner as provided in Section 4. The Central Office Administrator shall obtain copies of all minutes, transcripts, documents and other records relating to the complaint and shall conduct a hearing and render decision within ten (10) calendar days of the date of the filing of the appeal, or the hearing may be conducted by any designated representative of the Central Office Administrator, who shall promptly submit his or her recommendations and findings to the Central Office Administrator for final decision. The decision shall be rendered and served on the complainant and his or her attorney in accordance with Section 4.

#### SECTION 8. THIRD LEVEL; APPEAL TO BOARD OF EDUCATION

A Complainant or Level One Administrator dissatisfied with the decision of the Central Office Administrator may appeal to the Board of Education by filing written notice of appeal with the Office of the Superintendent. The appeal must be filed within ten (10) calendar days after the date of the decision as provided in Section 4. The Superintendent shall record the date of filing on the appeal, and shall promptly give written notice in the same manner as provided in Section 4. The Superintendent shall record the date of filing on the appeal, and shall promptly give written notice in the same manner as provided in Section 4 to the complainant of the time and place of hearing. The complainant and the Administrators against whom the complaint is filed or whose decision is being appealed shall be entitled to appear before the Board of Education and be heard. The Board of Education may direct that a pre-hearing conference be held prior to the hearing to identify issues and facilitate presentation. The local board shall conduct a hearing and render its decision in writing within twenty (20) calendar days after the hearing, and perfect service thereof on the complainant and his or her attorney, all in accordance with Section 4.

#### SECTION 9. APPEALS TO STATE BOARD

Appeals from the decision of the local Board of Education shall be governed by the State Board Rule governing appeals and O.C.G.A. §20-2-1160.

#### SECTION 10. REPRISALS PROHIBITED

No certificated personnel shall be subjected to reprisals as a result of filing any complaint under this policy. Any reprisals may be referred to the Professional Standards Commission.

#### SECTION 11. COLLECTIVE BARGAINING DISCLAIMER

Nothing in this policy shall be construed to permit or foster collective bargaining by or on behalf of any employee or group of employees.

#### SECTION 12. REPEALS

All policies and parts of policies in conflict herewith are repealed.

### Grievance Hearings

#### Use of Counsel by Superintendent or Level I Administration

It is the policy of the Gilmer County Charter School System that when a hearing has been scheduled before the Board of Education involving an appeal from a complaint or grievance filed by an employee pursuant to O.C.G.A. §20-2-989.5 and the employee is represented by counsel, the Superintendent is authorized to utilize the school district's attorneys to represent the Superintendent or the Level I Administrator or both in the subsequent hearing before the Board of Education.

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**Policy GAMA: Drug-Free Workplace****Gilmer County Board of Education****Original Adopted Date:** 10/10/1990 | **Last Revised Date:** 06/21/2018 | **Last Reviewed Date:** 04/30/2018**Status:** ADOPTED

The Board declares that the manufacture, distribution, sale or possession of controlled substances, marijuana and other dangerous drugs in an unlawful manner or being at work under the influence of alcohol, controlled substances, marijuana or other dangerous drugs is a serious threat to the public health, safety and welfare. With this in mind, the Board declares that its work force must be absolutely free of any person who would knowingly manufacture, distribute, sell or possess a controlled substance, marijuana or a dangerous drug in an unlawful manner. This prohibition specifically includes, but is not limited to, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the employee's workplace.

Any employee who is convicted for the first time, under the laws of this State, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana or a dangerous drug shall be subject to disciplinary action. At a minimum, such an employee shall be suspended for a period of not less than two months and shall be required to complete, at his or her own expense, a drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the Board. At a maximum, such an employee may be terminated from employment with the school system. Any employee who is convicted for a second or subsequent time under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance marijuana or a dangerous drug shall be terminated from employment and shall be ineligible for employment for a period of five years from the most recent date of conviction.

If, prior to an arrest for an offense involving a controlled substance, marijuana or a dangerous drug, an employee notifies the Superintendent or the Superintendent's designee that the employee illegally uses a controlled substance, marijuana or a dangerous drug and is receiving or agrees to receive treatment under the drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the Board, the employee shall be entitled to maintain his or her employment for up to one year as long as the employee follows the treatment plan. During this period, the employee shall not be separated from employment solely on the basis of the employee's drug dependence, but the employee's work activities may be restructured if practicable to protect persons or property. No statement made by an employee to the Superintendent or the Superintendent's designee in order to comply with this code section shall be admissible in any civil, administrative or criminal proceeding as evidence against the public employee. The rights granted by this policy shall be available to any employee only once during a five-year period and are intended to be and shall be interpreted as being the same as those minimum rights granted pursuant to the Georgia Drug-Free Work Force Act and any subsequent amendments thereof.

As a condition of employment, each employee must abide by the terms of this policy and must notify the Board within five days after any arrest on any drug-related criminal charge and further notify the Board within five days of any conviction of a drug-related offense.

A copy of this policy shall be disseminated to all employees either directly or through employee handbooks.

The Board of Education shall not consider for employment any applicant who has been convicted for the first time of any drug offense as described above for a three month period from the date of conviction nor shall the Board of Education consider any applicant for employment who has been convicted for the second time of any drug offense as described above for a five year period from the most recent date of conviction.

For purposes of this policy, "conviction" refers to any final conviction in a court of competent jurisdiction, specifically including acceptance of a plea of guilty, nolo contendere, or any plea entered under the First

Offenders Act of Georgia or any comparable State or federal legislation.

This policy is not intended and shall not be interpreted as prohibiting the school system from taking appropriate disciplinary action against any employee where there exists evidence that an employee uses, distributes or sells illegal drugs even though the employee has not been convicted of any criminal offense or where there exists evidence that an employee is under the influence of alcohol while on duty, except that the school system may not use the statement of any employee to the Superintendent requesting treatment as described in this policy.

The school district shall provide such staff development as required by State or federal law to inform employees of the dangers of drug abuse, the availability of employee assistance and drug counseling and treatment and the terms of this policy.

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**Policy GBKA: Professional Personnel Lay-Off****Gilmer County Board of Education****Original Adopted Date:** 09/12/1995 | **Last Revised Date:** 06/21/2018 | **Last Reviewed Date:** 05/29/2018**Status:** ADOPTED**SECTION ONE: RESPONSIBILITIES AND PREROGATIVE OF BOARD OF EDUCATION**

The most important functions of the Gilmer County Board of Education are to employ personnel and manage resources within the limitations defined by the funding sources of the school system. Consequently, it shall be the prerogative of the Gilmer County Board of Education (hereinafter the "Board") to abolish job positions, to reduce the length of the work year and salary of certificated or non-certificated personnel (hereinafter "to downgrade") and/or to reduce the number of employees when seeking to cope effectively with program changes or financial exigency.

**SECTION TWO: REASONS FOR REDUCTION IN FORCE (HEREINAFTER "RIF")**

The Board shall consider a reduction in the professional work force to include the abolition of job positions, the downgrading of an employee's position, and/or the reduction of the number of employees, as a response to the following:

- a. A decrease in student enrollment in the Gilmer County School System which would necessitate a decrease in personnel or a discontinuation of programs;
- b. A change in State or local curriculum, personnel, or financial practices which would necessitate a change in or the elimination of programs or services provided by the Gilmer County School System;
- c. A lack of funding for programs, personnel, or services provided by the Gilmer County School System;
- d. Any reasonable reorganization plan to achieve a more efficient school system.

**SECTION THREE: APPLICABILITY OF POLICY**

This RIF policy shall apply to all professional personnel employed by the Gilmer County Board of Education.

**SECTION FOUR: RIF PROCEDURES**

When the Superintendent of Gilmer County School System determines that the application of this reduction in force policy is necessary, it shall be his or her primary responsibility to prepare for presentation to the Board a plan for reduction in force (RIF) in the affected program area(s). In making recommendations for termination or downgrading of employee positions, the Superintendent may consider any position or employee of the Gilmer County Board of Education.

Factors to be considered by the Superintendent in devising a RIF plan shall include, first and foremost, the professional expertise, effectiveness and overall job performance of individual employees as reflected in annual evaluations as well as the Superintendent's own observations and knowledge. Only where demonstrated competence and expertise are equal among employees shall other factors such as tenure status, level of certification, and length of continuous service with the Gilmer County Board of Education be considered in order to make recommendations for the termination or downgrading of an employee's position.

In order to develop a RIF plan, the Superintendent may consult with any and all school system personnel who might have information which would enable the Superintendent to rank employees according to overall job performance. Once the Superintendent has completed a comparative assessment of employees, he or she shall prepare and present a plan for reduction in force for Board approval and action.

## SECTION FIVE: NOTICE AND HEARING PROCEDURES

If the Board acts at the recommendation of the Superintendent to terminate an employee or to downgrade an employee's position, the Superintendent shall notify the affected employee.

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