



47 assignment, and retention of employees within the school division; suspension from duties in  
 48 emergencies; or the methods, means, and personnel by which the school division's operations are  
 49 to be carried on. While these management rights are reserved to the School Board, failure to  
 50 apply, where applicable, these rules, regulations, policies, or procedures as written or established  
 51 by the School Board may be grievable.

52

53 **“Personnel File”** means any and all memoranda, entries, or other documents included in the  
 54 eligible employee’s file as maintained in the central school administration office or in any file  
 55 regarding the eligible employee maintained within a school in which such employee serves.

56

57 **“Shall file,” “shall respond in writing” or “shall serve written notice”** means the document  
 58 is either hand delivered to the grievant or office of the proper School Board representative or is  
 59 mailed by registered or certified mail, return receipt requested, and postmarked within the time  
 60 limits prescribed by this Procedure. Such notice may be mailed to the last address provided by  
 61 the grievant to the School Board. It is the duty of the grievant to notify the School Board in  
 62 writing of any change of address.

63

64 **“Work Days”** means days the School Board office is open.

65

## 66 **Part II**

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### 68 **Grievance Process**

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#### 70 **Purpose**

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72 Part II provides a timely and fair method of resolving disputes concerning disciplinary actions  
 73 other than probation or dismissal. An equitable solution should be secured at the most  
 74 immediate level of administration. This Part shall not be construed as limiting the right of any  
 75 eligible employee to discuss any matter of concern with any member of the school  
 76 administration. Nor should this Part be construed to restrict any employee’s right to seek, or the  
 77 school administration’s right to provide, informal review of complaints that are not included in  
 78 the definition of grievance. Nothing in this procedure shall be interpreted to limit the School  
 79 Board’s exclusive final authority over the management and operation of the school division, nor  
 80 confer any property right whatsoever.

81

#### 82 **Procedure**

83

84 **Step 1 - Immediate Supervisor.** The first Step shall be an informal conference between the  
 85 eligible employee and his or her immediate supervisor. The employee shall state the nature of  
 86 the grievance, and the immediate supervisor shall attempt to adjust the grievance. This Step may  
 87 not be waived.

88

89 **Step 2 - Principal/Next Level Supervisor.** If the grievance is not resolved in Step 1, the  
 90 grievant may proceed to Step 2. At this Step, the grievant must file Form A (attached) with the  
 91 principal or next level supervisor within fifteen days following the event giving rise to the  
 92 grievance or within fifteen days following the time when the employee knew or reasonably  
 should have known of its occurrence. Regardless of the outcome of Step 1, if Form A is not filed

93 within the specified time, without just cause, the grievance shall be concluded. The grievant  
 94 must indicate the specific relief requested on Form A.

95  
 96 A meeting shall be held between the principal/supervisor and the grievant within five work days  
 97 of the receipt of the grievance (Form A) by the principal. The principal shall set the time and  
 98 place of the meeting. Both the grievant and the principal have the right to present appropriate  
 99 witnesses and to be represented by a representative other than an attorney. The  
 100 principal/supervisor shall respond in writing (on Form A) to the grievant within five work days  
 101 following the meeting.

102  
 103 The principal/supervisor may forward to the grievant, within five days from the receipt of the  
 104 written grievance, a written request for more specific information regarding the grievance. The  
 105 grievant shall file an answer within ten days of receipt of the request, and the meeting must be  
 106 held within five days after the answer is filed or due to be filed, whichever is earlier.

107  
 108 **Step 3 - Hearing before Superintendent or Designee.** If the grievance is not resolved to the  
 109 grievant's satisfaction in Step 2, the grievant may proceed to Step 3 by so indicating on Form A  
 110 and filing it with the Superintendent within five work days after receipt of the Step 2 response  
 111 (or the due date of such response). A hearing shall be held between the Superintendent or  
 112 designee or both and the grievant at a mutually agreeable time within five work days of the  
 113 Superintendent's receipt of the grievance. Failure of the grievant to agree upon a hearing time  
 114 shall result in the conclusion of the grievance. At such hearing, both the Superintendent or  
 115 designee and the grievant are entitled to present witnesses and to be represented by legal counsel  
 116 and/or another representative. A representative may examine, cross-examine, question, and  
 117 present evidence on behalf of the grievant or the Superintendent without violating § 54.1-3904 of  
 118 the Code of Virginia. If the grievant's representative is an attorney, the grievant must give  
 119 advance notice to the Superintendent and agree to a meeting date when the School Board  
 120 attorney can attend. The Superintendent shall determine the propriety of attendance at the  
 121 hearing of persons not having a direct interest in the grievance. The Superintendent or designee  
 122 shall respond in writing (on Form A) within five work days following the hearing.

123  
 124 The Superintendent or designee may request more information from the grievant if such was not  
 125 requested in Step 2. The grievant shall respond to such request within ten days of receipt, and  
 126 the hearing shall be held within five days of the date on which the answer was received by the  
 127 Superintendent or due to the Superintendent.

128  
 129 The grievant shall bear his or her own expenses. The School Board shall bear the expenses of  
 130 the Superintendent. Witnesses who are employees of the School Board shall be granted release  
 131 time to appear if the hearing is held during their working hours.

132  
 133 **Step 4 - School Board.** If the grievance is not resolved to the satisfaction of the grievant, he or  
 134 she may advance the grievance to the School Board by so indicating on Form A and filing it with  
 135 the Superintendent within five work days after the decision of the Superintendent or the due date  
 136 thereof. The Superintendent shall forward the grievance record, along with any additional  
 137 response, to the School Board within five work days of receipt of Form A. The School Board  
 138 will make a decision based on the grievance record and written evidence presented by the

139 grievant and the Superintendent. At the School Board's option, it may conduct a further hearing  
 140 to review the case. If the School Board elects a further hearing, the grievant shall be given at  
 141 least fifteen days written notice of the date, place, and time of the hearing and such notice shall  
 142 also be provided to the Superintendent. The School Board shall provide its written decision to  
 143 the grievant within thirty days of receipt of the grievance record or hearing.

144

145 The School Board may affirm, modify, or reverse the decision of the Superintendent. The  
 146 decision of the School Board is final.

147

### 148 **Part III**

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## 150 **Disputes Regarding Dismissal or Disciplinary Probation**

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### 152 **Purpose**

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154 Part III provides a timely and fair method of resolving disputes regarding dismissal or placing on  
 155 disciplinary probation. An equitable solution should be secured at the most immediate level of  
 156 administration. This Part shall not be construed as limiting the right of any eligible employee to  
 157 discuss any matter of concern with any member of the school administration. Nor should this  
 158 Part be construed to restrict any employee's right to seek, or the school administration's right to  
 159 provide, informal review of complaints that are not included in the definition of grievance.  
 160 Nothing in this procedure shall be interpreted to limit the School Board's exclusive final  
 161 authority over the management and operation of the school division, nor confer any property  
 162 right whatsoever.

163

### 164 **Notice of Dismissal**

165

166 **Notice.** In the event of a recommendation for the dismissal of an eligible employee, written  
 167 notice shall be given to the eligible employee of the recommendation and informing the eligible  
 168 employee that within ten work days of receiving the notice, the eligible employee may request a  
 169 hearing with the Superintendent. The Superintendent may, at his or her option, appoint a  
 170 designee as hearing officer to hear the case.

171

### 172 **Procedure**

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174 **Step 1-Superintendent or Designee** Within ten work days of receiving notice of the  
 175 recommendation of dismissal or probation, the employee may initiate a grievance by submitting  
 176 Form B (attached) to the Superintendent. A hearing shall be held within fifteen work days of the  
 177 Superintendent's receipt of the Form B at a time and place designated by the Superintendent.  
 178 The Superintendent may appoint a designee to act as a hearing officer to hear the grievance. The  
 179 hearing officer shall not have been involved in the recommendation for dismissal as a witness,  
 180 representative, supervisor, or other decision maker. Each party may be represented by an  
 181 attorney or other representative and will have the opportunity to present witnesses and  
 182 documents. The hearing shall be closed to all other persons. The Superintendent or designee  
 183 shall provide a written response on Form B within ten work days of the conclusion of the  
 184 hearing.

185  
186 **Step 2-School Board.** An eligible employee may appeal to the School Board the Step 1 decision  
187 by filing Form B with the Superintendent within five days after receipt of the Step 1 decision.  
188 The employee shall specify each matter to be addressed by the School Board on Form B.

189  
190 The School Board review shall be scheduled and conducted within thirty days of the receipt of  
191 the grievant's Form B. The School Board may make a decision based solely on the grievance  
192 record and written evidence presented by the grievant and the Superintendent. At the School  
193 Board's option, it may conduct a further hearing to review the case. In that event, the grievant  
194 shall be given at least fifteen days written notice of the date, place, and time of the hearing and  
195 such notice shall also be provided to the Superintendent.

196  
197 At any such further hearing, the grievant and the Superintendent may be represented by legal  
198 counsel and/or another representative. The hearing before the School Board shall be private,  
199 unless the grievant requests a public hearing. The School Board shall establish the rules for the  
200 conduct of the hearing. Such rules may include the opportunity for the grievant/representative  
201 and the Superintendent/ representative to make opening and closing statements, to present  
202 evidence deemed material or relevant by the School Board, including the testimony of witnesses,  
203 and the right of all parties to cross-examine the witnesses. Witnesses may also be questioned by  
204 the School Board.

205  
206 A record or recording of the hearing shall be made and preserved for six months. If either the  
207 grievant or the School Board requests a transcript of the record or recording prior to the  
208 expiration of the six month period, it shall be made and copies furnished to both parties. The  
209 School Board shall bear the expense of the recording and the transcription.

210  
211 The School Board shall provide the grievant a written decision within thirty days after the  
212 completion of the hearing. The decision shall be based on the grievance record and the  
213 information presented at the further hearing, if any. The School Board's attorney, assistants, or  
214 representative, if he/she or they represented a participant in the prior proceedings, the grievant,  
215 the grievant's attorney or representative, and notwithstanding the provisions of § 22.1-69 of the  
216 Code of Virginia, the Superintendent, shall be excluded from any closed session of the School  
217 Board which has as its purpose reaching a decision on a grievance. However, immediately after a  
218 decision has been made and publicly announced, as in favor of or not in favor of the grievant, the  
219 School Board's attorney or representative and the Superintendent may join the School Board in  
220 closed session to assist in the writing of the decision.

221  
222 The School Board may accept, reject, or modify the recommendation of the Superintendent. The  
223 decision of the School Board is final.

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229 **Part IV**230 **Determination of Grievability, Compliance & Separability**

231

232 **Determination of Grievability**

233

234 Decisions regarding whether a matter is grievable shall be made by the School Board at the  
 235 request of the Superintendent or grievant. The School Board shall reach its decision after  
 236 allowing the Superintendent and the grievant an opportunity to present written or oral arguments  
 237 regarding grievability. The decision as to whether the arguments shall be written or oral shall be  
 238 at the discretion of the School Board. A decision regarding grievability shall be made within ten  
 239 days of such a request. The determination shall be made after the grievance is reduced to writing  
 240 and prior to any School Board hearing or the right to such determination is waived. Failure of  
 241 the School Board to make a timely determination shall entitle the grievant to advance to the next  
 242 Step of the Procedure as if the matter were grievable.

243

244 **Compliance with Procedural Requirements**

245

246 The right of any party to proceed at any step of this Procedure shall be conditioned upon  
 247 compliance with the time limitations and other requirements set forth in this Procedure.

248

249 The failure of the grievant to comply with all substantial procedural requirements shall eliminate  
 250 the grievant's right to proceed with the grievance unless just cause for the failure can be shown.  
 251 The failure of the School Board or any supervisory employee to comply with all substantial  
 252 procedural requirements without just cause shall entitle the grievant, at his or her option, to  
 253 advance the grievance to the next Step or at the final Step to a decision in his or her favor.

254

255 The determination as to whether the substantial procedural requirements of this Procedure have  
 256 been followed shall be made by the School Board. In any case in which there is a factual dispute  
 257 as to whether the procedural requirements have been met or just cause has been shown, the  
 258 School Board shall have the option of allowing the grievant to proceed to the next Step. The fact  
 259 that the grievance is allowed to proceed in such case shall not prevent any party from raising  
 260 such failure to observe the substantial procedural requirements as an affirmative defense at any  
 261 further Step in this Procedure.

262

263 **Separability**

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265 If any portion of this Part of the Procedure, or the application thereof, is held invalid by a court  
 266 of competent jurisdiction, the remainder of this procedure and the application thereof in all other  
 267 circumstances where not expressly held invalid shall not be affected.

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269 Established: February 1, 1986

270 Revised: March 2003

271 Revised: July 1, 2005

272 Revised: June 23, 2016

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274

275 Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-69, 22.1-79(6), 22.1-293 et seq.,  
276 22.1-306 et seq., 54.1-3904  
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278 Cross Refs.: GBM Licensed Staff Grievances  
279 GBM-R Licensed Staff Grievances Regulation  
280 GBMA Support Staff Grievances  
281 GDG Support Staff Probation  
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**FORM A - Step 2 of Support Staff Procedure for Adjusting Grievances**  
**Page 1**

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322  
323

<b>I. General Information/Immediate Supervisor</b>
Name of Grievant:
Name of Work Location:
Date Action Being Grieved Occurred:
Description of Action Being Grieved:
Basis for Claim and Relief Sought:
<input type="checkbox"/> I request a meeting with the Principal/Supervisor.
Grievant Signature and Date:

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**FORM A - Step 2 of Support Staff Procedure for Adjusting Grievances**  
**Page 2**

<b>II. Principal/Next Level Supervisor</b>	
Date Received:	
Date of Meeting:	
Decision:	
Principal/Supervisor Signature and Date:	
<input type="checkbox"/>	I accept the Principal/Supervisor's decision and conclude my grievance.
<input type="checkbox"/>	I do not accept the Principal/Supervisor's decision and advance my grievance to Step III.
Grievant's Signature and Date:	

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**FORM A - Step 2 of Support Staff Procedure for Adjusting Grievances**  
**Page 3**

<b>Step 3 – Appeal to Superintendent</b>	
Date Received:	
Date of Meeting:	
Decision:	
Superintendent’s Signature and Date:	
_____	I accept the Superintendent’s decision and conclude my grievance.
_____	I do not accept the Superintendent’s decision and advance my grievance to Step IV by submitting this Form to the Superintendent.
Grievant’s Signature and Date:	

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**FORM A - Step 2 of Support Staff Procedure for Adjusting Grievances**  
**Page 4**

<b>Step 4 – Appeal to School Board</b>
Date Received:
School Board Decision:
Signature of School Board Chair and Date:

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Decision Copies to be Distributed to Principal/Supervisor, Grievant, Designee, and Chief Human Resources Officer

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**Form B - Termination Appeal  
Page 1**

<b>I. General Information</b>	
Name of Grievant:	
Work Location:	
Date Action Being Grieved Occurred:	
Description of Action Being Grieved:	
Basis for Claim and Relief Sought:	
_____ I request a hearing with the Superintendent.	
Grievant Signature and Date:	



