

GRIEVANCE PROCEDURE POLICY

I. DEFINITIONS

- A. A "grievance" is a complaint by a teacher or a group of teachers based upon an alleged violation, misinterpretation, or inequitable application of any existing policies, rules, or regulations of the school district as they apply to conditions of employment or of any of the provisions of this agreement. The absence of or disagreement with existing policy, rules, or regulations is not a "grievance" and may be subject to annual negotiation under the negotiations policy.
- B. The term "teacher", except where otherwise indicated, is considered to apply to any certificated professional employee not classified as administrative personnel. The term "teacher" may include a group of teachers who are similarly affected by a grievance.
- C. An "aggrieved person" is the person or persons making the claim.
- D. A "party in interest" is the person or persons making the claim and any person or persons who might be required to take action or against whom action might be taken in order to resolve the problem.
- E. The term "days" when used in this policy shall, except where otherwise indicated, mean working days. In the event that a grievance remains unresolved at the end of the school year, days "shall mean calendar days".
- F. Association shall mean any association of employees recognized by the Board for the purpose of meeting and negotiating with the Board.
- G. The Board shall mean the Board of Education of the Pierre School District.

II. PRINCIPLES

- A. The purpose of this procedure is to secure, at the lowest possible administrative level, equitable solutions to the problems which may arise affecting the welfare or working conditions of teachers.
- B. All parties agree that these proceedings shall be kept as informal and confidential as may be appropriate at any level of the procedure.
- C. Nothing herein contained shall be construed as limiting the right of any teacher having a problem to discuss the matter informally with any appropriate representative of the association at any time.
- D. Any employee or group of employees has the right at any time to present any grievance to such persons or Board through such channels as are designated for that purpose.

III. STRUCTURE

The association shall maintain a grievance committee (hereinafter referred to as the "committee"), which shall be constituted in such a manner as may be determined by the association.

IV. TIME LIMITS

- A. Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum, and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement in writing.
- B. In the event a grievance is filed at such time that it cannot be processed by the end of the school year, the time limits set forth herein will be reduced so that the grievance procedure may be completed prior to the end of the school year or as soon thereafter as it is practicable.
- C. It is required that a teacher files a grievance within 30 days after the alleged violation.

V. INFORMAL PROCEDURES

- A. If a teacher has a grievance; he/she should first discuss the matter with his/her principal, administrator, or supervisor to whom he/she is directly responsible in an effort to resolve the problem informally.
- B. If, after such discussion, the teacher is not satisfied with the disposition of the matter, he/she has the right to have any representative assist him/her in further efforts to resolve the problem informally with the principal or other appropriate administrator or supervisor.

VI. FORMAL PROCEDURES

- A. Level One: School Principal
 - 1. If an aggrieved person is not satisfied with the disposition of his/her problem through informal procedures, he/she may submit his/her claim as a formal written grievance to his/her principal.
 - 2. The principal shall within five (5) days render his/her decision and its rationale in writing to the aggrieved person, with a copy to the representative of the aggrieved person.
 - 3. The principal shall keep on file a statistical summary of the number and types of grievances processed, not to include individual names or details of the grievances.
 - 4. A teacher who is not directly responsible to a building principal may submit his/her formal written grievance claim to the administrator to whom he/she directly is responsible or under whose jurisdiction the grievance arose. Said administrator shall carry out the aforementioned responsibility of the principal.
- B. Level Two: Superintendent of Schools
 - 1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level One, or if no decision has been rendered within five (5) days after presentation of the grievance in writing, he/she may file the formal written grievance with the association's committee within three (3) days after the decision at Level One or either (8) days after the grievance was presented, whichever is sooner.
 - 2. Within ten (10) days after receiving the formal written grievance, the committee shall provide an opportunity for the aggrieved person to meet with the committee for the purpose of reviewing the grievance, and the committee shall give to the aggrieved person a written opinion regarding the merits of his/her case.
 - 3. Within three (3) days after receiving the committee opinion, or within thirteen days after the grievance was filed with the committee, whichever is sooner, the aggrieved person may file a written appeal with the committee for a hearing by the Superintendent of Schools. Within two (2) days of its receipt, the committee through its chairman shall submit such appeal to the Superintendent.
 - 4. The Superintendent of Schools or his/her representative shall act for the administration at Level Two of the grievance procedure. Within ten (10) days after the receipt of the written appeal for a hearing by the Superintendent, the Superintendent shall meet with the aggrieved person and with a representative of the committee for the purpose of resolving the grievance. A full record of such hearings shall be kept by the Superintendent and made available to the parties in interest upon written request and assurance of confidence. The Superintendent shall within three (3) days of the hearing render his/her decision and its rationale in writing to the aggrieved person, with a copy of the committee.
 - 5. A representative of the association's committee shall have the right to attend and participate in the meeting of the Superintendent and the aggrieved person relating to the grievance presented to the Superintendent.
- C. Level Three: Board of Education

1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level Two, or if no decision has been rendered within three (3) days after he/she has first met with the Superintendent, he/she may file the grievance again with the association's committee within five (5) days after a decision by the Superintendent, or ten (10) days after he/she has met with the Superintendent, whichever is sooner.
 2. After receiving such further appeal, the committee through its chairman may refer the grievance to the Board of Education for consideration at its next regular meeting. The request to meet with the Board of Education must be made within fifteen days after the grievance has met with the Superintendent.
 3. After receiving the written appeal, the Board may appoint a fact finder to review the grievance and its processing to this point and to report to the Board at its next regular meeting or at a special meeting prior to its meeting with the aggrieved person and with the representative of the committee for the purpose of resolving the grievance. The decision of the Board shall be rendered in writing within five (5) days.
- D. Level Four: Arbitration
1. If the aggrieved person is not satisfied with the disposition of his/her grievance at Level Three, or if no decision has been rendered within five (5) days after he/she has first met with the Board, he/she may, within five (5) days after a decision by the Board or ten (10) days after he/she has first met with the Board, whichever is sooner, request in writing to the committee and the association that his/her grievance be submitted to arbitration.
 2. If, after following the grievance procedure enacted by the Board, the grievance remains unresolved, it may be appealed to the South Dakota Department of Labor, Division of Labor and Management, which shall conduct an investigation and hearing and shall issue an order covering the points raised, which order shall be binding on the employees and the Board, unless appealed to the courts. The Association or Grievant(s) must file the appeal to the Division of Labor and Management within 30 days of the school Board's having delivered or mailed its final disposition of the grievance to the aggrieved person (6-6-86).
 3. These procedures shall not be construed so as to prevent any individual on his/her own initiative from exercising the procedural rights accorded an association.

VII. RIGHTS OF PARTICIPATION

- A. No reprisals of any kind shall be taken by any party against any other participant in the grievance procedure by reason of such participation.
- B. All parties in interest may be represented at all levels of the formal grievance procedure by persons of their own choosing.
- C. When a teacher is not represented by the association, the association shall have the right to be present and to state its views at all stages of the procedure (except at Level Three if the Board elected to go into executive session).
- D. If either party plans to be represented by legal council a notice must be given five (5) days in advance of hearing to the other party.

VIII. MISCELLANEOUS

- A. If, in the judgment of the committee, a grievance affects a group or class of teachers, the committee may submit such grievance in writing to the Superintendent directly, and the processing of such grievance shall begin at Level Two.
- B. Decisions rendered at all levels of the formal grievance procedure shall be in writing setting forth the decision and its rationale. Decisions rendered at Level Four shall be in accordance with the procedures set forth in Article VI, Section D.

- C. All documents, communications, and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants.
- D. Forms for filing and processing grievances and other necessary documents shall be prepared by the superintendent and made available through building principals, the association representative, and the committee so as to facilitate operation of the grievance procedure.
- E. The sole remedy available to any teacher for any alleged breach of this policy or any alleged violation of his/her rights hereunder shall be pursuant to the foregoing grievance and arbitration procedure provided, however, that nothing contained herein shall deprive any teacher, administrator, or Board of any legal right.
- F. If a grievant initiates an action in a duly constituted court of law, this procedural policy shall not be available unless directed otherwise by said court.