

IVY PREPARATORY ACADEMY

Board Policy Grievance

In accordance with state law, employees of Ivy Preparatory Academy shall have the right to present complaints and resolve problems at the lowest possible administrative level, as fairly and expeditiously as possible, with a minimum of conflict and formal proceedings, so that good morale may be maintained, effective job performance may be enhanced, and the community may be better served. The board authorizes the Head of Schools to develop administrative regulations to implement this policy.

Definitions

- a) "Complaint" means any claim by an employee of the school system who is affected in his or her employment relationship by an alleged violation, misinterpretation, or misapplication of statutes, policies, rules, regulations or written agreements of the school system with which the school system is required to comply
- b) "Grievance" means a complaint that can be resolved at the lowest possible administrative level through the process described in this policy
- c) "Level One Administrator" means the individual in each unit of the school system designated by the superintendent to preside over and make decisions with respect to grievances.
- d) "Network Administrator" means the individual designated by the Head of Schools to review appeals of level one grievance responses.
- e) "Board of Education" means the Ivy Governance Board, or a tribunal or independent hearing officer designated by the board for the hearing of grievance appeals.

Exclusions

Complaints related to the following situations have separate complaint procedures and, therefore, shall not be subject to the provisions of this policy:

1. Performance ratings contained in personnel evaluations.
2. Professional development plans or work improvement plans.
3. Adverse personnel actions against employees, such as termination, non-renewal, demotion, suspension without pay, or written reprimand from the superintendent.
4. Allegations of discrimination, harassment, or retaliation
5. Allegations of retaliation or violations of whistleblower protections.
6. Allegations under investigation by the Human Resources Department.
7. Matters of local school law or controversy appealed directly to the Board of Trustee under O.C.G.A. §20-2-1160.

Time Limits

Any grievance shall be presented in writing to the immediate supervisor no later than ten (10) days from the date of the alleged act prompting the grievance or from the date of the most recent incident upon which the complaint is based. After the grievance has been presented to the level one administrator, the time limits below shall apply.

Grievance/Appeal Steps	TIME LIMITS	
	Number of Days to File Appeal	Number of Days to Hear Case and Respond
Level One/Administrator	–	5
Level Two/Head of Schools	10	10
Level Three/Governing Board	10	25

When the last day of any period described in this policy falls on a day the school district is closed (e.g., designated inclement weather days, furloughs), the period shall continue until the next day the school system is open for business.

The time from the employee's first written presentation of a grievance to the final decision made by the board shall not be more than sixty (60) days.

If a complaint is referred from the level two grievance hearing to the Human Resources Department for investigation, the time limit on the grievance appeal process is stayed until the resolution of the investigation. If the complainant is dissatisfied with the outcome of the investigation, the complainant may file a level three appeal within 10 working days of the decision.

Requirements

1. Grievances must be presented in writing and must:
 - a. Clearly state the intent to access policy GAE, Complaints and Grievances;
 - b. Specifically set forth the statute, policy, rule, regulation, or written agreement that is alleged to have been violated, misinterpreted, or misapplied;
 - c. Specifically set forth facts to show how the statute, policy, rule, regulation, or written agreement was violated, misinterpreted, or misapplied;
 - d. Specifically set forth facts to show how the employment relationship of the complainant has been substantially affected;
 - e. Clearly state the relief desired; and
 - f. Provide the mailing address of the complainant to which all notices and other documents may be mailed.

NOTE: Grievances alleging general unfair, unreasonable, or abusive treatment are appealable to level two only.

2. Grievances and appeals not filed in writing within the required time limits shall not be considered.
3. Any administrator or supervisor who fails to hear and respond to a complaint or an appeal within the required time frame will be in violation of this policy and may be subject to disciplinary action.
4. Any grievance not processed within the time frame required by this policy should be appealed to the next level of the grievance procedure. Appeals not filed within the required time frame shall not be considered.
5. At least twenty-four (24) hours prior to a hearing at any level, written notice shall be provided to the complainant specifying the date, time, and place of the hearing.
6. During the hearing at any level, the complainant shall be entitled to an opportunity to be heard, to present relevant evidence, and to examine witnesses.
7. At the level one hearing, only the complainant and the level one administrator shall be present. At the level two and level three hearings, the complainant is entitled to the presence of an individual of his or her choice to assist in presenting the matter. At the level three hearing, nothing shall prevent the board from having an attorney present to serve as the law officer who shall rule on issues of law but shall not participate in the presentation of the case for the administrator or the complainant.
8. At any level of hearing, the administrator shall record the proceedings by mechanical means and preserve all evidence. The recording and evidence shall be made available at all times to the parties involved.
9. A complainant may not present additional evidence at each level of the complaint process unless it is submitted in writing by the complainant five (5) days prior to the date set for the hearing. When hearing a complaint appealed from a prior complaint level, the board shall hear the complaint de novo (i.e. the grievance shall be presented from the beginning in a new hearing proceeding).
10. At levels one and two in the grievance process, the decision shall be rendered in writing and dated and shall contain findings of fact and reasons for the particular resolution reached.

Notification shall be provided, within five (5) days of the decision, to the complainant and, in the case of appeals, to the level one administrator.

11. All costs and fees incurred while pursuing a grievance through the process shall be borne by the party incurring them unless otherwise agreed upon by the parties involved, except that the cost of preserving the record of the proceedings shall be borne by the board.
12. A complainant shall not be subject to any reprisal as a result of filing a grievance under this policy. Any alleged reprisals shall be investigated and appropriate action taken. Alleged reprisals also may be referred to the Georgia Professional Standards Commission.
13. Nothing in this policy shall be construed to permit or foster collective bargaining.

Employee Representatives

Pursuant to requirement 7 above, the board recognizes that employees may act as representatives of other employees for the purposes outlined in the grievance procedure. An employee representative must receive permission from his/her supervisor to be absent for the purpose of participating in a grievance meeting. Permission shall not be unreasonably denied by the supervisor. If permission is denied, the reasons shall be placed in writing and given to the employee. An employee or employee representative may be absent with pay for the purpose of processing grievances and attending grievance meetings and formal disciplinary hearings for a maximum of four hours in any one week. At the employee's discretion, the four hours with pay may be used for processing a personal grievance, for representing another employee, or for a combination of both. In addition, an employee representative may request and be granted permission for an additional absence in a given week without pay. An employee representative who participates in processing a grievance without first obtaining permission will not be paid for such time.

Employee representatives may be allowed to meet with represented employees and witnesses at any time other than work hours. This means before the beginning of normal work hours, during normal breaks, and after work hours. Employee representatives shall request and obtain permission from the principal or official in charge of the work site with at least 24 hours notice. Such permission shall not be unreasonably denied.

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Authority and/or Cross-Reference