

Regulation 0401.18-AR-06 Certified Grievance Procedure

The Administration believes that it is most desirable for a certificated, non-administrative personnel and the principal or supervisor to resolve problems through free and informal communication prior to initiating the grievance process.

The purpose of this process is to secure equitable solutions to problems which may, from time to time, arise and cannot be resolved informally. Both parties agree that these proceedings will be kept informal and confidential as may be appropriate at any level of the procedure.

DEFINITIONS

A **grievance** shall be defined as a written allegation of a violation of Idaho State Code, the Negotiated Agreement, a violation of current Board approved written district policy, or Administrative Regulation directly impacting certificated personnel. Certificated personnel may not grieve a written evaluation.

A **day**, as used in this grievance procedure for certificated personnel, shall be defined as a working calendar day for certificated personnel. If the grievance extends beyond the regular school year, a **day** means any day, Monday through Friday, exclusive of holidays.

GUIDELINES

If a certificated personnel chooses to file a grievance, the personnel shall submit the grievance in writing to the Director of Accountability and Support. This must be completed within fifteen (15) days of the personnel action giving rise to the grievance, or no grievance will be processed in accordance with this policy. A written grievance shall meet the following specifications:

- It shall be specific.
- It shall contain a synopsis of the facts giving rise to the violation of Idaho State Code, the Negotiated Agreement, current Board approved written district policy, or Administrative Regulation.
- It shall contain the specific section of Idaho State Code, the Negotiated Agreement, current Board approved written district policy, or Administrative Regulation which has allegedly been

violated.

- It shall state the relief requested.
- It shall contain the date of the alleged violation.
- It shall be signed by the certificated personnel filing the grievance.

The Director of Accountability and Support shall review the written grievance with the immediate supervisor and schedule a meeting with the certificated personnel filing a grievance within five (5) days of receipt of the written grievance to provide a verbal and written response.

If the certificated personnel is not satisfied with the response of the Director of Accountability and Support or if there is no response within the timelines, the personnel may appeal the grievance to the Chief Human Resources Officer. This must be done within five (5) days of the meeting to provide a verbal and written response or within five (5) days from the date the Director of Accountability and Support last had to respond if the certificated personnel received no verbal or written response. Failure to meet this time limitation will result in the conclusion of the processing of the grievance and no further action will be taken.

Within five (5) days of an appeal, the Chief Human Resources Officer shall communicate with the certificated personnel and shall provide a written response to the certificated personnel. If the certificated personnel is not satisfied with the response of the Chief Human Resources Officer, or if there is no response by the Chief Human Resources Officer within the time frame provided in this section, the certificated personnel may request a review of the grievance by a hearing panel within six (6) days from receipt of the response, or six (6) days from the date the Chief Human Resources Officer last had to respond if the certificated personnel received no written response. Within ten (10) days of receipt of an appeal, a panel will be gathered consisting of three (3) persons; one (1) designated by the Superintendent, one (1) designated by the personnel, and one (1) agreed upon by the two (2) appointed members for the purpose of reviewing the appeal. Within ten (10) days following completion of the review, the panel shall submit its decision in writing to the certified personnel, the Superintendent, and the Board of Trustees.

The panel's decision shall be the final and conclusive resolution of the grievance unless the Board of Trustees considers the matter on the assent of the Board Chair or two Trustees. If the grievant wishes to appeal the panel's decision to the Board of Trustees, the grievant shall submit a request to the Board Clerk for consideration within six (6) days from notification of the panel's decision. If the Board declines to consider the appeal, the panel's decision is final.

REPRESENTATION

A certificated personnel filing a grievance shall be entitled to a representative of the personnel's choice at each step of the grievance procedure. The immediate supervisor, Director of Accountability and Support, or Chief Human Resources Officer shall also be entitled to a representative at each step of the grievance process.

TIMELINES

The timelines of the grievance process may be waived or modified by written mutual agreement.

LEGAL APPEAL

Utilization of the grievance process shall not constitute a waiver of any right of appeal available pursuant to law or regulation.

RETALIATION

No member of the Administration shall take reprisals affecting the employment status of any party in interest, unless such individual, through the use of the grievance process, is discovered to have engaged in conduct which justifies disciplinary action (i.e. the person against whom a grievance was filed has engaged in inappropriate conduct which served as the subject matter of the grievance). The grievant likewise shall take no reprisals against any individual involved in the grievance process.

REVISION

The District will work collaboratively with the association should a revision to this Administrative Regulation be necessary.
