

PERSONNEL

5250

Certified Staff Complaints And Grievances

It is the Board's desire that administrative procedures for settling certified staff complaints and grievances be an orderly process within which solutions may be pursued. Further, that the procedures provide prompt and equitable resolution at the lowest possible administrative level. Additionally, it is the Board's desire that each certified employee be assured an opportunity for orderly presentation and review of complaints grievances without fear of reprisal.

Grievance Definition

A grievance pursuant to this policy shall be a written allegation of a violation of Board approved District policies or a written allegation of a violation of the Master Agreement between the District and the teachers' association.

Grievance Procedure

The District will first review the collective bargaining agreement for any applicable grievance procedures. If such a provision exists, such procedures shall govern the resolution of certificated staff grievances.

A staff member with a grievance is encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be addressed according to Policy 3085 and Procedure 3085P, and violation of any other protected status should be discussed with the first line administrator that is not involved in the alleged grievance. This attempt at informal resolution is not a required component of the grievance policy but is suggested in an effort to attempt to resolve disputes informally.

If the grievance is not resolved informally, and the grievant wishes to continue to seek to address the grievance, the grievant shall file the written grievance with their immediate building principal. The written grievance shall state:

1. The policy or provision of the Master Agreement the employee believes was violated;
2. The alleged date of violation;
3. The actor involved in the alleged violation; and
4. The remedy requested by the employee.

The written grievance must be filed with the immediate building principal within ten working days of the date of the initial event allegedly giving rise to the grievance.

The immediate building principal or designee of the building principal shall meet with the grievant and shall, at the discretion of the principal or designee, conduct whatever additional meetings or investigative activities the principal or designee believes are necessary to address the grievance.

Subsequent to these activities and within a period of ten working days, the principal shall provide the grievant with a written response to the grievance of the certificated employee.

If the grievant is not satisfied with the decision of the principal or designee, the individual shall have a period of five working days to advance the grievance to the Superintendent by submitting a written objection to the decision with the Superintendent.

If the principal or designee does not provide a written response to the grievance at the conclusion of ten working days and no extension of this time period has been agreed to between the grievant and principal or designee, the grievance shall be advanced to the Superintendent without written response of the principal or designee.

Upon receipt by the Superintendent, the Superintendent or his or her designee shall schedule a meeting between the parties and the principal. The parties shall be afforded the opportunity to either dispute or concur with the principal's report. The Superintendent or designee shall, within a period of 15 working days, decide the matter notifying all the parties in writing of the decision. The decision of the Superintendent or designee shall be controlling, regardless of whether it is in agreement or in disagreement with the decision of the principal.

If either party is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within five days of receiving the Superintendent's decision. The Board is the policy-making body of the District, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the individual alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within 30 days of that meeting. The decision of the Board will be final.

Grievances will be processed according to the step-by-step process outlined in the Uniform Grievance Procedure 4120, however, in the case where a person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step and the process shall be modified as needed to meet the objectives of the Grievance Procedure. If a grievance is directly based on official Board action, the grievance shall be directed to the Clerk of the Board. The grievance may be heard by the Board at the sole discretion of the Board.

A complaint is an assertion by an employee that there has been a violation, misinterpretation, or inequitable application of district policies, regulations and procedures, existing laws or other actions that adversely and directly affects the employee and/or their work.

It is the intent of this procedure that employee complaints will be identified and corrected at the earliest possible time, and at the lowest level of supervision.

Complaint processing should be viewed as a positive and constructive effort that seeks to establish the facts upon which the complaint is based and to come to a fair conclusion. Employees will not be discriminated against nor will reprisal be attempted against an employee because they filed a complaint.

Complaints will be processed according to the step-by-step procedure outlined as follows:

Working Site, Level 1:

a. A complaint will be presented orally and informally to the immediate supervisor. If the complaint is not resolved, it will be reduced to writing and submitted to the immediate supervisor. A copy of the complaint will also be submitted to the superintendent by the complainant.

b. Within five workdays of receiving the complaint, the immediate supervisor will render a decision in writing to the complainant.

c. After receiving the decision at step b, the complainant may appeal the decision in writing to the appropriate supervisor in the next level of supervision if one exists at the work site.

d. The supervisor will within five work days of receipt of the appeal investigate and render a decision in writing to the complainant and their immediate supervisor.

District Review, Level 2:

e. After receiving the decision at level 1 the complainant may appeal the decision in writing to the superintendent or official designee.

f. The superintendent or official designee, will within ten work days of receipt of the appeal investigate and render a decision in writing to the complainant and their supervisor.

Advisory Committee Review, Level 3:

g. After receiving the decision at level 2 the complainant may appeal the decision in writing to the superintendent or official designee, requesting a District Grievance Advisory Committee review. The committee shall consist of the superintendent, one member selected by the aggrieved employee, one member selected by the person the grievance is filed against and a fourth member selected by the original three members of the committee. The superintendent will be an ex-officio non-voting member of the committee. If the superintendent is party to the original complaint a suitable replacement will be determined by committee members.

h. The District Grievance Advisory Committee will within ten work days of selection, investigate and render a decision in writing to the complainant and all those originally involved in the complaint.

Governing Board, Level 4:

i. After receiving the decision at level 3 the complainant or the person or persons originally involved in the complaint may appeal the decision in writing to the Board of Trustees:

j. The board will schedule a hearing within twenty workdays following receipt of the appeal:

k. The board will render a decision within ten workdays after the hearing and the decision reached will be deemed final.

Cross Reference

<u>Code</u>	<u>Description</u>
3085	Sexual Harassment, Discrimination, and Retaliation Policy
3085-P(1)	Sexual Harassment, Discrimination, and Retaliation Policy-Title IX Sexual Harrassment Grievance Procedure, Requirements, and Definitions
3085-F(1)	Sexual Harassment, Discrimination, and Retaliation Policy-Notice of Investigation & Allegation Template
3085-F(2)	Sexual Harassment, Discrimination, and Retaliation Policy-Reporting Form for Students
4110	Public Complaints
5120	Equal Employment Opportunity and Non-Discrimination
5230	Accommodating Individuals with Disabilities
5395	Whistleblowing

Policy History:

Adopted on: 03/25/08

Revised on: