

DEFINITIONS

A. ~~*Grievance:* A formal written claim made by an employee regarding a specific decision made by another employee who alleges the decision has adversely affected the claimant.~~

~~The term *grievance* does not apply to any situation or matter for which there is a method of review prescribed by law or a more specific Board policy.~~

B. ~~*Complainant:* An employee who submits a written complaint.~~

C. ~~*Day:* A day that has been designated by the Board of Education or the superintendent as a regular workday in the calendar established for employees with the complainant's classification. In counting days, the first day will be the first full working day following receipt of the grievance.~~

GENERAL REQUIREMENTS

~~Necessary meetings will be arranged at the convenience of all parties whenever possible. When meetings are held during working hours, any employee shall neither suffer loss of pay for time away from duties nor receive extra pay when meetings are held at a time other than regular working hours.~~

~~All meetings and hearings conducted pursuant to this policy will be in private.~~

~~The Board and administration will cooperate with the employee and representative in the investigation of any complaint and will furnish the employee or representative information pertinent to the complaint without cost to the grievant employee or the employee against whom the complaint is filed.~~

~~The employee may have a representative, including an attorney, at any stage of the complaint process. However, if the complainant 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.~~

TIMELINESS OF APPEAL

~~Failure by the school official tasked with hearing the complaint to communicate a decision within the specified time limit will permit the complainant to appeal the grievance to the next step unless the school official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation or report. The school official shall make reasonable efforts to keep the employee apprised of progress being made during any period of delay.~~

If the employee does not process a grievance within the set time limit, it shall be considered settled.

INFORMAL PROCEDURE

An employee and the employee's supervisor should try to resolve problems through free and informal communications. (The employee may request another party to assist in the resolution.) If the complaint is not resolved or if the employee believes a formal response is necessary, the employee may proceed as follows:

FORMAL PROCEDURE

STEP 1

Within thirty (30) days of the event causing the complaint or grievance, the employee may present the complaint in writing to the employee's immediate supervisor or representative, who will arrange for a meeting to take place within ten (10) days of receipt of the complaint. The complainant and/or representative and the immediate supervisor and/or representative shall be present for the meeting. The immediate supervisor or representative will provide the complainant with a written decision within five (5) days of the meeting.

STEP 2

If the complaint is not resolved at Step 1, the complainant shall file with the superintendent and/or the superintendent's representative the written complaint within four (4) days of receipt of the decision of the complainant's immediate supervisor. Upon receipt of the written complaint, the superintendent and/or the superintendent's representative shall hold a meeting within ten (10) days with the complainant and/or representative. Following this meeting, the superintendent or the superintendent's representative will have five (5) days in which to provide a written decision to the complainant.

STEP 3

Within four (4) days following receipt of the superintendent's decision, the complainant may request a hearing before the Board of Education in writing to the superintendent if the complaint is not resolved at Step 2 to the satisfaction of the complainant.

Within four (4) days of receiving the request, the superintendent shall determine whether the appeal is mandatory or discretionary.

- A. **Mandatory Appeals:** If the complainant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy, state rule, local board policy, or has alleged that a specific decision of a school official adversely affects the complainant's employment status or the terms or conditions

of his or her employment, the complainant has a mandatory appeal to the Board of Education.

Upon a finding that the appeal is mandatory, the superintendent will forward his decision, the appeal, and gather any documentation of the problem to the Board Chair.

The hearing will be held at the next regularly scheduled meeting of the Board, provided the superintendent's decision is received five (5) days prior to the day of the meeting. Otherwise, the hearing will be held at the next regularly scheduled meeting of the Board. (The hearing may be held at a called special meeting if the chairman and the board attorney deem this to be in the best interests of the Board and all individual parties.) The Board may also decide to appoint a hearing panel of no less than two Board members to hear the matter in a special called meeting.

The Board of Education will make its decision by a simple majority vote. Its decision will be final. The chairman or the chairman's designee will record the Board's decision in writing and forward copies to the superintendent for distribution within five (5) days following the hearing, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

B. Discretionary Appeals: If the complainant is not satisfied with the superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the complainant's employment status or the terms or conditions of his or her employment, the complainant may submit to the superintendent a written request for a hearing before the Board of Education within four (4) days of receiving the superintendent's response.

If the superintendent determines that the appeal is discretionary, the superintendent will forward his decision and the request for hearing to the Board at its next regularly scheduled meeting, provided the superintendent's decision is received five (5) days prior to the day of the meeting. Otherwise, the superintendent will present his decision to the Board at its next regularly scheduled meeting.

The Board will determine whether to grant or deny the request for a hearing. If the Board denies the request, the decision of the superintendent will be final and the complainant will be notified within five (5) days of the Board's decision.

If the Board decides to grant the request, the hearing process and timelines will be followed as set forth in a hearing on a mandatory appeal.

Any decision of the Board or a panel of the Board is final.

Legal Reference: N.C.G.S. 115C-45(e)

~~APPROVED BY BOARD
AND EFFECTIVE 10/6/81
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RESCIND