

ADOPTED 04-23-2013
REVISED 06-23-2015
REVISED 07-04-2016

1.7500-7.1500 EMPLOYEE GRIEVANCE PROCEDURES

Legal References: Title IX of the Education Amendments of 1972
G.S. 115C-47(c)
G.S. 126-6

Cross References: 1.7100 Prohibition Against Discrimination, Harassment, and Bullying
1.7200/4.3501/7.1512 Discrimination, Harassment and Bullying Complaint Procedure
4.3600 Code of Student Conduct
1.7420/5.0600 Responding to Complaints
2.5000 Hearings Before the Board

The Board strives to resolve concerns and complaints of students and parents whenever possible. To this end, the Board has provided opportunities for students and parents to express their concerns through processes established in Board policies. Policy 1.7420/5.0600, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

Moreover, it is also the policy of the Board, in keeping with the ultimate goal of serving the educational welfare of students, to develop and practice reasonable and effective methods of resolving difficulties which may arise among employees. In doing so, the Board's intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration.

While the Board encourages resolutions of all complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or when the informal process does not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

The purpose of this Grievance Procedure is to secure, at the lowest possible level, equitable solutions of the problems which arise from time to time to affect differences between parents and employees or between employees.

I. DEFINITIONS

A. Days: Except as otherwise provided herein, days are defined as "workdays," or days of the week (Monday through Friday) exclusive of Saturdays and Sundays. In counting days, the first day shall be the first full day following receipt of the grievance, date of decision, or date of hearing.

B. Employee: Any person employed by the board.

C. Final Administrative Decision: Decision above which no further appeal is available.

D. Grievance: A formal, written claim by an employee alleging that a specific decision made by another employee has adversely affected the person making the complaint. A grievance may include, but is not limited to, allegations of the following:

- 1) that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, Board policy, or administrative procedure; or

- 2) that an employee's employment status or the terms or conditions of his/her employment have been adversely affected; or
- 3) that there exists a physical condition which jeopardizes an employee's health or safety or which interferes with his/her ability to discharge his/her responsibilities properly and effectively.

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific Board policy providing a process for addressing the concern, or upon which the Board is without authority to act. [Claims of discrimination, harassment or bullying must be processed pursuant to Board policy 7.1512: Discrimination, Harassment and Bullying Complaint Procedure.]

- E. Grievant: The employee(s) making the complaint.
- F. Official: The person hearing and responding to the grievant.
- G. Parties in Interest: The grievant and the person(s) against whom the grievance is filed.

II. TIMELINESS OF PROCESS

- A. Filing deadline: Formal grievances should be filed as soon as possible, but not longer than 20 days after discovery or disclosure of the facts giving rise to the grievance. Failure by the grievant to appeal an official's grievance decision to the next step within the specified time limit shall be considered acceptance of the decision unless the grievant has notified the official who made the decision of a delay and the reason for the delay and that official has consented in writing to the delay.
- B. Delay in communication of decision: Except by mutual written agreement, failure by an official to communicate a decision within the specified time limit shall permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make all reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights.

III. PROCEDURE

- A. Non-Grievance Complaints: If there is no specific decision, action, or physical condition at issue, or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or Board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in Board policy 1.7420/5.0600, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern raised in the complaint following that policy.
- B. Informal Resolution: It is usually desirable for employees and their supervising administrators to resolve problems through free and informal communication. However, should such informal processes fail to satisfy the employee, then any employee or group of employees may initiate and petition a formal grievance according to the process articulated in the following subsections.
- C. Formal Grievance
- 1) Reporting a Grievance: All grievances shall be in writing and the written statement of grievance shall remain the same throughout all steps of the grievance procedure.

2) Required information: A formal written statement of grievance must include the following information:

- the name of the employee or other individual whose decision or action is at issue or against whom the grievance is filed;
- the specific decision(s), action(s) or physical condition at issue;
- any Board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted, or violated; and
- the specific resolution desired.

3) Officials to Whom Grievance Shall Be Presented: The employee(s) shall present the initial grievance in writing to his/her/their immediate supervisor(s) or the supervisor('s/s') designee(s).

4) Response by Official

- The official who receives the statement of grievance shall conduct any investigation of the pertinent facts and/or circumstances before rendering a decision. The official may call a meeting with the grievant and/or with any other party or witness(es) related to the grievance.
- The official shall provide the aggrieved employee(s) with a written response to the grievance within 10 days following receipt of the grievance.

5) Appeal of Official's Decision: If the grievant is dissatisfied with the official's response, the grievant may appeal the official's decision to the next level. The levels of grievance and appeal are as follows:

~~Parent > Teacher > Principal > Managing Executive Director (if/when such position is operational) > Board of Directors.~~ *Respective school Associate Director (Elementary, Middle, High) > Executive Director > Board of Directors*

Such appeals must be received by the official at the next level of appeal – in writing – within 5 days of receipt of the official's response to the grievance. The official at the appeal level who receives the appealed grievance decision shall follow the same steps as outlined in this policy for address of an initial grievance with respect to the appeal, except that when the appeal reaches the level of the Board of Directors, the following steps and processes shall be followed:

- Grievant may submit the appeal (in writing, within 5 days following receipt of the appealed decision) to any member of the Board of Directors.
- The Board member who receives the appeal shall share the grievance appeal, including all pertinent statements contained within the written statement of grievance and appeal, with all other members of the Board by confidential e-mail or by sealed copies.
- The Board may either consider the appeal in its next regularly-scheduled meeting, or the Board chair may convene a called meeting of the Board to consider the appeal.
- The Board may or may not, at its sole discretion, convene a Board Hearing pursuant to Board policy 2.5000 Hearings Before the Board. If a Hearing is called, the provisions of that policy will be followed in the remainder of procedures with regard to disposition of the grievance and appeal.
- If the Board decides not to call a Hearing, it shall consider the statement of appeal, the statement of grievance, and the decision of the official whose decision is being appealed and render its decision, which shall constitute a Final Administrative Decision. Such decision will be communicated to the grievant and to the official whose decision was appealed – in writing – within 5 days following the Board's decision.

IV. GENERAL REQUIREMENTS

- A. All parties in interest in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
- B. No reprisals of any kind shall be taken by the Board or by an employee against any party in interest or other employee on account of his/her participation in a grievance filed and decided pursuant to this policy.
- C. Each decision shall be in writing, setting forth the decision and reasons therefore, and shall be transmitted promptly to all parties in interest.
- D. The Board and administration shall cooperate with the grievant(s) and his/her/their representative(s) in the investigation of any grievance and shall furnish the grievant with information pertinent to the grievance without cost to the grievant or the employee against whom the grievance is filed.
- E. Should, in the judgment of the Principal, the investigation or processing of any grievance require the absence of the grievant(s) from regular assignments, such absences shall be excused without loss of pay or benefits.
- F. All meetings and hearings conducted pursuant to this policy shall be private.
- G. The Board will consider requests to hear grievances from a group of grievants, but the Board and officials have the discretion to hear and respond to grievants individually.
- H. Appropriate records of all grievances and their dispositions shall be maintained in accordance with state and federal law.