

Grievance Policy

South Texas Educational Technologies, Inc.
108802 (Local Policy)

PERSONNEL-MANAGEMENT RELATIONS : Employee Complaint/Grievances

GUIDING PRINCIPLES INFORMAL PROCESS	<p>The Board encourages employees to discuss their concerns and complaints through informal conferences with their principal or other appropriate administrator.</p> <p>Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p>
DIRECT COMMUNICATION WITH BOARD MEMBERS	<p>Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.</p>
FORMAL PROCESS	<p>If an informal conference regarding a complaint fails to reach the outcome requested by the employee, he or she may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.</p>
NOTICE TO EMPLOYEES	<p>The District shall inform employees of this policy.</p>
FREEDOM FROM RETALIATION	<p>Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.</p>
COMPLAINTS AGAINST	<p>Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board or designee.</p>
COMPLAINTS	<p>In this policy, terms “complaint” and grievance shall have the same meaning. This policy shall apply to all employee complaints, except as provided below.</p>
EXCEPTIONS	<p>This policy shall not apply to:</p> <ol style="list-style-type: none">1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA

(age), or Section 504 (disability).

2. Complaints alleging certain forms of harassment, including harassment by a principal and violations of Title VII.
3. Complaints concerning retaliation relating to discrimination and harassment.
4. Complaints concerning instructional materials.
5. Complaints concerning a commissioned peace officer who is an employee of the District.

FILING

Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE

At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. mail on or before the dead-line.

DAYS

“Days” shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

REPRESENTATIVE

“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.

The employee may designate a representative through written notice to the District at any level of this process. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.

CONSOLIDATING COMPLAINTS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.

UNTIMELY FILINGS	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>
COSTS INCURRED	<p>Each party shall pay its own cost incurred in the course of the complaint.</p>
COMPLAINT FORM	<p>Complaints under this policy shall be submitted in writing on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level one conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.</p> <p>A complaint form that is incomplete in any material aspect may be dismissed, but may be refilled with all the required information if the refilling is within the designated time for filing a complaint.</p>
AUDIO RECORDING	<p>As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.</p>
LEVEL ONE	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none"> 1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and 2. With the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor. <p>If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.</p>

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision. The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the employee at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline. The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two complaint. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the administration in reaching the Level Two decision.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law.

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an

opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio re-cording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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PERSONNEL-MANAGEMENT RELATIONS: EXHIBITS

The forms on the following pages are provided to assist the District in processing employee complaints/grievances.

Exhibit A: Employee Complaint Form – Level One – 2 pages

Exhibit B: Response to Level One Complaint – 1 page

Exhibit C: Level Two Appeal Notice – 1 page

Exhibit D: Response to Level Two Appeal – 1 page

Exhibit E: Level Three Appeal Notice – 1 page

Exhibit F: Board's Response to Level Three Appeal – 1 Page

EXHIBIT A

EMPLOYEE COMPLAINT FORM – LEVEL ONE (Page 1 of 2)

To file a formal complaint, please fill out this form completely and submit it by hand delivery, fax, or U.S. Mail to the appropriate administrator within the time established in DGBA (LOCAL). All complaints will be heard in accordance with DGBA(LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name _____

2. Address _____

Telephone number (____) _____

3. Position _____ Campus/Department _____

4. If you will be represented in voicing your complaint, please identify the person representing you.

Name _____

Address _____

Telephone number (____) _____

5. Please describe the decision or circumstances causing your complaint (give specific factual details):

6. What was the date of the decision or circumstances causing your complaint?

7. Please explain how you have been harmed by this decision or circumstance:

EMPLOYEE COMPLAINT FORM – LEVEL ONE (Page 2 of 2)

8. Please describe any efforts you have made to resolve your complaint informally and the responses to your efforts:

With whom did you communicate?

On what date? _____

9. Please describe the outcome or remedy you seek for this complaint:

Employee signature _____

Signature of employee's representative _____

Date of filing _____

Complaint, please note:

A complaint form that is incomplete in any material way may be dismissed, but may be refilled with all the required information if the refilling is within the designated time for filing a complaint.

Attach to this form any documents you believe will support the complaint; if unavailable when you submit this form, they may be represented no later than the Level One conference. Please keep a copy of the completed form and any supporting documentation for your records.

EXHIBIT B

RESPONSE TO LEVEL ONE COMPLAINT

_____ (date)
_____ (name of complainant)
_____ (address of complainant)

Dear _____:
Having considered the complaint we discussed in our Level One conference on
_____ (date), I have decided on the following response:

[Note: When preparing the letter, include only one of the following sentences.]

For the following reasons, I am unable to provide the remedy you seek:

I will take the following actions to grant the remedy you seek for your complaint:

Although I am unable to provide the full remedy you seek for your complaint, I will take the following actions to provide a partial remedy:

_____ (signature of supervisor, principal, or other appropriate administrator)

Complainant, please note:

To appeal this response, you must file a written notice of appeal with the appropriate administrator within the time limit set in DGBA(LOCAL). The necessary forms are available at _____ during regular business hours.

EXHIBIT C

LEVEL TWO APPEAL NOTICE

To appeal a Level One decision, or the lack of timely response after Level One conference, please fill out this form completely and submit it by hand delivery, fax, or U.S. Mail to the Superintendent or designee within the time established on DGBA(LOCAL). Appeals will be heard in accordance with DGBA(LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name _____

2. Address _____

Telephone number (____) _____

3. Position _____ Campus/Department _____

4. If you will be represented in voicing your appeal, please identify the person representing you.

Name _____

Address _____

Telephone number (____) _____

5. To whom did you present your complaint at Level One? _____

Date of conference _____

Date you received a response to the Level One conference _____

6. Please explain specifically how you disagree with the outcome at Level One:

7. Attach a copy of your original complaint and any documentation submitted at Level One.

8. Attach a copy of the Level One response being appealed, if applicable.

Employee signature _____

Signature of employee's representative _____

Date of filing _____

RESPONSE TO LEVEL TWO APPEAL

_____ (date)
_____ (name of complainant)
_____ (address of complainant)

Dear _____:
Having considered the appeal you presented at Level Two on _____ (date), I
have decided on the following response:

[Note: When preparing the letter, include only one of the following sentences.]

I am unable to grant your appeal and have instructed _____ (name) to find a
resolution in keeping with the remedy you seek.

Although I am unable to fully grant your appeal, I have instructed _____ (name)
to take the following actions as a partial remedy to your complaint:

_____ Superintendent (or designee)

Complainant, please note:

*To appeal this response, you must file a written notice of appeal with the appropriate
administrator within the time limits set in DGBA(LOCAL). The necessary forms are available at
_____ during regular business hours.*

EXHIBIT E

LEVEL THREE APPEAL NOTICE

To appeal a Level Two decision, or the lack of a timely response after Level Two conference, please fill out this form completely and submit it by hand delivery, fax, or U.S. Mail to the Superintendent or designee within the time established in DGBA(LOCAL). Appeal will be heard in accordance with DGBA(LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name _____

2. Address _____

Telephone number (____) _____

3. Position _____ Campus/Department _____

4. If you will be represented in voicing your appeal, please identify the person representing you:

Name _____

Address _____

Telephone number (____) _____

5. To whom did you present your appeal at Level Two? _____

Date of conference _____

Date you received a response to the Level Two conference _____

6. Please explain specifically how you disagree with the outcome at Level Two:

7. Do you want the Board to hear this appeal in open session? _____

Please be aware that the Texas Open Meetings Act may prevent the Board from granting a request for open session.

8. Attach a copy of your original complaint and any documentation submitted at Level One and a copy of your Level Two appeal notice.

9. Attach a copy of the Level Two response being appealed, if applicable.

Employee signature _____

Signature of employee's representative _____

Date of filing _____

EXHIBIT F

BOARD'S RESPONSE TO LEVEL THREE APPEAL

_____ (date)

_____ (name of complainant)

_____ (address of complainant)

Dear _____:

Having heard the representation of your appeal at Level Three, the Board took the following action at its meeting on _____ (date):

[Note: When preparing the letter or announcing the decision at the Board meeting, include only one of the following sentences.]

We have denied the appeal and have upheld the decision made by the Superintendent (or designee) at Level Two.

We have granted the appeal and have instructed the Superintendent to find a resolution in keeping with the remedy you seek.

We have we partially denied and partially granted the appeal and have instructed the Superintendent as follows:

Sincerely,

_____ President of the Board of Trustees

_____ SD