

# Policy 0203-03

## Patron Grievances

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The Board of Trustees welcomes constructive feedback intended to improve the quality of the educational program and related services of the West Ada School District (hereinafter "District"). The Board believes complaints and grievances are best settled as close to their origin as possible, and staff should be given every opportunity to consider the issues and attempt to resolve the problem prior to the involvement of the Board. Therefore, all complaints should be resolved through the proper channels in the following order:

1. Teacher or Staff
2. Principal or Supervisor
3. Director or Administrator
4. Superintendent or Designee of the Superintendent
5. Board of Trustees

Any complaint about the District, including curriculum, instruction, discipline, District policy or procedure, should be referred through proper administrative channels before it is presented to the Board for consideration.

The Board expects an orderly, prompt, considerate, and consistent procedure for patrons (hereinafter "Grievant") to seek resolutions without fear of reprisal.

Individual board members do not have the authority to resolve complaints or grievances. Whenever a complaint is made directly to the Board as a whole or an individual board member, the Grievant will be redirected to take their concern to the person whom the complaint is against. This policy provides the process for community members of the District who are not employees or students to resolve complaints.

Numerous types of complaints or grievances are addressed through different policies:

- Certified staff with a workplace grievance should refer to policy 401.16. Certificated Personnel Problem- Solving Mechanism.
- Classified staff with a workplace grievance should refer to policy 402.50, Grievance Procedure for Non- Certified Employees.
- All complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment (see policy 403.71).
- If the complaint alleges a violation of Title IX, Title 11, Section 504 of the Rehabilitation Act, or sexual harassment, the provisions of policy 403.8 will be applied to the complaint.

If the grievance is against a contractor or its employee(s) who provides services to the District, the District will work directly with the contractor to resolve the grievance in accordance with the terms and contract provisions in lieu of this policy.

A grievance shall be defined as a written allegation of:

1. A violation of a current written Board policy
2. A violation of the United States or the State of Idaho constitutions
3. A violation of United States or the State of Idaho statutes

A district patron may file a grievance about any matter relating to an experience that occurred within the District, only if it directly relates to any of the grounds for a grievance provided for in items A, B or C directly above this paragraph.

Grievances will be processed according to the step-by-step process outlined below. However, if the person designated to hear a grievance is the subject of the grievance, the grievance process will begin at the next highest step and the process shall be modified as needed to meet the objectives of the grievance procedure. If a grievance is directly based on official Board action, the grievance shall be directed to the Board. The grievance may be heard by the Board at the sole discretion of the Board. If two (2) or more trustees notify the clerk that this item should be heard by the board, then the matter will be placed before the board chair, for decision regarding placement on an upcoming board agenda, as an Executive Session item.

## Grievance Procedure

This procedure should be followed if a grievant believes that employees of the District have violated the grieving parties' rights guaranteed by the Federal or State constitutions, Federal or State statutes, or written Board policy.

The District will endeavor to respond to and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies, and the use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

### Level 1 Informal

A grievant with a complaint is encouraged to first discuss it with the person whom the complaint is against, with the objective of resolving the matter promptly and informally. A grievant must bring the complaint to the person whom the complaint is against within thirty (30) calendar days of the event or incident, or from the date that the grievant could reasonably be aware of such occurrence. Failure to engage in Level 1 of this process within thirty (30) calendar days of the event or incident or from the date

that the grievant could reasonably be aware of such occurrence will result in the grievance not being processed. If the informal grievance process does not resolve the issue the process outlined in Level 2 below will be followed.

## **Level 2 Principal/Supervisor**

If the complaint is not resolved at Level 1, the grievant may file a written grievance within ten (10) working days from the informal grievance meeting, stating:

1. The nature of the grievance, including specifics as to what provisions of the Federal or State Constitution, Federal or State Statute, or specific Board Policy is alleged to have been violated as well as the date of the event(s) in question;
2. Identification of the efforts that have been made to attempt to resolve the matter informally, including the dates of any meetings, copies of any communication exchanged, and the outcome of these efforts; and
3. The remedy requested.

Upon receipt of the written complaint, the Principal/Supervisor shall first determine that the complaint meets the criteria of the grievance definition in this policy and that such has been filed in a timely manner. If the Principal/Supervisor determines the complaint meets the criteria and is timely, the process shall move forward. However, if the complaint does not meet the criteria and/or is untimely, the Principal/Supervisor shall notify the grievant in writing that the complaint does not meet the requirements for this policy and this process shall end.

If the complaint does meet the criteria, the Principal/Supervisor shall schedule a meeting with the grievant and the person against whom the complaint is against within ten (10) working days of receipt of the written grievance. The Principal/Supervisor will have ten (10) working days from the date of the meeting(s) to provide a written response to the grievant regarding their decision. If the grievant is not satisfied with the Principal/Supervisor decision, the grievance may be advanced to Level 3 by requesting in writing that the appropriate Region Director/Administrator review the principal/supervisor decision. This request must be submitted to the Region Director/Administrator within ten (10) working days of receipt Principal/Supervisor decision.

## **Level 3 Region Director/Administrator**

Upon receipt of the request for review, the Region Director/Administrator shall first determine that the request for review of the complaint has been filed in a timely manner. If the request for review is untimely, the Region Director/Administrator shall notify the grievant in writing that the request for review does not meet the requirements for this policy and this process shall end. If the Region Director/Administrator determines that the review of the complaint is timely, the process shall move forward. Within ten (10) working days of receiving the request for review, the Region Director/Administrator shall schedule a meeting between the parties and the Principal/Supervisor. The parties shall be afforded the opportunity to either dispute or

concur with the Principal/Supervisor report. The Region Director/Administrator shall decide the matter within ten (10) working days of the meeting(s) and shall notify the parties in writing of the decision.

If the Region Director/Administrator agrees with the recommendation of the principal/supervisor, the recommendation will be implemented. If the Region Director/Administrator rejects the recommendation of the principal/supervisor, the matter may either be referred to an outside investigator for further review or resolved by the Region Director/Administrator. In the case of the matter being referred to an outside investigator, the complainant will be notified of that decision and the need for additional time for that investigation to be completed. The Region Director/Administrator will provide the complainant with a timeline for a final decision, not to exceed (ten) 10 additional working days. If either party is not satisfied with the Region Director's/Administrator's decision, the grievance may be advanced to Level 4 by requesting in writing that the Superintendent review the Region Director's/Administrator's decision. This request in writing must be submitted to the Superintendent within ten (10) working days of receiving the Region Director's/Administrator's decision.

## **Level 4 Superintendent or designee of the Superintendent**

Upon receipt of the request for review, the Superintendent/designee shall first determine that the request for review of the complaint has been filed in a timely manner. If the request for review is untimely, the Superintendent/designee shall notify the grievant in writing that the request for review does not meet the requirements for this policy and this process shall end. If Superintendent/designee determines that the request for review is timely, the process shall move forward. Upon determination that the process shall move forward, the Superintendent/designee shall schedule a meeting between the parties, Region Director/Administrator, and Principal/Supervisor within ten (10) working days of receipt of the request. The parties shall be afforded the opportunity to either dispute or concur with the Region Director's/Administrator's report.

The Superintendent/designee shall decide the matter within fifteen (15) working days of the meeting and shall notify the parties in writing of the decision. If the Superintendent/designee agrees with the recommendation of the Region Director/Administrator, the recommendation will be implemented. If the Superintendent/designee rejects the recommendation of the Region Director/Administrator, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent/designee. In the case of the matter being referred to an outside investigator, the complainant will be notified of that decision and the need for additional time for that investigation to be completed. The Superintendent/designee will provide the complainant with a timeline for a final decision, not to exceed ten (10) additional working days.

If either party is not satisfied with the decision of the Superintendent or designee of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) working days of receiving the Superintendent's/designee's decision. The Board is the policy-making body of the

District and appeals to that level must be based solely on whether a policy has been violated. Any individual appealing a decision of the Superintendent or designee bears the burden of proving a Board policy violation.

## Level 5 - Board of Trustees

Upon receipt of a written appeal of the decision of the Superintendent or designee of the Superintendent, and assuming the individual alleges a failure to follow Board policy, and the request for review is timely, the matter shall be placed on the Board agenda as soon as is practicable for the Board. A Board decision shall be made and reported in writing by the Board Clerk to all parties within thirty (30) working days of that meeting. The decision of the Board of Trustees will be final.

## GRIEVANCE AGAINST THE SUPERINTENDENT

If the grievance is against the Superintendent, the expectation remains that individuals bringing the complaint should first discuss the issue with the Superintendent, as situations are best handled and resolved as close to their origin as possible. If the grievant is not satisfied with the results from that conversation with the superintendent, the matter may be escalated by the grievant to the Board for their consideration. The grievant should send their complaint to the Board Clerk and the Board Chairperson.

This complaint shall be submitted within ten (10) working days from the meeting with the Superintendent. The complaint shall identify the following:

1. The nature of the grievance, including specifics as to what provisions of the Federal or State Constitution, Federal or State Statute, or specific Board policy is alleged to have been violated as well as the date of the event(s) in question;
2. Identification of the efforts that have been made to attempt to resolve the matter informally, including the dates of any meetings, copies of any communication exchanged, and the outcome of these efforts; and
3. The remedy requested.

After receipt of a written complaint against the superintendent, the information will be sent to each of the individual trustees. If any trustee believes that the complaint meets the definition of a grievance, the trustee should notify the Board Clerk. If two (2) or more trustees advise the Board Clerk that they believe the complaint meets the definition of a grievance and such grievance is timely pursuant to this policy, the matter will be placed before the board chair, for decision regarding placement on an upcoming board meeting agenda as an Executive Session item. If the matter is placed on the board agenda, the matter will be discussed in Executive Session. During Executive Session, the Board may decide to refer the matter to an outside individual or agency to review/investigate the complaint. After the Board's Executive Session, the Board may:

1. Provide the individual filing the grievance appeal a written response;

2. Await receipt of a report (verbal or written) from any outside individual or agency designated to review/investigate the complaint. Upon receipt of such report, thereafter, provide the individual filing the grievance a written response.

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Reference: Idaho Code 33-6001