

Policy Code: 1750/7220 Grievance Procedure for Employees

It is the policy of the Board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties which may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communication between staff and administration. The purpose of this procedure is to secure, at the lowest level, equitable solutions to the problems which arise from time to time and affect employees.

A. Informal Resolution

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. In those circumstances where informal procedures fail or are inappropriate or where the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth below.

B. Definitions

1. Days: the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday - Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.
2. Grievance: a formal written claim by an employee against another employee or the school district that:
 - a. there has been a violation, misapplication, or misinterpretation of state or federal law or regulation, school board policy, or administrative regulation;
 - b. an employee has been subject to discrimination, harassment, or bullying on the basis of race, religion, gender, national origin, age, sexual orientation, or disability; or
 - c. there exists a physical condition which jeopardizes an employee's health or safety, or which interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

The term "grievance" will 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 for which the Board of Education is without authority to act.

3. Grievant: the employee(s) making the claim.
4. Parties in Interest: the grievant and the person against whom the grievance is filed.
5. Immediate Supervisor: an administrative employee to whom an employee is primarily responsible, such as a teacher, or teacher's aide, to a principal.

C. Timeliness of Process

Failure by a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the school

system official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The school system official will make 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 any legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the appropriate school system official of a delay, the reason for the delay and the school system official has consented in writing to the delay.

D. General Requirements

1. At all times during the grievance process, all parties in interest and their representatives must conduct themselves in a professional manner, including respecting the confidentiality of personnel matters. During all grievance conferences and hearings, all parties will focus efforts on finding a resolution to the underlying problem.
2. No reprisals of any kind will be taken by the board or by an employee of the school district against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.
3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.
4. All meetings and hearings conducted pursuant to this policy will be private and confidential, unless it would be a violation of a state or federal law, procedure or policy.
5. The board and administration will consider requests to hear grievances from a group of grievants but have the discretion to respond to an individual grievant instead of responding to the group as a whole.
6. The board and administration will cooperate with the grievant and his or her representative in the investigation of any grievance and will furnish the grievant or his or her representative information pertinent to the grievance without cost to the grievant or the employee against whom the grievance is filed.
7. The grievant may have a representative, including an attorney, at any stage of the grievance.
8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

E. Process for Grievance

1. Filing a Grievance

- a. A grievance must be filed as soon as possible but no longer than thirty (30) days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after thirty (30) days which claims a violation, misapplication or misinterpretation of state or federal law, including discrimination, the superintendent or designee will determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the

effect of the delay on the ability of the school district to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in reporting may significantly impair the ability of the school district to investigate and respond effectively to such complaints.

b. All grievances will be in writing and the written statement of grievance will remain the same throughout all steps of the grievance procedure. The written grievance will name the employee(s) against whom the grievance is filed and will set forth the facts constituting the grievance and the specific laws, regulations, policies, procedures or physical conditions involved. The written grievance also will contain a short and plain statement of the facts giving rise to the grievance and the remedy sought by the aggrieved party.

c. The employee(s) will present the grievance in writing to his or her immediate supervisor or the supervisor's designee (hereinafter "school system official"), unless the grievance alleges unlawful discrimination in which case the grievance may be presented instead to the assistant superintendent of support services or his/her designee. Any grievance against the superintendent should be filed directly with the board in accordance with subsection E.4, below.

2. Response by School System Official

a. If the grievance filed is against the grievant's immediate supervisor, the immediate supervisor will immediately forward the grievance to his/her immediate supervisor, who will serve as the school system official at this level of response.

b. The school system official shall meet with the grievant at a mutually agreed-upon time within five (5) days after receipt of the grievance.

c. The school system official will conduct any investigation of the facts necessary before rendering a decision.

d. The school system official or his or her designee will provide the grievant with a written response to the grievance within ten days after the meeting. The written statement will specify:

a. the supervisor's understanding of the issue or issues involved;

b. the supervisor's knowledge of the facts giving rise to the grievance; and

c. the supervisor's decision and rationale for the decision.

3. Response by Assistant Superintendent of Support Services

a. If the grievant is dissatisfied with the school system official's response, the grievant may appeal in writing the decision to the assistant superintendent of support services for review by the assistant superintendent or designee within five days of receipt of the school system official's response.

b. The assistant superintendent or designee will arrange for a meeting with the grievant to take place within five (5) days of the receipt of the appeal.

c. The assistant superintendent or designee will conduct any investigation necessary

before arriving at a decision. The assistant superintendent or designee will provide the grievant with a written decision within ten (10) days after the meeting with the grievant.

4. Response by Superintendent

- a. If the grievant is dissatisfied with the response of the assistant superintendent of support services, the grievant may appeal in writing the decision to the superintendent within five (5) days of receipt of the assistant superintendent's response.
- b. The superintendent or designee will review the documents related to the grievance and may direct any further investigation or pursue any other steps the superintendent or designee determines to be appropriate in order to respond to the complaint.
- c. The superintendent or designee will provide the grievant with a written decision within five (5) days of receiving the grievance documents.
- d. If the grievant is dissatisfied with the decision of the superintendent, he/she has the option to request in writing to the superintendent within five (5) days of that decision an appeal to the board.

5. Response by the Board

- a. If the grievant is not satisfied with the superintendent's response, the grievant may appeal in writing the decision to the board within five (5) days of receiving the superintendent's response.
- b. The board will review the documents related to the grievance and may direct any further investigation or pursue any other steps the board determines to be appropriate in order to respond to the complaint, including holding a hearing pursuant to policy 2500, Hearings Before the Board.
- c. The board will provide a final written decision within thirty (30) days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. Records

Records on discrimination grievances will be maintained as required by policy 1710/4021/7230.

Legal Reference: Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d](#) *et seq.*, [34 C.F.R. pt. 100](#); Title VII of the Civil Rights Act of 1964, [42 U.S.C. 2000e](#) *et seq.*; Title IX of the Education Amendments of 1972, [20 U.S.C. §1681](#) *et seq.*, [34 C.F.R. pt. 106](#); Equal Employment Opportunity Commission's "Final Amended Guidelines on Discrimination Because of Sex"; Age Discrimination in Employment Act of 1967, as amended, [29 U.S.C. 621](#) *et seq.*; The Rehabilitation Act of 1973, [29 U.S.C. 706](#) (8), - [794](#), [34 C.F.R. pt. 104](#); The Americans with Disabilities Act, [42 U.S.C. 12134](#), [28 C.F.R. pt. 35](#); Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); Office of Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11, 448 (1994); [G.S. 126-16](#)

Cross Reference: Hearings Before the Board (policy 2500)

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Chapel Hill-Carrboro Schools
