

Tapestry Public Charter School Policy Manual

Staff Complaints and Grievance Policy

Revised: 8/17/2019

Tapestry Public Charter School is committed to providing a professional work environment free from discrimination and harassment, where all teachers, staff, and students are treated with dignity and respect. As such, it is the policy of the School to prohibit discrimination on the basis of age, gender, race, religion, national origin, disability, or sexual preference and to prohibit harassment of any kind by or against employees and students of the School. Any act of discrimination or harassment shall result in prompt and appropriate disciplinary action, up to and including termination.

Complaint and Grievance Procedure

The purpose of this policy is to provide Tapestry Public Charter School and its employees an opportunity to reach solutions to problems, disputes, or controversies that may occur and to provide a mechanism for employees to submit complaints regarding instances of unlawful discrimination or harassment or other action in violation of law or regulation.

Under this procedure, an employee of the School who has been affected in his or her employment relationship by a violation, misinterpretation, or misapplication of statutes, policies, rules, regulations, or written agreements of the School or with which Tapestry Public Charter School is required to comply may file a complaint. Anyone who files a complaint under these procedures shall not be subject to reprisal; if such retaliation occurs he or she may refer the matter to the Professional Standards Commission.

The Governing Board of the School has the discretion to send an employee complaint directly to Level II or Level III, if appropriate or necessary. A complaint filed under this procedure for any of the following reasons shall move immediately to Level III for consideration by the Board:

- Performance ratings contained in personnel evaluations and professional development plans; however, this does not apply to complaints regarding procedural deficiencies in conducting the evaluations;
- Job performance; and/or
- Termination, nonrenewal, demotion, suspension, or reprimand of any employee.

In an effort to maintain good morale, enhance effective job performance, and to better serve citizens of this community, employees are encouraged to resolve conflicts at the lowest level, with the minimum amount of formal proceeding as is necessary to reach an expeditious and just resolution.

Definitions

Complaint - A complaint means any claim or grievance by an employee of the School who is affected in his or her employment relationship by an alleged violation of a law, policy or agreement with which the Governing Board is required to comply.

Decision – The decision at each level of the complaint process must be in writing, dated, and include the findings of fact and reasons for the particular resolution reached. The decision shall be sent to the complainant in accordance with the notification provisions and deadlines set forth herein; however, any deadline may be extended upon mutual consent of the parties or by the School if it is determined that additional time is required to investigate the complaint at any level of the complaint process.

Evidence - The complainant shall be entitled to an opportunity to be heard, to present relevant evidence, and to respond to evidence at each level. The complainant cannot present additional evidence at Level III of the complaint process, unless it is determined by the administrator presiding over the complaint that such evidence is relevant to the issues presented at the initial hearing and such evidence was, either, not made available by the Administration or not discoverable by the complainant.

Notification – All notifications must be prompt, in writing, and delivered to the appropriate parties by hand, e-mail, or certified mail dated on or before the appropriate deadline.

Records - Any investigation documents and notes shall be retained. In the event of a formal hearing a recording device shall be used to keep an accurate record of these proceedings and all evidence presented shall be preserved and made available at all time to the parties involved. The cost of preparing and preserving the record of the proceedings shall be borne by the Governing Board.

Complaint and Grievance Process

LEVEL I – Informal Resolution

Employees are encouraged to try and resolve conflicts with the least amount of formal proceedings as is necessary to reach a just and expeditious resolution. Employees who are unable to resolve a conflict among themselves may seek the assistance of their immediate supervisor in order to reach the best resolution for all parties.

If the parties are unable to reach a resolution, the employee may file a complaint with the Principal, or his or her designee, to initiate formal Level II proceedings. If the employee's complaint or grievance is with his or her immediate supervisor, then the initial complaint may be filed with the Principal, or his or her designee, and proceed directly to Level II. Likewise, if the employee's complaint is with the Principal, the initial complaint may be filed directly with the Chair of the School's Governing Board and proceed directly to Level III.

LEVEL II – Formal Review

An employee who wishes to file a complaint must present the complaint to the Principal, or his or her designee, within 10 calendar days of the most recent incident upon which the complaint is based. The complaint, which must be in writing and clearly state the employee's intent to utilize these complaint procedures, must also include the following:

- The mailing or email address of the complainant to which all notices and other documents may be mailed;
- A reference or description of the law, policy or agreement that is alleged to have been violated;
- A brief statement of the facts on which the complaint is based that explains how the law, policy, or agreement has been violated;
- Names of witnesses and any evidence the employee wishes to be considered; and
- A clear statement of the relief desired.

After filing his or her initial complaint, the employee shall be notified of the time and place of the initial meeting and any subsequent appeals. Any initial complaint improperly initiated by filing with the Board will be automatically transmitted to the Principal, or his or her designee, to commence Level II proceedings.

The Principal, or his or her designee, shall make every effort to conduct an investigation and render a decision on the complaint within 10 working days of the initial complaint being filed. No people other than the complainant and the Principal, or his or her designee, shall be present for a Level II meeting. The Principal, or his or her designee, may speak with the offending party and/or any witnesses in the course of his or her investigation prior to rendering a decision.

Any complaint not processed by the Principal, or his or her designee, within the time frame provided above may automatically be forwarded to the Governing Board to commence Level III procedures.

LEVEL III – Appeal and Final Decision

The complainant shall have 5 calendar days from the date of notification of the Level II decision to file a written appeal of this decision with the School's Governing Board. This notice shall be provided by email to the Chair and the Vice-Chair of the Board. Upon receiving such a complaint the matter will be referred to the Board's Governance Committee. Members of the Governance Committee (no fewer than two) will initiate an investigation of the complaint including interviewing any witnesses identified by the complainant, reviewing any documentary evidence and interviewing others as it appears they become relevant. The complainant shall be given opportunity to provide the investigators with any written statements and documents of the complaint and the investigators may seek clarification from the complainant as needed. The members of the committee will make a report to the board of the allegations and any recommendations of the Governance Committee. Any investigation should be completed and reported to the Board at the next available board meeting. The board will review the evidence,

discuss any recommendations, and issue a finding. Once the Board makes a finding, a written response will be provided to the complainant regarding the investigation and any findings. If unable to complete the investigation by the next Board meeting the status of the complaint should be reported to the Board and a timeline established for completion. The complainant will immediately be notified of the timeline. If at the completion of the report of the investigation or at any other point the Board determines that a hearing is required a hearing date will be set and the complainant notified.

Within 30 working days of the complainant filing an appeal of the Level II decision and if the Board determines that a hearing is necessary, the Board will hold a hearing and render a final decision on the complaint, based on a de novo review. At a Level III hearing, the complainant may have a person of his or her choosing present to assist in the presentation of the complaint. Additionally, the Governing Board may have an attorney present at a Level III hearing solely for the purpose of serving as a legal officer to rule on issues of law; the attorney may not participate in the presentation of the case for either party. In the event that a hearing is conducted, all presentation of evidence shall be recorded.

A final decision rendered by the School's Governing Board does not preclude an employee from seeking resolution using the means available to him or her under the law. The proceedings under this Complaint and Grievance policy shall be stayed at the time the complainant files for resolution with law enforcement or the courts.

Costs

With the exception of preparing and preserving records of the proceedings, all costs and fees incurred under this process are the responsibility of the incurring party unless otherwise agreed to by the parties.