

## PERSONNEL GRIEVANCE PROCEDURE

The following grievance procedure is adopted under authority of Board Policy 3.45 (Complaints and Grievances).

### 1. LEVEL ONE

- a. *Grievance Filing Requirements.* The grievance process shall be initiated by filing an approved grievance report form with the Superintendent within thirty (30) days of the act or decision that is the basis of the grievance. The Superintendent may, but is not required to, accept late-filed grievances in order to avoid hardship or injustice, or for other good cause at his discretion. The grievant may also agree at any time to extend any otherwise applicable timeline.

The approved form must be signed by the grievant and include the following information:

- i. A complete description of the grievance, including the policy, procedure, or work rule allegedly violated or misapplied, if any, and all facts supporting the complaint.
  - ii. The date(s) of the act, omission, or decision on which the grievance is based;
  - iii. The names of the employee(s), supervisor(s), administrator(s), or other decisionmaker(s) who are responsible for the act, omission, or decision on which the grievance is based;
  - iv. The names of any potential witnesses who can provide information regarding the grievance;
  - v. The specific corrective action sought by the grievant;
  - vi. A statement describing the grievant's efforts to resolve the complaint informally or a statement explaining the reason(s) such efforts were not initiated or pursued; and
  - vii. Copies of any relevant documentary or evidentiary material in the possession of the grievant.
- b. *Administrative Investigation and Determination.* The Superintendent may assume direct responsibility for reviewing and responding to the grievance or may assign that responsibility to a designated administrator. In either case,

the Superintendent's response to the grievance may include informal complaint resolution, formal investigation, or both.

- i. Informal Complaint Resolution. Prior to filing a formal grievance, the employee is expected to have made reasonable efforts to resolve the complaint or problem underlying the grievance informally through discussions or other communication with the employee's immediate supervisor or other persons whose actions or decisions led to the filing of the grievance. Informal complaint resolution will not be required if such efforts would not be practical or reasonable under the circumstances. If the Superintendent or Superintendent's designee determine that further efforts at informal resolution should be attempted, the formal grievance process may be temporarily suspended for that purpose for up to thirty (30) days.
- ii. Formal Investigation. Should the Superintendent or Superintendent's designee conclude that reasonable efforts at informal complaint resolution have not succeeded or would not be appropriate under the circumstances, the Superintendent or Superintendent's designee shall initiate a formal investigation of the grievance. The investigation may include interviews of witnesses, written statements, depositions, administrative conferences or hearings, or any lawful action that is deemed necessary to reach a just disposition of the grievance at the discretion of the investigator. Upon completion of the investigation, the Superintendent or Superintendent's designee shall prepare a written decision on the grievance. If a recommended decision is made by the Superintendent's designee, the Superintendent may adopt, reject, or modify the decision based on his or her review of the evidence.
- iii. Notification of Superintendent's Decision. The written decision of the Superintendent should be made and mailed or transmitted to the grievant within sixty (60) calendar days of the date on which the grievance is filed, unless reasonable additional time is needed based on the particular circumstances of the grievance or investigation, as determined by the Superintendent. Should the Superintendent need such additional time to issue a written decision, the grievant shall be notified of same in writing and advised of when the decision will be issued.

## 2. LEVEL TWO

### a. *Appeal of Superintendent's Decision.*

- i. Initiating the Appeal. A grievant who is dissatisfied with the decision of the Superintendent may appeal the decision to the Board of Education by

filing a written notice of appeal with the Superintendent within fifteen (15) calendar days of receipt of the Superintendent's written decision.

- ii. Transmittal of Grievance Record. Upon receipt of the notice of appeal, the Superintendent shall transmit to Board Members for their review a copy of the written grievance, the Superintendent's decision letter, the notice of appeal, and all statements, recommendations, documents, recordings, transcripts, or other written or tangible evidence filed, submitted or considered at any stage of the grievance process.
- b. Board Consideration of Appeal. Not later than sixty (60) days following receipt of the notice of appeal by the Superintendent, the grievance appeal shall be placed on the Board meeting agenda for consideration. Upon consideration of the grievance appeal and record, the Board may, by majority vote:
  - i. Affirm the decision of the Superintendent;
  - ii. Reverse the Superintendent's decision, and the Superintendent's recommendation is required by law to grant the requested relief, request that the Superintendent make a recommendation which could effectuate the Board's decision; or
  - iii. Defer final action until an evidentiary hearing is held on the grievance.

The decision of the Superintendent shall be final unless an action reversing or modifying the Superintendent's decision is approved by majority vote of the Board.

- c. Hearing Process. If a hearing is requested by a majority of the Board, the hearing shall be set within thirty (30) calendar days. Written notice of the hearing date shall be provided to the grievant. The grievant shall have the right to representation at his own expense. The appropriate hearing procedures shall be determined by the Board. The grievance hearing shall be open to the public unless the Board opts to enter executive session using the procedures dictated by the Open Meetings Act. A final Board decision on the grievance shall be issued within five (5) calendar days after the hearing is closed. The Board shall give the grievant written notice of its final decision.