

1 It is the policy of the [Transylvania County Board of Education \(the “board”\)](#), in keeping with the
2 ultimate goal of serving the educational welfare of children, to develop and practice reasonable
3 and effective methods of resolving difficulties that may arise among employees. The intent is to
4 reduce potential areas of grievances and to establish and maintain recognized channels of
5 communications between staff and administration. The purpose of this procedure is to secure, at
6 the lowest possible level, equitable solutions to the problems that arise from time to time and
7 affect employees.

8
9 [Each employee of the board has the right to present for resolution any grievance related to his or](#)
10 [her employment and is encouraged to exercise this right without fear of retaliation. For this](#)
11 [purpose, the following grievance procedure for employees is established.](#)

12 13 **A. INFORMAL RESOLUTION**

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15 It is desirable for an employee and his or her immediate supervisor to resolve problems
16 through free and informal communication. When informal procedures fail or are
17 inappropriate or when the employee requests formal procedures, a grievance will be
18 processed pursuant to the steps set forth in this policy.

19 20 **B. DEFINITIONS**

21 22 **1. Days**

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24 Days are the working days, exclusive of Saturdays, Sundays, vacation days, or
25 holidays, as set forth in the aggrieved employee’s employment calendar. In
26 counting days, the first day will be the first full working day following receipt of
27 the grievance. When a grievance is submitted on or after May 1, time limits will
28 consist of all weekdays (Monday–Friday) so that the matter may be resolved
29 before the close of the school term or as soon thereafter as possible.

30 31 **2. Final Administrative Decision**

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33 A final administrative decision is a decision of a school employee from which no
34 further appeal to a school administrator is available.

35 36 **3. Grievance**

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38 A grievance is a formal written claim by an employee regarding specific
39 decision(s) made by another employee and alleging that such decision(s) have
40 adversely affected the person making the claim. A grievance may include, but is
41 not limited to, the following allegations:

- 42
43 a. That there has been a violation, misapplication, or misinterpretation of
44 state or federal law or regulations, school board policy, or administrative

- 45 procedure;
- 46
- 47 b. That an employee's employment status or the terms or conditions of his or
- 48 her employment have been adversely affected; or
- 49
- 50 c. That there exists a physical condition that jeopardizes an employee's
- 51 health or safety or that interferes with an employee's ability to discharge
- 52 his or her responsibilities properly and effectively.
- 53

54 The term "grievance" does not apply to any matter for which the method of

55 review is prescribed by law, for which there is a more specific board policy

56 providing a process for addressing the concern, or upon which the board of

57 education is without authority to act. Claims of discrimination, harassment, or

58 bullying must be processed under policy 1720/4015/7225, Discrimination,

59 Harassment, and Bullying Complaint Procedure.

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61 **4. Grievant**

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63 The grievant is the employee(s) making the claim.

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65 **5. Official**

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67 The official is the person hearing and responding to the grievant.

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69 **6. Parties in Interest**

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71 "Parties in interest" refers to the grievant and the person against whom the

72 grievance is filed.

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74 **C. TIMELINESS OF PROCESS**

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76 Failure by the official at any step to communicate a decision within the specified time

77 limit will permit the grievant to appeal the grievance to the next step unless the official

78 has notified the grievant of the delay and the reason for the delay, such as the complexity

79 of the investigation or report. The official shall make reasonable efforts to keep the

80 grievant apprised of progress being made during any period of delay. Delays may not

81 impermissibly interfere with the exercise of the grievant's legal rights.

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83 Failure by the grievant at any step to appeal a grievance to the next step within the

84 specified time limit will be considered acceptance of the decision at that step, unless the

85 grievant has notified the official of a delay and the reason for the delay and the official

86 has consented in writing to the delay.

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88 **D. GENERAL REQUIREMENTS**

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1. All parties in interest and their representatives in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.
 2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.
 3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.
 4. All meetings and hearings conducted pursuant to this policy will be private.
 5. The board and school system will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.
 6. The board and administration will cooperate with the employee and representative in the investigation of any grievance and will furnish the employee or representative information pertinent to the grievance without cost to the grievant employee or the employee against whom the grievance is filed.
 7. The employee may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.
 8. **All meetings and hearings will be arranged at the convenience of all parties involved whenever practicable.** Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

124 **E. PROCESS FOR GRIEVANCE**

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126 **1. Filing a Grievance**

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128 a. A grievance must be filed as soon as possible but no longer than 30 days
129 after disclosure or discovery of the facts giving rise to the grievance. For
130 a grievance submitted after 30 days that claims a violation, misapplication,
131 or misinterpretation of state or federal law, the superintendent or designee
132 shall determine whether the grievance will be investigated after

133 considering factors such as the reason for the delay; the extent of the
134 delay; the effect of the delay on the ability of the school system to
135 investigate and respond to the complaint; and whether the investigation of
136 the complaint is necessary to meet any legal obligations. However,
137 employees should recognize that delays in filing a grievance may
138 significantly impair the ability of the school system to investigate and
139 respond effectively to such complaints.

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- 141 b. All grievances must be in writing, and the written statement of grievance
142 must remain the same throughout all steps of the grievance procedure.
143 The written grievance must include the following information: (1) the
144 name of the school system employee or other individual whose decision or
145 action is at issue; (2) the specific decision(s), action(s), or physical
146 condition(s) at issue; (3) any local board policy, state or federal law, state
147 or federal regulation, or State Board of Education policy or procedure that
148 the grievant believes has been misapplied, misinterpreted, or violated; and
149 (4) the specific resolution desired. If there is not a specific decision,
150 action, or physical condition at issue, or no concern that federal or state
151 law, federal or state regulation, State Board of Education policy or
152 procedure, or board policy or procedure has been misapplied,
153 misinterpreted, or violated, then the procedure established in policy
154 1742/5060, Responding to Complaints, is appropriate, and the principal or
155 immediate supervisor shall address the concern following that policy.
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- 157 c. The employee(s) shall present the grievance in writing to his or her
158 immediate supervisor or the supervisor's designee, unless the grievance
159 alleges that a state or federal law has been misapplied, misinterpreted, or
160 violated, in which case the grievance may be presented instead to the
161 assistant superintendent of human resources (or to the superintendent if the
162 grievant's supervisor is the assistant superintendent of human resources).
163 The person receiving the grievance hereinafter will be referred to as the
164 "official."
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166 2. Response by Official

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- 168 a. ~~The official shall arrange for a grievance file number to be assigned by the~~
169 ~~human resources office.~~
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- 171 b. In the event the official determines at the outset that review by the official
172 is inappropriate, the official shall forward the formal grievance to the
173 superintendent who will investigate and respond as provided below in
174 subsection E.3.
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- 176 c. A meeting ~~with the aggrieved employee(s)~~ will take place at a mutually

177 agreed-upon time within five days after receipt of the grievance.

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- 179 d. The official shall conduct any investigation of the facts necessary before
- 180 rendering a decision.
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- 182 e. The official shall provide the aggrieved employee(s) with a written
- 183 response to the grievance within 10 days after the meeting.
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185 **3. Response by Superintendent**

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- 187 a. If the grievant is dissatisfied with the official's response, the grievant may
- 188 appeal in writing the decision to the superintendent for review by the
- 189 superintendent or designee within five days of receipt of the official's
- 190 response.
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- 192 b. The superintendent or designee shall arrange for a meeting with the
- 193 employee(s) to take place within five days of the receipt of the appeal.
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- 195 c. The superintendent or designee shall conduct any investigation necessary
- 196 before arriving at a decision. The superintendent or designee shall provide
- 197 the aggrieved employee(s) with a written decision within 10 days after the
- 198 meeting.
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200 **4. Appeal to the Board**

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202 *If the grievant is not satisfied with the superintendent's response, the grievant*

203 *may appeal the superintendent's decision and request a hearing before the board.*

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205 If the grievant has alleged a violation of a specified federal or state law, federal or

206 state regulation, State Board of Education policy or procedure, or board policy or

207 procedure, or has alleged that a specific decision of a school official adversely

208 affects the grievant's employment status or the terms or conditions of his or her

209 employment, the grievant shall have a right to appeal a final administrative

210 decision to the board of education (see subsection E.4.a, Mandatory Appeals,

211 below). If the grievant has not alleged such specific violations, he or she may

212 request a board hearing, which the board may grant at its discretion (see

213 subsection E.4.b, Discretionary Appeals, below).

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215 **a. Mandatory Appeals**

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- 217 1) If the grievant is not satisfied with the superintendent's response
- 218 and has alleged a violation of a specified federal or state law,
- 219 federal or state regulation, State Board of Education policy or
- 220 procedure, or local board policy or procedure, or has alleged that a

221 specific decision of a school official adversely affects the
222 grievant's employment status or the terms or conditions of his or
223 her employment, the grievant may appeal ~~in writing~~ the decision to
224 the board. ~~The grievant must submit the appeal in writing to the~~
225 ~~superintendent~~ within 10 days of receiving the superintendent's
226 response.

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228 2) Upon receipt of the grievant's request, the superintendent shall
229 verify whether the appeal to the board is mandatory. If the
230 superintendent determines that the appeal is mandatory, the
231 superintendent shall forward his or her decision, the grievant's
232 appeal, and any additional relevant documentation to the board.

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234 3) A hearing will be conducted pursuant to policy 2500, Hearings
235 Before the Board. ~~As practicable, the hearing will be held at the~~
236 ~~next regularly scheduled board meeting, or as soon as possible~~
237 ~~thereafter in accordance with policy 2500. Alternatively, the~~
238 ~~hearing may be held at a called special meeting if the chairperson,~~
239 ~~upon consultation with the board attorney, determines that such a~~
240 ~~meeting would be in the best interests of the board and the parties~~
241 ~~involved.~~

242
243 4) The board will provide a final written decision within 30 days of
244 receiving the appeal unless further investigation is necessary or the
245 hearing necessitates that more time be taken to respond.

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247 **b. Discretionary Appeals**

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249 1) If the grievant is not satisfied with the superintendent's response
250 but has not alleged a violation of a specified federal or state law,
251 federal or state regulation, State Board of Education policy or
252 procedure, or local board policy or procedure, or has not alleged
253 that a specific decision of a school official adversely affects the
254 grievant's employment status or the terms or conditions of his or
255 her employment, the grievant may submit to the superintendent a
256 written request for a hearing before the board of education within
257 10 days of receiving the superintendent's response.

258
259 2) Upon receipt of the grievant's request, the superintendent shall
260 verify whether the appeal to the board is discretionary. If the
261 superintendent determines that the appeal is discretionary, the
262 superintendent shall forward his or her decision, the grievant's
263 appeal, and any additional relevant documentation to the board.

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- 265 3) If the full board will be meeting within two weeks of the request
266 for a hearing, the board will decide at that time whether to grant a
267 hearing. Otherwise, the board chairperson will appoint a three-
268 person panel to review the request and determine whether to (1)
269 deny the appeal; (2) review the superintendent's decision on the
270 written record only; or (3) grant a hearing. The panel will report
271 the decision to the board. The board may modify the decision of
272 the panel upon majority vote at a board meeting.
273
- 274 4) If the board denies the appeal, the decision of the superintendent
275 will be final and the grievant will be notified within five days of
276 the board's decision.
277
- 278 5) If the board decides to grant a hearing, the hearing will be
279 conducted pursuant to policy 2500, Hearings Before the Board. As
280 practicable, the hearing will be held at the next regularly scheduled
281 board meeting, or as soon as possible thereafter in accordance with
282 policy 2500. Alternatively, the hearing may be held at a called
283 special meeting if the chairperson, upon consultation with the
284 board attorney, determines that such a meeting would be in the best
285 interests of the board and the parties involved.
286
- 287 6) The board will provide a final written decision within 30 days of
288 the decision to grant an appeal, unless further investigation is
289 necessary or the hearing necessitates that more time be taken to
290 respond.
291

292 F. RECORDS

293
294 Appropriate records shall be maintained in accordance with state and federal law.
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296 Legal References: G.S. 115C-45(c); 126-16
297

298 Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy
299 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy
300 1720/4015/7225), Responding to Complaints (policy 1742/5060), Hearings Before the Board
301 (policy 2500)
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303 Adopted: