Director Procedure Number: DJ114
Title: Complaint Procedure
Section: Operations

Complaint Procedure

I. Purpose

Effective management of school affairs requires responsible and effective means of resolving difficulties that may arise concerning anti-discrimination and other areas of compliance. To reduce potential areas of disagreement, and to establish and maintain recognized two-way channels of communication this policy is established.

II. Authority

The Joint Committee intends in this grievance policy to expedite the process for all parties concerned. The policy, therefore, has as its goals the following:

A. The policy is intended to be used after an attempt has been made to resolve a difficulty on a face-to-face basis between the parties concerned.
B. The policy is to secure proper and equitable solutions to complaints at the lowest appropriate level, and to facilitate an orderly succession of procedures.
C. There shall be no reprisals of any kind taken against any person because of participation in a complaint or support thereof.

III. Definition

For purposes of this policy, the terms used herein shall have the following listed definitions:

A. Complaint - A complaint is an informal or verbal allegation that there has been a violation, misinterpretation or inequitable application of any district policy or practice involving anti-discrimination legislation;
B. A Day - A day is any day that the school's administrative offices are open for business.
C. Grievant - Any parent or community member directly aggrieved by a decision or condition falling under the guidelines of anti-discrimination legislation.
D. Student - Any person enrolled as a student in any school and/or education or recreational program authorized by the Joint Committee.
E. Employee - Any full-time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered to the Joint Committee but excluding independent contractors.
F. Compliance Officer - The EASTERN employee or employees designated by the Director to coordinate compliance efforts with anti-discrimination legislation and charged with the responsibility of investigating complaints.
G. Grievance - A formal written complaint which:
    1. Sets forth the allegation that there has been a violation, misinterpretation or inequitable application of any EASTERN policy or practice involving antidiscrimination legislation;
    2. Specifically identifies the policy or statute violated, misinterpreted or inequitably applied;
    3. Furnished sufficient facts and background concerning the alleged violation, misinterpretation or inequitable application to identify persons, actions and/or omissions that led to the allegation.

IV. General Provisions

A. A grievance must be filed within 90 calendar days of the date of the circumstances which occasioned the grievance.
B. No person shall suffer recrimination or discrimination because of participation in this grievance procedure.
C. Whenever possible, hearings will be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school program.
D. Employees shall be free to testify regarding any grievance filed hereunder and the expense of necessary and approved release time shall be borne by the school when hearings must be scheduled during the school day.
E. Confidentiality will be observed pending resolution of the grievance or final decision by the Joint Committee.
F. Nothing contained herein shall be construed to limit in any way the option of the Joint Committee and the grievant to resolve any complaint or grievance mutually and informally.
G. These grievance procedures will not be required to be followed if other statutory procedures are available.
H. Requested extensions of time limits after a grievance is timely filed shall not be unreasonably denied by either party.

V. Procedure

Level I

A. The grievant shall prepare and file the grievance with the Compliance Officer.
B. The Compliance Officer shall investigate the matter with the parties concerned in the grievance within ten (10) days of the grievance filling.
C. The Compliance Officer shall issue a written report setting forth his/her findings and recommendations for the resolution of the grievance within five (5) days after the conclusion of the investigation.
D. The grievance shall be considered resolved if the grievant fails to file the grievance at Level II within the time limits set forth.
E. If no written report has been issued within the time limits set forth in C. above, or if the grievant or school shall reject the recommendations of the Compliance Officer, the grievant shall be free to file the grievance at Level II.

Level II

A. The grievant shall file the grievance with the Director within ten (10) days of the date the Compliance Officer's report was (or should have been) issued.
B. Within ten (10) days of the receipt of the grievance, the Director shall conduct a hearing with all parties involved in the grievance.
C. Within five (5) days of the completion of the hearings, the Director shall prepare and issue a report setting forth recommendations for the resolution of the grievance.
D. The grievance shall be considered resolved if the grievant accepts the recommendations of the Director, or if the grievant fails to file the grievance at Level III within the time limits set forth herein.

Level III

A. If the grievant rejects the recommendations of the Director or if the Director fails to issue a report within the time limits set forth above, the grievant shall be free to file the grievance at Level III within ten (10) days of the date the Director's recommendations were)or should have been) issued.
B. In any matter where the law requires a hearing before the Joint Committee the third step of this procedure shall be that hearing unless such a hearing was previously held or offered and rejected.
C. In any matter where the law does not require a hearing before the Joint Committee, the third step of this procedure shall be conducted by the Joint Committee or a mutually-selected compliance panel, at the discretion of the Joint Committee. The following apply if the latter is chosen:
    1. The grievant shall file the grievance by delivering it to the Joint Committee within the time limits set forth herein. Such filing shall include the name of a person selected by the grievant to sit upon an Ad Hoc Compliance Panel.
    2. Within ten (10) days of receipt of the grievance the ranking officer of the Joint Committee shall appoint one member to the Compliance Panel.
    3. The two members so selected shall meet and mutually agree upon a third panel member who shall be the chairperson of the panel. In the event the two members are unable to agree upon a third, they shall request the American Arbitration Association to submit a panel of qualified individuals from whom they shall select the chairperson.
    4. The Compliance Panel shall convene, hear the testimony of all interested parties, and seek such legal guidance as it deems necessary. The Compliance Panel shall have the authority to call witnesses and to establish the procedures for the hearing.
    5. The Compliance Panel shall issue its findings of fact and specific recommendations for the resolution of the grievance to both the grievant and the Joint Committee.
    6. The actual and necessary expenses of the panel shall be jointly borne by the Joint Committee and the grievant. Fees of panel members, if any, shall be paid by the parties who appointed them and fees, if any, of the panel chairperson shall be jointly paid by the grievant and the individual selected.
D. If the Joint Committee conducts the hearing, it shall follow the procedure set forth in C.4 above.
E. The grievance shall be considered resolved if the grievant accepts the Joint Committee's decision where it conducts the hearing or if the recommendations of the panel are accepted by the Joint Committee and the grievant where the Ad Hoc Compliance Panel is used.

Post Grievance Procedure Resolution

In the event that the grievance remains unresolved at the termination of this grievance procedure, the grievant is free to pursue such litigation or statutory remedy as the law may provide.

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