

# **402.05R2 Grievance Procedures for Certified Employees**

Friday, August 11, 2023

## **GRIEVANCE PROCEDURE FOR CERTIFIED EMPLOYEES**

### I. Purpose

The purpose for which these grievance procedures are established are:

- A. To reduce the potential area of conflict among students, certified, classified (noncertified), administrators, and the board of education.
- B. To provide communication through recognized channels among students, certified, classified (non-certified), administrators, and the board of education.
- C. To develop improved morale and effectiveness of the school.

### II. Definition of Terms

- A. "Grievance" shall mean any claim based upon a violation or alleged violation of the negotiations contract, any claim resulting from sexual harassment, or any dispute regarding the interpretation, meaning or application of any of the policies, rules, or regulations of the school district or rules and regulations relating to Section 504, Rehabilitation Act of 1973 and Title IX, Education Amendments of 1972.
- B. "Aggrieved Person" shall mean any person covered by the provisions of the negotiations contract or a dispute regarding the interpretation, meaning or application of any of the policies, rules or regulations of the school district, and rules and regulations relating to Section 504, Rehabilitation Act of 1973 and Title I Education Amendments of 1972.
- C. "Party of Interest" shall mean the aggrieved person and any other person who might be required to take action, or against whom action might be taken, in order to

resolve the claim.

### III. General Provisions

A. Any person aggrieved by the violation of any rule, regulation, or procedure adopted by Banner County School District No. 1 shall file an informal or a formal complaint with his or her principal as set forth herein. The initial complaint shall be filed within fifteen (15) days of the aggrieved person's knowledge that an event or condition

B. occurred. Such event or condition must have occurred within the previous one hundred and twenty (120) calendar days.

C. If a written formal grievance, Level II, is not filed within fifteen (15) calendar school days after the Aggrieved Person has filed an informal grievance, then the grievance shall be waived.

D. A grievance may be withdrawn at any level with the Aggrieved Person retaining the right to refile, subject to the provision of Paragraphs 1 and 2 above.

E. No reprisals of any kind shall be taken by the board of education, by any member of the administration, or by the Aggrieved Person, against any party in interest, or any other participant in the grievance procedure by such reason of such participation.

F. The forms included along with this regulation shall be used for the processing of any grievance.

G. If, in the event the administration or the board of education shall fail to follow or meet the time limits set forth herein, the grievance shall automatically move to the next step.

H. In the event the Aggrieved Person shall fail to follow the agreed upon procedure, the grievance shall be waived.

I. An Aggrieved Person shall continue to follow administrative directives and policies, and continue to work under the direction of the superintendent of schools and other school administrators, regardless of the pendency of any grievance, until such grievance is properly determined.

## IV. Procedures

### A. Level I

1. A person who believes that there is grounds for a grievance is to discuss the matter with the school principal in an effort to resolve the problem.
2. The Aggrieved Person may have a representative assist in an effort(s) to resolve the problem informally with the school principal.

### B. Level II

#### Step One

1. If an Aggrieved Person is not satisfied with the disposition of the problem, or if no decision has been rendered following five (5) school days, after stating the grievance in the formal procedure, the Aggrieved Person may submit the claim as a formal grievance, in writing, specifying the policies, rules, and regulations or contractual provisions alleged to have been violated, to the school principal. The written grievance shall be filed no later than fifteen (15) school days after the grievance in the informal procedure. The grievance should be filed on Grievance Form A. Refer to the Grievance Forms attached to this procedure.
2. The school principal shall, within three (3) school days, render a decision and the reasons therefore, in writing on Grievance Form B, to the Aggrieved Person and to the superintendent of schools.

#### Step Two

1. If the Aggrieved Person is not satisfied with the disposition of the grievance at Step One, or if no decision has been rendered within three (3) school days after the presentation of the grievance in writing, the Aggrieved Person may appeal the written grievance to the superintendent of schools. In the case that no decision is rendered, the appeal shall be filed on Grievance Form B no later than ten (10) school days.
2. The superintendent of schools shall act for the administration as Step Two of the grievance procedure. Within (10) school days after receipt of the written appeal for a hearing by the superintendent of schools, he or she shall meet with the Aggrieved Person for the purpose of hearing and resolving the grievance. A record of such

hearing shall be kept by the superintendent of schools, and made available to the parties involved upon request. The superintendent of schools shall, within three (3) school days following the hearing, render a decision and reasons therefore, in writing on Grievance Form C, to the Aggrieved Person.

### Step Three

1. If the Aggrieved Person is not satisfied with the disposition of the grievance at Step Two, or if no decision has been rendered within thirteen (13) school days after submission to the superintendent of schools, the Aggrieved Person may appeal the grievance to the board of education. In the case that no decision is rendered, the appeal shall be filed on Grievance Form C, no later than eighteen (18) school days after submission of the grievance to the superintendent of schools.

2. Within thirty (30) school days after receiving the written appeal, the board of education shall meet with the Aggrieved Person for the purpose of hearing and resolving the grievance. Within five (5) school days following the submission of the matter, the decision of the board of education shall be rendered in writing on Grievance Form D.

### V. Rights of the Aggrieved Representative

Any party of interest may be represented at all stages of the grievance procedure by a representative of his or her own choosing.

### VI. Personnel File

The board of education and the local education association recognize that it is the students', certified, and non-certified employees' responsibility to review all materials in their file.

Although the board of education agrees to protect the confidentiality of personal references, academic credentials, and other personnel file items it shall not establish any separate personnel file which is not available for the students', certified, and noncertified employees' inspection.

Person or persons of limited English language skills may request publication or translation of the Grievance Policy in his or her native language.

The Banner County Education Association will be given 60 days notice if the Board of Education is going to change 402.05- Employee Grievances policy and/or 402.05R2-

Grievance Procedures for Certified Employees regulation.