

Columbia Board of Education Policy Committee  
May 19, 2014  
Minutes

Members Present:

From Board: President Christine King, Mr. Jonathan Sessions, Ms. Helen Wade

From CPS: Dr. Chris Belcher, Dr. Dana Clippard, Ms. Andrea Follett

Community: Mr. Paul Rainsberger, Dr. Blake Naughton

*--note: Dr. Naughton left meeting at 5:30 p.m.; Dr. Belcher left at 5:43 p.m.*

Ex-Officio Participants: Ms. Susan McClintic/MNEA, Ms. Kari Schuster/MSTA

The meeting began at 4:32 p.m. on a motion from President King, seconded by Ms. Wade.

President King moved to approve the minutes of the March meeting, and Ms. Wade seconded the motion. Minutes were approved. The committee did not meet in April due to several committee members' presence at a community event scheduled as the same time as the Policy Committee.

Upon review of other districts' versions of Policy GBM, Staff Complaints and Grievances, the committee discussed wording changes to the CPS version. Mr. Rainsberger provided a document for the group to work from, which blended language from the MSBA Model Policy GBM with the CPS current policy. Suggested wording changes were made; please see the attached draft of Policy GBM for specific details. The committee agreed that if wording to GBM could be agreed upon at the June meeting, the policy could be submitted to the Board for a first reading at its September 2014 meeting.

Ms. McClintic raised concerns on behalf of CMNEA regarding Policy GCBA, Professional Staff Salary Schedules, and its companion policy/regulation, Policy GCBA-R. Specifically, Ms. McClintic addressed that while GCBA-R allows a teacher from another district to bring up to 12 years of experience into CPS, salaries were frozen for existing CPS teachers in 2008-09 and 2009-10 (note: per the collective bargaining agreement between CPS and CMNEA approved in May 2014, the 2009-10 frozen year will be restored to teachers). Ms. McClintic stated that with regard to teacher hires, "you shouldn't be paid more than the people already here." Dr. Clippard suggested subtracting a year of experience credit for new-to-CPS hires to reflect the frozen year of 2008-09. Ms. Wade questioned how other Missouri districts address this issue in light of the desire to retain and attract the best teachers to CPS. Board members indicated their intent to further discussion on this issue.

The committee will meet again on Monday, June 16, at 4:30 p.m. in the Aslin Administration Building, Lower Level Conference Room.

The meeting adjourned at 6:05 p.m. on a motion from Mr. Rasinsberger, seconded by Mr. Sessions.

--Submitted by Andrea Follett

## STAFF COMPLAINTS AND GRIEVANCES

The Board of Education subscribes to an orderly, well-defined procedure for the resolution of problems presented by employees ~~and students~~ of the Columbia School District. It is recognized that most problems will be resolved in an informal manner and that **the** formal grievance procedures will be applied infrequently.

This procedure shall not apply to complaints for which state law establishes a procedure for obtaining a Board hearing, including, but not limited to, actions arising under the Missouri Teacher Tenure Act.

Each party may involve a representative of his/her own choosing ~~representatives~~ in the formal hearing meetings that are scheduled as a part of the grievance procedures. ~~No more than three (3) representatives shall be involved in the hearings by either party.~~ Because the point of a grievance is to provide resolution outside the court system, an employee is not entitled to bring an attorney to grievance proceedings. Once an attorney becomes involved in the process, the superintendent or designee will refer the matter to the District's private attorney, and the grievance will end.

**Access to this grievance procedure is subject to the provisions of any collective bargaining agreement.** Any employee ~~or student~~ shall have the right of access to the grievance procedures. No reprisal of any kind shall be taken against any person because of his or her participation in the grievance procedures. If the administration or Board of Education requires that an employee be released from his or her duties for the purposes of processing a grievance, such release shall be without loss of pay.

The final step in the grievance procedure shall be a formal, written appeal to the Board of Education. The decision of the Board will be considered final.

A submitted grievance shall be considered terminated, and may not be re-submitted, when any of the following occurs:

1. The ~~complaint~~ grievance is resolved at any level.
2. The ~~complaint~~ grievance is withdrawn.
3. The ~~complainant~~ grievant does not appear for a scheduled hearing, after proper notification.
4. The Board of Education has acted on the ~~complaint~~ grievance.

All documents relating to a grievance shall be filed at the central office in a file established or that purpose.

**Commented [UE1]:** This is based on existing policy GBM, with editorial revisions and adaptation of procedural steps from MSBA revised policy GBM.

**Commented [UE2]:** There is only one grievance procedure involved, and student grievances should be addressed separately.

**Commented [UE3]:** This retains the broader statement concerning the right to representation included in existing policy GBM.

**Commented [UE4]:** Added statement that the procedure is subject to a negotiated collective bargaining agreement.

**Commented [UE5]:** Somewhat redundant (see Step 4)

It shall be the responsibility of the Superintendent of Schools to cause specific procedures to be developed for the implementation of this policy and to ensure that a copy of the procedure is distributed to each employee. ~~These procedures, and any future changes, shall be called to the attention of the Board of Education.~~

## Definitions

**Days.** Calendar days, whether occurring during the regular school year or during the summer ~~but excluding: weekends; district designated holidays (whether on the original school calendar or designated thereafter); winter and spring breaks and other Board-designated breaks; and closing due to inclement weather, illness, natural disaster, or other emergencies.~~

~~Grievance. An allegation by an individual employee that a collective bargaining agreement or a specific, written, Board-adopted policy or regulation has been violated or misinterpreted. A grievance does not include concerns regarding performance evaluations or remedial documents, nonrenewal of contracts, employee discipline, reduction in force or termination. This policy does not apply if another Board policy or regulation or state or federal law provides due process, a hearing or a different method for addressing the issue.~~

**Grievance.** ~~A grievance and/or complaint shall be defined as~~ An employee's assertion that he or she is adversely affected by a violation, misinterpretation or misapplication of a published district policy, regulation or procedure. Complaints relating to discrimination or harassment will be resolved in accordance with policy AC.

**Grievant.** A district employee who has filed a grievance.

**Performance Evaluation or Remedial Documents.** Any assessment of employee performance including, but not limited to, notice of deficiencies, job targets, professional development plans and professional improvement plans.

## Grievance Process

1. Grievances must be filed within ~~ten (10)~~ fourteen (14) days of the occurrence that is the basis of the grievance **or within fourteen (14) days from when the grievant knew or should have known of the occurrence.** The grievance must be in writing, on the forms provided by the district, and include a copy of the provisions of the ~~collective bargaining agreement,~~ policy or regulation alleged to be violated or misinterpreted, as well as a statement of the relief requested.
2. Grievance will be processed according to the step-by-step process outlined below, with the following exceptions. If a person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step. If a grievance is directly based **on action by the Superintendent or on official Board**

**Commented [UE6]:** Instead of creating multiple exceptions to the use of calendar days, the proposed revisions follow a strict interpretation of calendar days, and extend time limits to equal one or two calendar week (seven or fourteen days respectively).

**Commented [UE7]:** This may require an exception for winter or spring breaks.

**Commented [UE8]:** This draft retains the existing definition of "grievance."

**Commented [UE9]:** Retention of this definition would depend on whether performance evaluation is grievable.

**Commented [UE10]:** See above comments concerning the clarity of the use of "calendar days." Additional statement concerning knowledge of the incident.

**Commented [UE11]:** This addresses the question raised in the meeting.

action, the grievance shall be directed to the Board ~~President secretary~~. The grievance may be heard by the Board at the sole discretion of the Board.

3. No new information may be added and no new claims may be made after Step 1. Each subsequent appeal will address only the facts and issues presented at Step 1.
4. The deadlines established under this policy may be extended upon the written request of the grievant or the supervisor, but the final decision regarding any extension shall be made by the superintendent at his or her sole discretion. Investigation and reporting deadlines will be extended when more time is necessary to adequately conduct an investigation and to render a decision. The grievant will be notified when deadlines are extended.
5. Failure of the grievant to appeal within the timelines given will be considered acceptance of the finding and remedial action taken. The district will not consider late appeals.

**[Note: the policy does not address the implications of a failure to respond by the supervisor, principal, etc.]**

6. Once a decision is rendered under this grievance process, the decision is final. Grievance decision cannot be the subject of a new grievance.
7. ~~Because the point of a grievance is to provide resolution outside the court system, an employee is not entitled to bring an attorney to grievance proceedings. Once an attorney becomes involved in the process, the superintendent or designee will refer the matter to the district's private attorney and the grievance process will end.~~

**[Note: This is much more restrictive than the current language concerning the right to representation.]**

#### *Immediate Supervisor (Step 1)*

1. Employees are encouraged to informally notify their immediate supervisor of a grievance. If the issue is not resolved, the employee ~~should~~ **may** submit a written grievance, on forms provided by the district, to the immediate supervisor. The written grievance must clearly indicate that it is a grievance and specify which provision(s) of policy, regulation ~~or collective bargaining agreement~~ were allegedly violated.
2. Within ~~ten (10)~~ **fourteen (14)** days of receiving the written grievance, the immediate supervisor will investigate the matter and render a decision in writing. A copy of the decision will be provided to the grievant.

#### *Principal or Designee (Step 2)*

**Commented [UE12]:** The policy does not address the implications of a failure to respond by the supervisor, principal, etc.

**Commented [UE13]:** This is much more restrictive than the current language concerning the right to representation.

This step may be omitted if the principal or designee serves as the immediate supervisor at Step 1 or if the employee's supervisor is not under the direct supervision of a principal.

1. Within ~~five (5)~~ **seven (7)** days after receiving the decision at Step 1, the grievant may appeal the decision in writing, using forms provided by the district, to the principal or designee. The appeal must clearly state why the previous decision is erroneous.
2. The principal or designee will, within ~~ten (10)~~ **fourteen (14)** days of receipt of the appeal, review the investigation and render a decision in writing to the grievant and the grievant's immediate supervisor.

*Superintendent or Designee (Step 3)*

1. Within ~~five (5)~~ **seven (7)** days after receiving the decision at Step 2, the grievant may appeal the decision in writing, using forms provided by the district, to the superintendent or designee. The appeal must clearly state why the previous decision is erroneous.
2. The superintendent or designee will, within ~~ten (10)~~ **fourteen (14)** days of receipt of the appeal, review the investigation and render a decision in writing to the grievant, the principal or designee and the grievant's immediate supervisor.

*School Board or Board Committee (Step 4)*

Within ~~five (5)~~ **seven (7)** days after receiving the decision at Step 3, the grievant may appeal the decision in writing, using forms provided by the district, to the Board of Education. The Board of Education, at its sole discretion, may decide to hear the grievance. *At the discretion of the Board President, a subcommittee of the Board of Education, consisting of three (3) members that may include officers of the Board, will be appointed to investigate the grievance and render a decision. The Board subcommittee will review the grievance documents and either render a final decision regarding the matter or decide to hear the grievance with all parties present. The decision of the Board subcommittee shall be final unless it is determined by the subcommittee that the grievance should be formally heard by the entire Board.*

**Documentation**

A grievant will receive a written response or report regarding his or her grievance, but the grievant and persons investigated in the course of the grievance are not entitled to view or receive copies of the investigation file or notes taken during the investigation, unless required by law. If an employee is disciplined as a result of the grievance, the discipline may be recorded in the employee's personnel file and discussed with the employee.

Information recorded in an employee's personnel file will not be shared except as provided in Board policy or required by law.

