

<b>POLICY—410.11—CONCERNS/COMPLAINTS/GRIEVANCES (LICENSED)</b>		
	<i>DISTRICT CODE:</i> 410.11	<i>ADOPTED:</i> 8.30.11 (NEG)
	<i>RESCINDS:</i> GBK	<i>ADOPTED:</i> 6.12.07
<b><u>BOARD POLICY</u></b>		
<p>1. The Board of Education recognizes the need to establish a grievance procedure for licensed employees.</p> <p>2. The Board authorizes the Superintendent and District Administration to establish administrative regulations consistent with this policy.</p>		
	<i>ADMIN-REG:</i> 410.11-1	<i>APPROVED:</i> 8.30.11
<b><u>ADMINISTRATIVE REGULATION—410.11-1: (Definitions)</u></b>		
<b><u>Definitions:</u></b>		
<p>1. Grievance - A complaint which:</p> <p>1.1. Sets forth the allegation that there has been a violation of any District policy, or state or federal law.</p> <p>1.2. Specifically identifies the policy or statute violated.</p> <p>2. Grievant - Any student, employee, teacher or parent aggrieved by a decision or condition falling under District policy, or state or federal law.</p> <p>3. Chief Civil Rights Officers - The District employee or employees designated to coordinate compliance efforts concerning District policy and state and federal law charged with the responsibility of investigating complaints.</p>		
	<i>ADMIN-REG:</i> 410.11-2	<i>APPROVED:</i> 8.30.11
<b><u>ADMINISTRATIVE REGULATION—410.11-2: (Grievance Procedure)</u></b>		
<p>1. <b>Step (1) One:</b></p> <p>1.1. Any licensed employee alleging a grievance is encouraged to resolve the problem, if possible, through an informal discussion with the immediate supervisor. If this is not satisfactory, the grievant shall file at Step 2.</p> <p>2. <b>Step (2) Two:</b></p> <p>2.1. Any licensed employee alleging a grievance shall present a completed grievance form to his/her immediate supervisor. A copy of the grievance will be immediately forwarded by the supervisor to the Chief Civil Rights Officer who</p>		

shall then submit the issue in question to the employee agent group in writing. The employee agent has the option of reviewing the issue and making a written response to the Chief Civil Rights Officer.

- 2.1.1. The supervisor shall respond to the grievance, in writing, within five (5) working days following receipt of the grievance.
- 2.1.2. If the response (decision) does not resolve the problem, the grievant shall be free to file the grievance at Step 3.

### **3. Step (3) Three:**

- 3.1. The Investigatory Committee may be activated at this step only. (See Miscellaneous Item 9.)
  - 3.1.1. The grievant shall prepare and file the grievance with the Chief Civil Rights Officer.
  - 3.1.2. The Investigation Committee or the Civil Rights Officer shall investigate the complaint with the parties concerned in the grievance within fifteen (15) working days of the grievance having been filed.
  - 3.1.3. The Chief Civil Rights Officer shall issue a written report setting forth his/her findings and recommendations for the resolution of the grievance within five (5) working days after the conclusion of the investigation.
  - 3.1.4. The grievance shall be considered resolved if the grievant and the District accept the recommendations of the Chief Civil Rights Officer, or if the grievant fails to file the grievance at Step 4 within the time limits set forth herein.
  - 3.1.5. If no written report has been issued within the time limits set forth in "3.1.3" above, or if the grievant or District shall reject the recommendations of the Chief Civil Rights Officer, the grievant shall be free to file the grievance at Step 4.

### **4. Step (4) Four:**

- 4.1. If the grievant rejects the recommendations of the Chief Civil Rights Officer, or the Chief Civil Rights Officer fails to issue a written report in the time specified, the grievant shall have ten (10) working days to request that an impartial hearing examiner be selected to hear the grievance. (Procedures for the selection of the hearing examiner are in the miscellaneous provisions.)
- 4.2. The hearing examiner shall submit written recommendations to the Superintendent and the grievant or his/her designated representative within ten (10) working days after the hearing.
- 4.3. The Superintendent shall, within five (5) working days, submit in writing to the grievant the District's decision to reject or accept the hearing examiner's recommendation.

### **5. Step (5) Five:**

- 5.1. If the grievant rejects the recommendations of the Director of Civil Rights and

Accommodations, or the Chief Civil Rights Officer fails to issue a written report in the time specified, the grievant shall have ten (10) working days to request that an impartial hearing examiner be selected to hear the grievance. (Procedures for the selection of the hearing examiner are in the miscellaneous provisions.)

- 5.2. The grievance at Step 5 shall be filled with the Board in the following manner:
- 5.2.1. The grievant shall file the grievance by delivering it to the Board within the time limits set forth herein.
  - 5.2.2. Within ten (10) working days of receipt of the grievance, the Board shall establish a hearing date to hear the testimony of all interested parties. The Board shall have the authority to call witnesses for the hearing. Such hearing will be held within twenty (20) working days of the filing of the grievance.
  - 5.2.3. Within thirty (30) working days of the filing of the grievance at Step 5, the Board shall issue its determination of the grievance. The findings of the Board shall be final and binding.

ADMIN-REG:  
410.11-3

APPROVED:  
8.30.11

**ADMINISTRATIVE REGULATION—410.11-3: (Miscellaneous Provisions)**

1. A grievance must be filed within twenty (20) working days of the date grievant knew or should have known of the circumstances which precipitated the grievance.
2. A grievance shall furnish sufficient background concerning the alleged violation which identifies date(s), time(s), person(s), and actions that led to the allegation.
3. No person shall suffer recrimination or discrimination because of participation in this grievance procedure.
4. Hearings should be scheduled during a mutually convenient time.
5. Employees shall be free to testify regarding any grievance filed hereunder.
6. Confidentiality will be observed pending resolution of the grievance or final decision by the Board.
7. Nothing contained herein shall be construed so as to limit in any way the ability of the District and the grievant to resolve any grievance, mutually and informally.
8. The grievant shall be entitled to representation of his/her choice in all stages of these proceedings.
9. The Investigatory Committee shall be selected as follows: The District shall designate one member of its choice and the employee agent shall designate one member of its choice, and these two appointees shall recommend a third committee member subject to the approval by the employee agent and the District. This committee shall conduct investigations of grievances filed by persons asking to be represented by the employee agent and shall report the results of its findings and its recommendations, in writing, to the Chief Civil Rights Officer who shall be responsible to make final determination of all

grievances. All grievances shall be investigated and a response made, regardless of whether or not the grievant asks for representation.

All committee appointments shall be made prior to the beginning of each school year. When required, all members of the Investigative Committee shall be excused from their regular assignments to perform investigations.

10. Hearing examiners shall be persons who will conduct hearings in a fair and neutral manner.
11. Hearing examiners may either be District hearing examiners or non-district employee hearing examiners.
12. The employee agent and the District may agree to use the American Arbitration Association (AAA) for Level IV hearings. This includes following the rules and procedures as outlined by the AAA.
13. The cost of services of the hearing examiner shall be equally shared by the District and the educator or the organization representing the educator.
14. 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.
15. Employees should exhaust all District grievance procedures before seeking other legal remedies.

**EXHIBITS**

None

**REFERENCES**

None

**FORMS**

None

*CANYONS BOARD OF EDUCATION*

This online presentation is an electronic representation of the Canyons School District's currently adopted policy manual. It does not reflect updating activities in progress. The official, authoritative manual is available for inspection in the office of the Superintendent located at 9361 South 300 East Sandy, UT 84070.