

DaVinci Academy of Science and The Arts

Policy Number: 408

Policy Section: 400- Staff Policies

POLICY TITLE: Grievance Process

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Revision History

Effective Date	Action Date	Revised
3 February 2016	New Policy	

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Employee Grievance Process  
Effective Date: 3 February 2016

### **1. Purpose:**

The purpose of this grievance policy is to provide a procedure by which employees and others may present for administrative resolution, disputes regarding interpretation or application of DaVinci Academy policies and procedures.

### **2. Policy:**

2.1. It is the policy of DaVinci Academy to provide prompt, informal administrative resolution (at the lowest possible supervisory level) to ensure that all concerns are heard and addressed. The intent of this policy is to provide a concise and orderly means of resolving grievances.

2.2. A grievance must be filed within thirty (30) calendar days of the date the employee or aggrieved person knew or should have known of the actions giving rise to the grievance unless it involves harassment or discrimination, which has no time limitation for filing. These types of grievances will need immediate attention as outlined in harassment policy 109. A separate complaint form will need to be filled out for these types of grievances.

2.3 By creating a process in which aggrieved persons can follow does not in any way grant specific rights that were not intended to be conferred, such as the removal of at-will status. The purpose of this policy is to ensure that decisions are made according to policy in fair and consistent ways.

### **3. Informal and Formal Procedure:**

#### **3.1. Informal Procedure:**

3.1.1. **Step 1:** The employee or person alleging a grievance shall first discuss the complaint with their immediate school supervisor with the objective of resolving the matter. Proceedings shall be informal and confidential.

3.1.2. **Step 2** (If necessary):

If following the discussion with the immediate supervisor the matter is not resolved, the aggrieved person must put in writing the unresolved grievance and appeal again to the immediate supervisor (unless the grievance is with the immediate supervisor, which would allow the employee or person to go to the next level of review without meeting with the immediate supervisor) within 10 calendar days of the date of the discussion (step 1). After which, the immediate supervisor shall hold a conference with the person and another administrator to attempt to resolve the matter and make a response in writing within 10 calendar days.

3.2. **Formal Procedure** (If necessary): After the informal procedure has been followed, the below-listed formal procedure shall be followed in sequence as needed.

3.2.1. **Step 1:**

- An appeal to the Executive Administrator (or designee) shall be made in writing, within ten (10) calendar days after disposition under informal procedures.
- A hearing by the Executive Administrator (or designee) shall be held within fifteen (15) calendar days after receiving the written appeal. The person may invite one person of his or her choice to attend the hearing.
- The hearing panel shall consist of the Executive Administrator, an administrator (picked by the EA), and a teacher (chosen by the faculty caucus (see board policy 605))
- The hearing panel's objective is to fairly and impartially review the aggrieved person's grievance, apply the correct policy to the facts, and determine if the action taken previously is allowable and appropriate under the policy. If it is then then hearing panel can affirm the prior decision. If not, then the panel will send their recommendations back to the EA to resolve the issue accordingly with the aggrieved person.
- The Executive Administrator (or designee) shall make a written decision on the grievance within fifteen (15) calendar days after the hearing.

3.2.2. **Step 2:** The employee may appeal the matter to the DaVinci Academy School Board of Education ("School Board").

- An appeal to the School Board must be made in writing and submitted to the secretary of the School Board within fifteen (15) calendar days after notification of the Executive Administrator's decision.
- If the School Board chooses to hear the grievance, the School Board shall conduct a hearing within thirty (30) calendar days after receipt of notice of appeal. The employee may be represented by counsel or a person of his or her choosing. The School Board may also be represented by counsel or other advisors.
- The School Board may, at its sole discretion, select and designate one or more hearing officer(s) to conduct the hearing or to serve with one or more members of the Board during the proceeding.
- If the School Board delegates its authority to one or more hearing officer(s) to make decisions relating to the grievance, the decision of the hearing officer(s) will be binding upon both the aggrieved person and the School Board. This provision, however, does not limit the right of the School Board or the employee to appeal to an appropriate court of law.
- The School Board's or hearing officer's decision shall be in writing and issued within fifteen (15) calendar days of the hearing. A copy shall be given to the aggrieved person.

- Following the School Board's or hearing officer's decision, no further administrative appeal is provided. Additional legal review must be made to an appropriate court of law.

### 3.3. Miscellaneous Provisions:

3.3.1. No person shall suffer recrimination or discrimination because of participation in this grievance procedure.

3.3.2. Whenever possible, hearings should be scheduled during a mutually convenient time that does not conflict with regularly scheduled school programs.

3.3.3. Employees shall be free to testify regarding any grievance filed hereunder, and the expenses of necessary and approved release time shall be borne by DaVinci Academy when hearings must of be scheduled during the school day.

3.3.4. Confidentiality will be observed in accordance with the provisions set forth in the Utah Government Records Management Act UCA 63-2-101 et seq.

3.3.5. Nothing contained herein shall be construed so as to limit in any way the ability of DaVinci Academy and the employee and others to resolve any grievance, mutually and informally.

3.3.6. All grievable issues must attempt to be resolved pursuant to the administrative remedy stated in this policy before remedies at law are pursued by the employee.

3.3.7. Individuals alleging discrimination or other civil rights violations should follow the administrative grievance procedures outlined in DaVinci Academy's Anti-Discrimination Policy 109.

3.3.8. Notice of all decisions relative to grievances processed under this policy shall be hand delivered or delivered by certified mail, return receipt requested.

3.3.9. Written findings of fact and conclusions shall be entered in connection with all Board level decisions made under this policy.

3.3.10. Minutes of all Board proceedings under this policy shall be taken and will be made available in accordance with the guidelines set forth in the Utah Government Records Management Act.