

Section: 7002.14 Rights of Employees

Subject: Grievance

Effective Date: 2/20/2001

Revised: 05/09/2019

Approved By: Board of Directors

Policy: It is the policy of Gorman Learning Charter Network (“GLCN”) to resolve complaints and conflicts raised by its employees as effectively as possible. If there is an existing policy or procedure that pertains to the employee’s specific complaint or conflict, then that policy or procedure should be utilized. Also, it is important to note that any informal resolution process outlined in this policy may not be appropriate if the underlying allegations are related to sexual harassment, discrimination, intimidation, a hostile work environment, or other violent actions. Those types of issues may be covered under other GLCN policies which shall take precedence and may be subject to formal action and investigation.

This policy should be used to address an employee’s “Grievance” which is defined as an employee’s complaint or request which involves the interpretation or application of, or compliance with, the provisions of GLCN’s personnel policies or other matters related to school administration.

Notwithstanding the procedures outlined in this policy, GLCN expects and encourages supervisors and employees to communicate openly and regularly so that potential issues that may arise can be discussed and efforts can be taken in advance before the issue rises to the level of a Grievance. Supervisors are also encouraged, and may be required by GLCN, to avail themselves to training opportunities that are made available from time to time covering topics such as communication, equity and inclusion, performance management and other human resources subjects in order to enhance their supervisory skills.

Employees are protected from retaliation and GLCN will not take any adverse action against an employee who, in good faith, engages in the Grievance process outlined in this policy. Further, employees shall not retaliate against anyone else who participates, or is believed to have participated, in any stage of the Grievance process.

Grievance Procedure:

Any Grievance must be initiated through the following grievance procedure as soon as possible after the occurrence of the event which the Grievance is based upon, but in no event later than 30 days after the occurrence or event. Grievances shall be heard and settled in the manner provided below:

1. Step 1 (Informal Discussions with Immediate Supervisor). Employees are first encouraged to make at least one attempt to resolve the Grievance informally with his or her supervisor. This initial step shall encompass the following:
 - a. Any employee who believes that he or she has a justifiable request or complaint shall discuss the request or complaint with his or her immediate supervisor. If the supervisor and the employee, after full discussion, need additional assistance to arrive at a solution, they may, by agreement, invite such additional individuals from the school as may be necessary and available to participate in further discussion, but such additional participants shall not relieve the supervisor's and employee's responsibility to work on a solution to the problem.
 - b. The foregoing procedure, if followed in good faith by both parties, should lead to a fair and speedy solution of most complaints that may arise out of the day-to-day operations of GLCN. However, if a party notifies the other that there is nothing further to discuss related to the Grievance, or if a party reasonably believes that further discussions will not contribute to a mutually agreeable resolution, then the supervisor shall inform the employee of the supervisor's decision on the Grievance.
 - c. After the supervisor has provided his or her decision to the employee's Grievance, the employee shall have 30 days to appeal the supervisor's decision by bringing the Grievance to the attention of the Human Resources Department under Step 2 below. If the Grievance is not appealed to Step 2 before the 30 day deadline, it shall be considered settled on the basis of such supervisor's decision and shall not be eligible for further appeal under this policy.
 - d. Grievances involving the employee's supervisor may skip Step 1 and proceed directly to the Human Resources Department under Step 2.
 - e. Grievances involving GLCN's Executive Director may skip Step 1 and Step 2 and proceed directly to Ombudsman – Board of Directors under Step 3.
2. Step 2 (Human Resources Department or designee).
 - a. In order for a Grievance to be considered beyond Step 1 it must be filed in writing with the Human Resources Department within 30 days after the supervisor's decision using the form, or a form substantially similar to the one, attached at the end of this policy. The form shall be dated and signed by the employee and include such information and

facts as may be of aid to the Human Resources Department in arriving at a fair, prompt, and informed decision. It shall include the date of events, incidents, policy violations, names of witnesses, date of attempts to resolve the dispute informally and any other information that may be relevant. Upon receipt of the Grievance form, the Human Resources Department will sign and date the form and return one copy to the employee.

- b. After the Grievance form has been submitted to the Human Resources Department, the Human Resources Department will send written or electronic notice to the employee's supervisor requesting that he or she provide any written statements, documents or other materials that explain how the supervisor reached the decision made in Step 1. If the Grievance is a direct complaint against the supervisor and Step 1 was skipped by the employee, then the supervisor shall be permitted to provide a response to the Grievance along with any documents or materials supporting the response. The supervisor shall have up to 30 days after receiving notice to provide information and materials to the Human Resources Department. The supervisor may request an extension to provide information and materials if he or she cannot respond within 30 days and provides good cause for the delay. The employee shall also have the option to submit further information or materials to supplement the information provided on the submitted Grievance until such time the supervisor has provided his or her response to the Human Resources Department. If the employee however submits supplemental material, the supervisor shall be permitted a responsible amount of time to respond to any additional material submitted.
- c. The Human Resources Department will have up to 15 days after receiving the initial materials from the employee and his or her supervisor to review and consider the information received. After reviewing the materials, the Human Resources Department may request further information from the supervisor, the employee, or any other person who may have information or be the subject of the Grievance, and may set face to face meetings with any of them, either individually or together, to get further testimony about the issues that have been raised relating to the employee's Grievance. The Human Resources Department shall complete its requests for further information and/or testimony within 10 days after it has received all of the initial materials submitted by the employee and supervisor.
- d. After the Human Resources Department has completed its review under subsection 2.c above, it will make its decision in writing to either uphold the supervisor's initial decision made in Step 1, modify the decision, or render its own decision.
- e. If the employee is not in agreement with the decision of the Human Resources Department, the employee may appeal and proceed to Step 3 within 30 days after receipt of the written decision. If the Human Resources Department's decision in this Step 2 is not appealed to Step 3 before that deadline, the Grievance shall be considered settled and the Human Resources Department's decision shall not be eligible for further appeal under this policy.

3. Step 3 (Ombudsman - Board of Directors).

- a. In order for a Grievance to be considered further, the employee must submit all relevant information and the outcomes of Step 1 and Step 2 above, within the deadline to appeal the decision of the Human Resources Department, to GLCN's designated ombudsman who is: _____ ("Ombudsman"). The Ombudsman may change from time to time with a written addendum to this policy that is approved by GLCN's Board of Directors ("Board"). The Ombudsman is an employee whose job is to advocate for the employee and assist the employee in trying to reach a satisfactory resolution of the employee's Grievance. After the employee engages the Ombudsman under this Step 3, the Ombudsman will promptly notify the Human Resources Department and GLCN's Board that the Ombudsman has been presented with the employee's Grievance and is taking action under this Step 3 of the Grievance Policy.
- b. After the Ombudsman consults with the employee and reviews all materials related to the Grievance, the Ombudsman may discuss the Grievance with the Human Resources Department and/or GLCN's Board to attempt to reach an informal resolution of the Grievance.
- c. If an informal resolution to the Grievance cannot be reached by the Ombudsman, then the Ombudsman will prepare a written report for GLCN's Board (the "Report") that: (i) identifies the Grievance and the outcomes of any prior steps under this policy, (ii) requests the Board take a specific position or action on the Grievance, and (iii) provides the facts and reasoning in support of the requested outcome. The Ombudsman shall use his or her best efforts to complete the Report within 60 days after being engaged by the employee. The employee shall cooperate and provide the Ombudsman with any requested information or documents the Ombudsman may need to prepare the Report. If the employee fails to cooperate with the Ombudsman, the Ombudsman may withdraw; in which case the decision rendered in Step 2 will be final. The Report will be submitted to the Board to be reviewed at the Board's next regularly calendared meeting that is occurring at least 10 days after the Report has been completed.
- d. The Board shall review the Report and can choose to either render a decision on the Grievance based on the contents of the Report, or request the Ombudsman provide further information or documents. The Board may also, in its discretion, call for a further hearing to allow for the participation or testimony of the employee or other individuals who are in support or against the proposed action requested in the Report. The Board shall have the power to set any rules or procedures that are to govern any hearing set concerning a Grievance. The Board may also, in its discretion, appoint an individual or form a committee to perform an investigation or analysis into the Grievance to aid the Board in rendering its decision.
- e. After the Board has reviewed the Report and gathered any additional information it may have requested under the procedures above, the Board shall render a decision on the Grievance. The Board may elect to take no action, grant the relief requested in the

Report, deny the relief requested in the Report, or grant in part and deny in part. The decision of the Board is final.

- f. All matters related to a Grievance shall be heard by the Board at a closed session of the Board meeting.

General Guidelines Regarding the Grievance Procedure:

1. Employees are entitled to a Grievance procedure to protect their individual rights. It is the policy of GLCN that Grievances will be fairly heard.
2. To the extent possible, the identity of the people and witnesses, and any information or evidence, which is related to the Grievance, will be maintained in confidence. However, it is important to understand that in order to investigate the Grievance and provide any accused party with notice of the underlying allegations and an opportunity to respond, GLCN may need to reveal the identity of parties and evidence that has been presented.
3. “Day” or “days” as used in this section, shall mean calendar days.
4. To the extent possible, all time limits set forth in this section shall be strictly observed except as the appropriate staff representative and employee may otherwise agree in a given case.
5. Grievances which are not pursued initially in the proper step of the Grievance Procedure shall be referred to the proper step for discussion and answer by the designated person in that step.
6. If a Grievance involves the settlement of retroactive payment, procedures for payment shall be negotiated within 10 days after such determination is final.

Grievance Form

Employee: _____ Phone: _____

Position Title: _____ Email: _____

Date Grievance Occurred: _____

DETAILS OF GRIEVANCE (attached additional pages if needed):

[Please be as explicit as possible. Include all relevant details, locations, dates, times, witnesses (if appropriate) etc.]

Please include any evidence related to your Grievance (e.g. letters, photos, emails etc.)

Date(s) Grievance Was Reported to Supervisor: _____

Date Supervisor Provided Decision on Grievance: _____

Summary of Supervisor's Decision: _____

TO THE BEST OF MY KNOWLEDGE, THE FOREGOING STATEMENT IS AN ACCURATE ACCOUNT OF MY GRIEVANCE.

Employee's Signatures: _____ Date: _____

TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT:

Date Form Received: _____ Signature: _____

(Provide 1 Copy of Completed Form to Employee)