

## **ARTICLE IV GRIEVANCE PROCEDURE**

### **A. DEFINITIONS**

1. A "grievance" is a complaint by an employee, or a group of employees based upon an alleged violation, misinterpretation or inequitable application of any existing policies rules or regulations of the school district as they apply to conditions of employment or of any of the provisions of this agreement. The absence of or disagreement with existing policy, rules or regulations is not a "grievance" and may be subject to annual negotiation under the negotiations policy.
2. The term "teacher", except where otherwise indicated, is considered to apply to any certificated professional employee not classified as administrative personnel. The term "teacher" may include a group of teachers who are similarly affected by a grievance.
3. An "aggrieved person" is the person or persons making the claim.
4. A "party in interest" is the person or persons making the claim and any person or persons who might be required to take action or against whom action might be taken in order to resolve the problem.
5. The term "days" when used in this policy shall, except where otherwise indicated, mean working school days.
6. Association shall mean any association of employees.
7. The Board shall mean the Board of Education of the Kadoka Area School District.

### **B. PURPOSE**

1. The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems which may arise affecting the welfare or working conditions of the teacher.
2. All parties agree that these proceedings shall be kept as informal and confidential as may be appropriate at any level of the procedure.
3. Nothing herein contained shall be construed as limiting the right of any teacher having a problem to discuss it informally with any appropriate representative of the association at any time.
4. Any employee or group of employees has the right at any time to present any grievance to such persons or board through such channels as are designated for that purpose.

### **C. TIME LIMITS**

1. Since it is important that grievances be processed as rapidly as possible, the number of days indicated as each level should be considered as maximum, and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement in writing.
2. In the event a grievance is filed at such time that it cannot be processed by the end of the school year, the time limits set forth herein will be reduced so that the grievance procedure may be completed prior to the end of the school year or as soon thereafter as it is practicable.

3. It is required that a teacher file a grievance within 30 calendar days after the teacher knew or should have known of alleged violation.

#### **D. INFORMAL PROCEDURES**

1. If a teacher has a grievance, he should first discuss the matter with his principal, administrator, supervisor, or superintendent to whom he is directly responsible in an effort to resolve the problem informally.
2. If, after such discussion, the teacher is not satisfied with the disposition of the matter, he shall have the right to have the association assist him in further efforts to resolve the problem informally with the principal or other appropriate administrator or supervisor.

#### **E. FORMAL PROCEDURES**

1. Level One: School Principal
  - a. If an aggrieved person is not satisfied with the disposition of his problem through informal procedures, he may submit his claim as a formal written grievance to his principal.
  - b. The principal shall within four (4) days render his decision and its rationale in writing to the aggrieved person.
  - c. A teacher who is not directly responsible to a building principal may submit his formal written grievance claim to the administrator to whom he is directly responsible. Said administrator shall carry out the aforementioned responsibility of the principal.
2. Level Two: Superintendent of Schools
  - a. If the aggrieved person is not satisfied with the disposition of his grievance at Level One, or if no decision has been rendered within four (4) days after presentation of the grievance in writing, he may file the formal written grievance with the Superintendent within four (4) days.
  - b. Within eight (8) days after receiving the grievance the Superintendent shall meet with the aggrieved person.
3. Level Three: Board of Education
  - a. If the aggrieved person is not satisfied with the disposition of his grievance at Level Two, or if no decision has been rendered within three (3) days after he has first met with the Superintendent, he may file the grievance with the Board.
  - b. After receiving the written appeal, the Board will arrange a hearing with the aggrieved person within eight (8) days after receiving the written grievance.
4. Level Four: Arbitration
  - a. If the aggrieved person is not satisfied with the disposition of the grievance at Level Three, or if no written decision has been rendered within eight (8) days after he has met with the Board, he may appeal the grievance to the Commissioner of Labor and Management, who shall conduct an investigation and shall issue an order covering the points raised, which order shall be binding on the employee and the governing body subject to appeal as provided by law.

**F. RIGHTS OF PARTICIPATION**

1. No reprisals of any kind shall be taken by any party against a participant in the grievance procedure by reason of such participation.
2. All parties in interest may be represented at all levels of the formal grievance procedure by persons of their own choosing.
3. When a grievant is not represented by the Association, the Association shall have the right to be present and to state its views at all stages of the formal procedure.

**G. MISCELLANEOUS**

1. If, in the judgment of the Association, a grievance affects a group or class of teachers, the Association may submit such grievance in writing to the superintendent directly, and the processing of such grievance shall begin at Level Two, except that the informal procedures must be complied with in all cases.
2. Decisions rendered at all levels of the formal grievance procedure shall be in writing setting forth the decision and its rationale.
3. All documents, communication and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.
4. Forms for filing and processing grievance and other necessary documents shall be prepared by the superintendent and made available through building principals and the Association so as to facilitate operation of the grievance procedure.
5. The sole remedy available to any teacher for any alleged breach of this policy or any alleged violation of his right hereunder shall be pursuant to the foregoing grievance and arbitration procedure provided, however, that nothing contained herein shall deprive any teacher, administrator or board of any legal right.
6. If a grievant initiates an action in a duly constituted court of law, this procedural policy shall not be available unless directed otherwise by said court.