

COMPLAINTS AND GRIEVANCES

Any employee of the Evangeline Parish School Board shall have the right to appeal the application of a policy and/or procedure affecting him/her. Complaints or grievances about any job action taken against an employee are excluded from this policy. The person(s) filing the grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal in presenting his/her appeal with respect to a personal grievance. The primary purpose of this procedure is to secure, at the most immediate level possible, an equitable solution to the claim of the aggrieved employee(s).

If at any step of the procedure outlined below, the administration fails to comply with the timelines set forth therein, the complaint and/or grievance will immediately move to the next higher step in the process for review and decision.

PROCEDURES

Any complaint by a teacher, group of teachers, other school employees or group of employees about or involving the school system shall be reviewed in accordance with the following procedure.

Before any grievance is submitted, an employee with a grievance shall first discuss it orally with his/her immediate supervisor or principal. Within five (5) days thereafter, the supervisor or principal shall render an oral decision.

Step One

In the event that the employee is not satisfied with the oral decision of the immediate supervisor/principal, or if no decision has been rendered, an employee shall submit a written complaint to the principal or their immediate supervisor within ten (10) working days of the date of the alleged complaint. If the complaint is not submitted within the time prescribed, the employee has no further right with respect to the claim or grievance. The complaint shall specify the nature of the grievance, with reasonable particularity, including names of person(s) involved, law or policy alleged to be violated, and relief requested.

Within five (5) working days of the receipt of a complaint, the principal and/or the immediate supervisor and the employee(s) shall meet to attempt to resolve the complaint. The principal or the immediate supervisor shall receive, investigate and consider information from all affected parties he/she feels necessary to resolve the complaint and to make a decision.

Within five (5) working days following the meeting between the principal or the immediate supervisor and the employee(s), the principal or the immediate supervisor

shall mail or deliver his/her decision in writing to the employee(s). The principal or immediate supervisor is required to document the date the employee receives the written decision.

Step Two

If the employee (or group of employees) is not satisfied with the disposition of the grievance by the principal or the immediate supervisor, then within five (5) working days of receipt of the decision from the principal or the immediate supervisor, the employee(s) or the employee's representative may submit to the Superintendent or designee a written request for a Step 2 review together with a copy of the written decision rendered in Step One. If the employee fails to request the review within the time limit set out above, the employee shall have no further right to proceed through the complaint/grievance process.

The Superintendent or designee shall within ten (10) working days provide a written notice to the employee(s) of the disposition of the grievance based upon the file presented to the Superintendent or designee. The date of receipt by the employee of the written notice of the disposition shall be documented in the file.

Step Three

If the employee is not satisfied with the written notice of disposition of the grievance by the Superintendent or designee, the employee(s) may, within ten (10) working days of the date of receipt of the Superintendent's notice of disposition, request a full hearing, of the claim or grievance before the Superintendent or designee. If the employee fails to request a hearing within the time limit set out above, the employee shall have no further right to proceed through the complaint/grievance process.

The Superintendent or designee shall schedule the full hearing with the employee(s) within ten (10) working days of the request for a hearing. The Superintendent or designee may receive at the hearing written statements of witnesses, other written materials and/or interview witnesses, if relevant to the claim or complaint. The hearing is an informal meeting or hearing controlled by the Superintendent or designee. The purpose of any such fair hearing is to resolve the complaint. The Superintendent or designee shall provide for the recording of the hearing and will maintain a transcript of the proceedings. Following the hearing, the Superintendent or designee shall make a written recommendation regarding the disposition of the grievance. The recommendation of the Superintendent or the designee will be provided to the employee not more than twenty (20) working days following the hearing. The Superintendent or designee's recommendation, together with a copy of the transcript of the hearing as well as the previous decisions, shall also be provided to the School Board within the same time frame set out above for disposition of the grievance.

Step Four

On the basis of the written recommendation and the transcript of the hearing before the Superintendent or designee provided to the School Board, the School Board shall dispose of the grievance. There shall be no hearing involving testimony, the receipt of evidence or additional matters before the School Board. An employee or their representative may comment on the School Board's proposed disposition of the grievance. The School Board shall vote to affirm, reverse or modify the recommendation, or remand back to the Superintendent or designee for more information. Notice of the School Board's decision shall be given to the employee(s) and to the individuals who rendered the Step One, Step Two, and Step Three decisions. The School Board's action shall be **final**.

DEFINITIONS

1. A *grievance* is a claim by an employee or group of employees that he/she has suffered harm or injury by the interpretation, application or violation of a contract, a School Board policy, a law or constitutionally guaranteed rights, including the *Americans with Disabilities Act*.
2. Any claim by an employee or group of employees that there has been a violation of rights shall be a grievance and shall be resolved through the procedures set forth herein.
3. The term *day* shall mean working days.

MISCELLANEOUS

1. A grievance may be withdrawn at any level without prejudice of record. Additionally, there shall be no recrimination against a person because a grievance has been filed in accordance with the provisions outlined herein.
2. Copies of all written decisions of grievances shall be sent to all parties involved.
3. All documents, communications, or records dealing with a grievance shall be made part of the personnel files of the participants.
4. Appeals of grievance decisions shall be limited to the specific issues raised in the original grievance. The parties in interest will not be allowed to expand the issues during the grievance procedure, except to the extent necessary to respond to administrative decisions made along the way.
5. Failure by the aggrieved person to meet the time lines and requirements of this procedure shall result in dismissal of his/her grievance. Failure by respondent to meet the time lines and requirements of this procedure shall allow the aggrieved

person, at his/her option, to proceed to the next level of appeal.

6. If the aggrieved person voluntarily or involuntarily leaves the employment of the Board during the pendency, at any level, of a complaint or grievance, then such aggrieved person loses the right to continue the complaint process.
7. Termination or disciplinary action against an employee may not form the basis of a complaint or grievance by that employee.

REPRESENTATION

The person submitting the grievance shall have the right to present his/her own grievance or may designate a representative to appear with him/her at any level of the above procedure.

The person submitting the grievance who chooses to have representation shall provide advance notice of such in writing to the superior at the respective procedural level at least two (2) days prior to the hearing on the grievance.

EFFECT OF SETTLEMENT

Any settlement of a grievance shall be applicable to that grievance only and shall not be the binding authority for the disposition of any other grievance. Any grievance initiated under this procedure shall be brought by and for the employee or student alleging action by the Board affecting the rights of the employee or student initiating the grievance.

Ref: La. Rev. Stat. Ann. §17:100.4; Pickering v. Board of Education, 88 S. Ct. 1731 (1968); Board minutes, 4-19-79, 9-4-91, 5-15-96.