

Staff Concerns/Complaints/Grievances (Grievance Procedure)

Definitions

1. A “grievant” shall mean an employee who has filed a grievance.
2. A “grievance” shall mean a claim by a grievant that a dispute or disagreement of any kind affecting the grievant exists involving interpretation or application of the terms of existing Board policy or practice or that the grievant has been treated inequitably or that conditions exist which jeopardizes the health or safety of the grievant. The term “grievance shall not include a complaint of unlawful discrimination or harassment, which shall be filed in accordance with District Policy AC-R.
3. The term “days” shall mean school days as designated on the school calendar.
4. At Level 1, Step 2 - formal, a “representative” shall mean any individual who is employed by the district. At levels 2, 3 and 4, representative refers to anyone whom the grievant would like to choose. The grievant will be responsible for any expense incurred by his or her representative.
5. The word “principal” as used in these procedures shall include the grievant's immediate supervisor having responsibility for the subject matter of the grievance, if that matter does not involve a matter under the responsibility of a principal and in that case, principal shall mean the grievant's immediate supervisor.

General provisions

1. Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level is considered a maximum and every effort shall be made to expedite the process. All grievances must be filed within 10 days of the incident being grieved.
2. All grievances must be received directly from the grievant speaking on his or her own behalf or by a designated representative.
3. If the grievant desires to be accompanied by a representative, he or she shall advise the other interested persons of the name of his or her representative at least one day in advance of the hearing or discussion. No grievant may have more than one representative at any hearing or discussion.
4. The Board encourages only the grievant and principal/supervisor to be involved at both steps of level one of the grievance procedure. The superintendent or superintendent's designee may at any point in the grievance make a determination as to whether an incident is grievable.
5. Employees should recognize that making false or bad faith accusations of

wrongdoing can have serious consequences for those who are wrongly accused. The district prohibits deliberately making false and/or malicious allegations of wrongdoing, as well as deliberately providing false information during investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination.

Level one

Step 1 - Informal

A grievant will first discuss the complaint with the principal/supervisor within 10 days in an attempt to resolve the matter informally. No representative may be in attendance at this discussion.

Step 2 - Formal

If the verbal discussion does not resolve the problem, the grievant may file a written grievance with the principal/supervisor within five days after the discussion. The principal/supervisor will hold a hearing with the grievant within five days after receipt of the written grievance. The grievant may have an in-district representative at this hearing. The principal/supervisor will provide the grievant with a written answer to the grievance within 10 days.

Level two

If the grievant is not satisfied with the disposition of the grievance at level 1, then the grievant may file, within 5 days of the written answer provided by the principal/supervisor, a written appeal to the executive director of personnel or an official designee. The executive director of personnel or official designee will arrange for a hearing with the grievant to take place within 10 days of receipt of the appeal. The grievant may include in the presentation, such witnesses as are necessary to present facts pertinent to the grievance. Upon conclusion of the hearing, the executive director of personnel or official designee will provide a written decision to the grievant within 10 days. The grievant may have a representative of his or her choice at levels 2, 3 and 4.

Level three

If the grievant is not satisfied with the disposition of the grievance at level 2, then the grievant may file, within 5 days of the level 2 decision, a written appeal to the superintendent using the appropriate form. The superintendent or official designee will arrange for a meeting to take place within 10 days of receipt of the written appeal. The following procedures shall be followed at each level 3 hearing:

1. The hearing shall be conducted informally and in private session with the superintendent or designee.
2. The hearing shall be limited to those grounds specified in the written grievance form signed by the grievant.
3. The grievant or representative shall have an opportunity to make an opening statement, represent his or her position, give corroboration information and make a closing argument.

4. The superintendent or designee may ask questions of the grievant or the representative.
5. Nothing contained in these procedures shall preclude the superintendent or designee from further investigation of the grievance matter.

Within 10 days of the hearing, the superintendent or designee shall communicate a decision in writing to the grievant. The decision shall include the findings and conclusions of the superintendent or designee.

Level four

Within 5 days of the decision issued at level 3, if the grievant is not satisfied with the disposition of the grievance, the grievant may request to the superintendent in writing an appeal hearing before the Board. The Board shall respond to the request for a hearing no later than its next regularly scheduled meeting, provided it has received the request at least 5 days prior to such meeting. If the Board agrees to hear the appeal, the hearing shall be held no later than the next regularly scheduled meeting after the Board's decision to hear the appeal. The Board's hearing shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the superintendent or designee, arguments relating to the decision, and questions of clarification from the Board.

The Board shall render its written decision to the grievant not later than 20 days after hearing the appeal. The decision of the Board on the grievance will be final.

General provisions

1. No reprisal of any kind will be taken by the Board or by any member of the administration against any participant in the grievance procedure by reason of his or her participation.
2. The district can, at its discretion, utilize a neutral third-party investigator to address allegations of workplace wrongdoing or other conflict.
3. The district will make every effort to ensure that those named in a complaint, or are too closely associated with those involved in the complaint, will not be part of the investigation team or efforts.
4. A grievant is not required to directly confront the person who is the source of the report, question, or complaint before notifying any of the individuals listed. Nevertheless, grievants are required to make a reasonable effort to bring forward a report or complaint so the conduct may be resolved.
5. Failure at any level of this procedure to communicate the decision in writing on a grievance within 10 days after the hearing or failure at any level to hold a hearing within five days after receipt of the request for consideration of the grievance will permit the grievant or other interested party to proceed to the next level. Failure at any step or level of this procedure to appeal a grievance to the next step or level within five days after receipt of the decision or within five days after the expiration of the time within which the principal/supervisor, executive director of personnel or superintendent was to have acted will indicate acceptance of the decision rendered at that level. The right to

proceed to the next level of the grievance procedure will be the only remedy the grievant will have as a result of failure of the principal/supervisor, executive director of personnel or superintendent to act.

6. All documents, communications and records dealing with the processing of a grievance will be filed separately from the personnel files of the participants.
7. No grievance will be recognized unless it has been presented within 10 days after knowledge of the act, failure to act or condition on which the grievance is based occurred. If not so presented, the right of grievance will be waived.
8. At Step 2 of level one, the principal/supervisor may consolidate more than one complaint if the complaints address the same issues and if the consolidation facilitates a resolution.

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Fountain-Fort Carson School District #8, Fountain, Colorado