

2160	Student and Parent Grievance Policy
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Category	School Board Governance
Governance Accountability	Board of Directors, Leadership
Audience	Employees, Families, Students, Volunteers, Board of Directors

The Board of Directors strives to resolve concerns and complaints 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 2161 - Responding to Concerns and Complaints, identifies these different processes and provides a mechanism for resolving complaints in an informal manner.

While the board encourages informal resolutions, the board recognizes that students and parents may want a more formal process for certain type of complaints or if an informal process was not satisfactory. This policy provides a formal complaint procedure that can be used as described below.

Any student or parent who is unclear of the options for proceeding with a concern may contact the appropriate principal or the Head of Schools office for further information and copies of all applicable board policies.

A. DEFINITIONS

1. Grievant –Person(s) filing a formal grievance. A grievant shall be a current student at Pine Lake Preparatory School, a parent of a current student, or a group of current parents and/or students.
2. Grievance -A formal written complaint by a grievant regarding a specific decision or action by school personnel that directly and adversely affects the grievant (or a student on whose behalf a grievance is filed by the student’s parent or guardian). A grievance must allege: a) violation, misapplication, or misinterpretation of a specifically identified state or federal law, regulation, board policy, or administrative regulation; or b) discrimination against a student or parent on the basis of race, color, national origin, sex, pregnancy, religion, age, or disability. This grievance policy 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 to address the concern, or where the board is without authority to act.
3. Days - Working days, exclusive of Saturdays, Sundays, vacation days or holidays, for the Pine Lake Preparatory School’s administrative office. In counting days, the first day will be the first full working day following receipt of the grievance.
4. Board or Committee – A committee of the board of directors designated by the chairperson to hear and decide the grievance.
5. Decision-maker – The school personnel member hearing and responding to the grievant in accordance with this procedure.

B. GENERAL PROVISIONS

1. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems which arise from time to time and affect students and parents.
2. Information received in the grievance process will be held in confidence by the board and its agents except as required by law and this policy. A grievance is considered a confidential personnel record of the school employee whose action or decision is at issue, and may also include confidential student information. Confidentiality shall be maintained by all persons involved in the grievance, consistent with North Carolina school personnel file requirements and the Family Educational Rights and Privacy Act ("FERPA").
3. All persons involved in any grievance filed pursuant to this policy will conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
4. No reprisals of any kind will be taken by the board or by an employee of Pine Lake against any grievant or other student or employee on account of his or her good faith participation in a grievance filed pursuant to this policy. However, knowingly or recklessly making false statements is not protected under this policy.
5. Each decision at each step of the grievance will be in writing, setting forth the decision and reasons for the decision, and will be transmitted promptly to the grievant.
6. All meetings and hearings conducted pursuant to this policy will be private.
7. The grievant, board and school administration will cooperate in the reasonable investigation of any grievance.
8. An alleged violation of this policy regarding the handling of a particular grievance shall not give rise to a separate grievance but rather should be raised and addressed during the handling and appeal of the particular grievance.
9. The Principal generally shall serve as the Step 1 decision-maker unless a substitute Step 1 decision-maker is designated by the Head of Schools or designee. Likewise, the Head of Schools generally shall serve as the Step 2 decision-maker, but may designate a substitute Step 2 decision-maker.
10. The fact that a grievance refers to the action or decision of the Head of Schools (or other school system employee) does not necessarily preclude the Head of Schools (or such other employee) from serving as a Step 1 or Step 2 decision-maker under this policy, if a substitute decision-maker is not appointed. In all cases, a decision-maker shall make its determination on the merits of the grievance, without bias or favoritism and without regard to the personal interests of the decision-maker.
11. If a grievance is filed by a group of persons, the board and school officials have the discretion to respond to grievants individually or as a group.

C. TIME LIMITATIONS

1. Timeliness for Grievants- A formal grievance must be filed within thirty (30) days after the occurrence or omission giving rise to the grievance. Failure by the grievant at any step to appeal a decision to the next step within the maximum specified time limit will be considered acceptance of the decision as final and a waiver of any further appeals.
2. Timeliness for Decision-makers - The time limits specified for Step 1 and Step 2 decision-makers in section D below assume a relatively simple grievance and the ready availability of the decision-maker, witnesses, or other persons from whom the decision-maker may need information in order to make a fair and informed decision. The board recognizes that these typical conditions are not always the case for every grievance and that decision-makers may in good faith need additional time in some circumstances. A decision-maker who recognizes that he or she needs additional time should endeavor to notify the grievant in writing before the time limit passes, and provide an estimated date for the decision. Decision-makers shall endeavor to meet the specified time limits but failure to do so shall not be considered a violation. To protect a grievant against undue delay, the failure of a grievant to receive a written Step 1 or Step 2 decision within the maximum time limit specified below shall enable the grievant to proceed to the next level. A Step 1 decision issued after the specified maximum time limit may be considered by the head of schools in issuing a Step 2 decision, and a Step 2 decision issued by the Head of Schools after the specified maximum time limit may be considered by the board or committee at Step 3.
3. The time limit specified below for the Step 3 decision by the committee shall be considered a guideline and goal, not a mandate.

D. PROCEDURE

All grievances shall be submitted in writing on a grievance form prescribed by the Head of Schools. The written statement of grievance will remain the same throughout all steps of the grievance procedure. In all cases, the grievant will present the grievance in writing to the Human Resources Manager initially. The grievance will then be forwarded to the Grievance Committee of the Board of Directors, who will evaluate the basis of the grievance (whether the grievance and grievant meet the definitions as prescribed above, for example), and determine if there is sufficient evidence to continue the grievance procedure. The Grievance Committee will either pass the Grievance through the appropriate steps below, will ask for additional information, or will rule that the submitted grievance does not meet the qualifications of a grievance.

Step 1: The Human Resources Manager will forward copies to appropriate personnel according to this policy. The written grievance will include the following information: (1) the name of the Pine Lake employee whose decision or action is at issue; (2) the specific decision or action at issue; (3) the specific state or federal law, regulation, board policy, or administrative regulation that the grievant believes has been misapplied, misinterpreted or violated, if any; (4) and the specific resolution desired by the grievant.

The Principal (or substitute Step 1 decision-maker appointed by the Head of Schools or designee) shall schedule a meeting to take place at a mutually agreed upon time within

five (5) days after receipt of the grievance, if feasible, and no later than ten (10) days. If the grievant is a student, the student may be accompanied by a parent, legal guardian or other person who is in a position of loco parentis to the student at the Step 1 meeting. The Principal shall have discretion on how to conduct this meeting. Before, during or after the meeting, the Principal may speak with any person and obtain any information needed in order to make a fair and informed decision.

The Principal will provide the grievant with a written response to the grievance within five (5) days after the meeting, if feasible, and no later than ten (10) days. In responding, the Principal shall not disclose information about other students or employees that by law is considered confidential. A copy of the grievance and the Principal's response will be filed with the Head of Schools.

Step 2: If the grievance is not resolved at Step 1, within five (5) days of receipt of the Step 1 decision, the grievant may request a Step 2 review with the Head of Schools by submitting a copy of Policy 2160 Form 2160 A-R – Step I/Step II Grievance Appeal Form to the Human Resources Manager, who will forward copies of the grievance to the appropriate persons according to this policy. The Head of Schools (or substitute Step 2 decision-maker) will arrange for a meeting with the grievant to take place within ten (10) days of receipt of the appeal, if feasible, and no later than fifteen (15) days. Any school employee accused of wrongdoing by the grievant may attend the meeting. If the grievant is a student, the student may be accompanied by a parent, legal guardian or other person who is in a position of loco parentis to the student at the Step 2 meeting. Each party may have one representative at this meeting. The representative may be an attorney if the party provides at least three (3) days' notice to the Head of Schools. The Head of Schools shall have discretion on how to conduct the Step 2 meeting, which may be conducted as an informal hearing. The Head of Schools may be assisted by counsel, to serve as a hearing officer, address legal issues, facilitate the preparation of an adequate record, or otherwise provide assistance. If the Head of Schools will be assisted by counsel, the Head of Schools will give three (3) days written notice to all parties. The Step 2 meeting shall result in the preparation of a written record in the event of an appeal to the board, and all parties shall be given adequate opportunity to submit documents and written statements to be included as part of the record.

The Head of Schools will provide the grievant with a written decision within ten (10) days after the Step 2 meeting, if feasible, and no later than fifteen (15) days. In responding, the Head of Schools shall not disclose information about other students or employees that by law is considered confidential.

Step 3: If the grievance has not been resolved at Step 2, within ten (10) days of receipt of the Step 2 decision, the grievant may request a Step 3 review by the board by submitting a copy of Policy 2160 Form 2160 A-R – Step I/Step II Grievance Appeal Form to the Human Resources Manager, who will forward copies of the grievance to the appropriate persons according to this policy. The standing Grievance Committee, predefined by the Board of Directors for an annual term, shall hear and decide the grievance on behalf of the full board. If there is a conflict of interest, or other reasons why the standing Grievance Committee members are not able to fairly hear and decide the grievance, the chairperson or committee chair may create a revised, temporary Grievance Committee. The chairperson or committee chair shall arrange for a hearing

within thirty (30) days after receipt of the Step 3 appeal and shall give written notice of the hearing to the grievant and the Head of Schools.

At least three (3) days prior to the Step 3 hearing, the Head of Schools shall provide the committee and the grievant with a hearing packet, which shall include the written record from Step 2, the Step 2 written decision, and relevant correspondence subsequent to the Step 2 meeting. No new evidence, written or verbal, may be presented without the prior knowledge and consent of the grievant and the Head of Schools, or upon a majority vote of the committee. The chairperson or committee chair shall have discretion on how to conduct the Step 3 hearing. Each party, including the Head of Schools, may have one representative at the hearing before the committee. The representative may be an attorney if the party provides at least three (3) days' notice to the committee chair. The committee may be assisted by counsel, whether or not the party is represented by counsel.

The committee will endeavor to render a written decision within thirty (30) days of receipt of the request for board review, or ten (10) days after the Step 3 hearing, whichever is later. The Step 3 decision of the committee may affirm, disaffirm or modify the Step 2 decision of the Head of Schools. The committee will make their recommendation of decision to the Board, and the Board will then accept or decline the decision of the committee by a majority vote.

E. WITHDRAWAL OF GRIEVANCE

A grievance may be withdrawn at any point and once withdrawn cannot be reopened.

F. Grievance Against Head of Schools

If a grievant wants to initiate a formal grievance in regard to an action or decision made by the Head of Schools that directly and specifically affects the grievant, the general process described in this policy will be used except the grievance will be submitted directly to the Head of Schools and the procedure will commence at Step 2.

G. RECORDS

Records of discrimination complaints will be maintained.

H. ADMINISTRATIVE REGULATION

The Head of Schools shall create Policy 2160 Form 2160 R – Student and Parent Grievance Form implementing this policy and prescribing a standard grievance form.

Student and Parent Grievance Form

Please complete this form and submit it to Human Resources Manager.

Name: _____ School: _____

Date of Incident/Decision Being Grieved:

Date Form 2160-R Submitted:

Name of school Pine Lake employee whose decision or action is at issue:

1. Did you attempt to resolve this grievance informally?

Yes _____ No _____

Specific decision(s) or actions at issue:

(Attach additional pages if necessary)

2. Specific law, board of directors policy, or administrative regulation that you contend was misapplied, misinterpreted, or violated (if applicable):

(Attach additional pages if necessary)

3. Specific action desired to resolve grievance:

(Attach additional pages if necessary)

4.

Signature of Grievant

Date Received at Administrative Office: _____
(to be filled in by Human Resources Manager)