

It is the Board's desire that procedures for settling certificated staff grievances be an orderly process within which solutions may be pursued. Further, that the procedures provide prompt and equitable resolution at the lowest possible administrative level. Additionally, it is the Board's desire that each certificated employee be assured an opportunity for orderly presentation and review of grievances without fear of reprisal.

Grievance Definition

A grievance pursuant to this policy shall be a written allegation of a violation of Board approved District policies or a written allegation of violation of the Negotiated Agreement between the District and the teachers' association.

Grievance Procedure

The District will first review the Negotiated Agreement for any applicable grievance procedures. If such a provision exists, such procedures shall govern the resolution of certificated staff grievances.

A staff member with a grievance is encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter promptly and informally. The staff member may have MCEA representation at this meeting and/or a neutral third party (mutually agreed upon by the employee and the immediate supervisor) may be invited to be part of this informal discussion. The neutral party may make a recommendation to the employee as to whether or not they should file a grievance.

An exception is that complaints of sexual harassment or violation of any other protected status should be addressed as described in Policy 375.00 and 375.00P. This attempt at informal resolution is not a required component of the grievance policy but is suggested in an effort to attempt to resolve disputes informally.

Level 1 Grievance

If the grievance is not resolved informally, and the grievant wishes to continue to seek to address the grievance, the grievant shall fill the written grievance with their immediate building principal. The written grievance shall state:

1. The policy of provision of the Negotiated Agreement the employee believes were violated;
2. The alleged date of violation;
3. The actor involved in the alleged violation; and
4. The remedy requested by the employee

The written grievance must be filed with the immediate building principal within fifteen (15) working days of the date of the initial event allegedly giving rise to the grievance.

The immediate building principal or designee of the building principal shall meet with the grievant and shall, at the discretion of the principal or designee, conduct whatever additional meetings or investigative activities the principal or designee believes are necessary to address the grievance.

Subsequent to these activities and within a period of ten (10) working days, the principal shall provide the grievant with a written response to the grievance of the certificated employee.

Level 2 Grievance

If the grievant is not satisfied with the decision of the principal or designee, the individual shall have a period of ten (10) working days to advance the grievance to the Superintendent by submitting a written objection to the decision with the Superintendent.

If the principal or designee does not provide a written response to the grievance at the conclusion of ten (10) working days and no extension of this time period has been agreed to between the grievant and principal or designee, the grievance shall be advanced to the Superintendent without written response of the principal or designee.

Upon receipt by the Superintendent, the Superintendent or a designee shall schedule a meeting between the parties and the principal. If the complaint alleges a violation of Title IX, Title II, or Section 504 of the Rehabilitation Act, or sexual harassment that is found to not fall within the scope of Policy 375.00 and Procedure 375.00, the person who received the written grievance shall turn the complaint over to the nondiscrimination coordinator who shall investigate the complaint. The District has appointed nondiscrimination coordinators to assist in the handling of discrimination complaints. The coordinator will complete the investigation and file the report with the Superintendent within 30 days after receipt of the written grievance. The coordinator may hire an outside investigator if necessary. If the Superintendent agrees with the recommendation of the coordinator, the recommendation shall be implemented. If the Superintendent rejects the recommendation of the coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within 15 days of receiving the report of the coordinator to the Board for a hearing.

Level 3 Grievance

If the certified employee is not satisfied with the response of the Superintendent or designee, or if there is no response by the Superintendent or designee within the time frame provided in the Level 2 Grievance paragraph, the certified employee may request a review of the grievance by a hearing panel within ten (10) working days from receipt of the response provided in the Level 2 Grievance paragraph if the certified employee received a written response, or ten (10) working days from the date the Superintendent or designee last had to respond if the certified employee received no written response. Within ten (10) working days of receipt of an appeal, a panel consisting of three (3) persons; one (1) designated by the Superintendent, one (1) designated by the certified employee, and one (1) agreed upon by the two (2) appointed members for the purpose of reviewing the appeal shall be selected and review the appeal. Within ten (10) working days following completion of the review, the panel shall submit its decision in writing to the certified employee, the Superintendent, and the Board of Trustees.

Level 4 Grievance

The Board is the policy-making body of the District and recommendations by the panel to that level must be based solely on whether or not policy and/or this agreement has been followed. Upon receipt of a written appeal of the decision of the panel, and assuming the individual alleges a failure to follow Board policy and/or this agreement, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision

shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final.

All grievance related documents, communications and records dealing with the process of a grievance shall be filed separately from personnel files. Grievance documents shall not be forwarded to prospective employers.

In the case where a 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 Policy 586.00 Grievance Procedure for Certified Employees. If a grievance is directly based on official Board action, the grievance shall be directed to the Clerk of the Board. The grievance may be heard by the Board at the sole discretion of the Board.

The timelines of the grievance procedure established in this section may be waived or modified by mutual agreement.



LEGAL REFERENCE: Idaho Code § 33-1271

ADOPTED: October 17, 2011

AMENDED/REVISED: December 15, 2014; August 19, 2019; December 16, 2019; May 18, 2020; December 14, 2020