



## **Provo City School District**

### **Policy Series 5000: Personnel**

**Policy No. 5285**

### **Grievance**

An employee who has a concern about a disciplinary action against the employee or that involves the alleged violation of the law, the contract, or District policy may seek resolution to the concern using the District Grievance Process. There are four levels in the grievance process – two at the Informal Level and two at the Formal Level. A concern will be heard first informally by the site supervisor/administrator at Informal Level I and then by the Deputy Superintendent at Informal Level II. If satisfactory resolution is not reached at the Informal Level, the employee may file a formal grievance and request a hearing with the Superintendent or hearing officer appointed by the Superintendent at Formal Level I. The hearing officer shall hear the grievance and make a recommendation to the Superintendent, but the Superintendent will make the final decision. Finally, with the Board of Education or hearing officer/panel appointed by the Board at Formal Level II. When appointed by the Board, the hearing officer/panel shall hear the grievance and make a recommendation to the Board, but the Board will make the final decision, which will be binding upon both the employee and the District. Hearing right and rules as outlined in Utah Code Annotated apply at Formal Level I & II of the grievance process. Nothing in this policy prevents the employee from appealing the final decision to the appropriate court of law.

When involved in the grievance procedures, all parties in interest shall cooperate and act in good faith to resolve the concern at the lowest possible administrative level. Each concern shall be considered on its merits and every effort will be made to resolve issues in a positive and professional manner. Each level of the grievance procedures is a de novo review of the prior decision meaning the person(s) hearing the grievance may issue a new decision, including greater, lesser, or alternative measures beyond merely upholding or denying the prior decision. Grievance proceedings shall be kept confidential at all levels of the process.

An aggrieved person shall not contact School Board members regarding the grievance outside of the established procedures.

Any party in interest may be represented and/or accompanied by an appropriate person of his/her own choosing at the formal levels of the grievance procedure. Starting at the Formal Level, the aggrieved employee also has the right to counsel, to produce witnesses, to hear testimony, to cross-examine witnesses, and to examine documentary evidence. Subpoenas may be issued and oaths administered as proved under in the Utah Code.

Insofar as possible, concerns and grievances shall be heard outside of work hours unless the nature of the concern or grievance demands an emergency hearing, in which case involved parties shall be released without loss of salary.

Decisions at any level of the proceedings will be issued in writing, setting forth the reasons for the decision, and will be transmitted to the aggrieved person as outlined in these procedures. A written final decision and relevant supporting documentation shall be placed in the employee's personnel file. Other documents, communications and records dealing with the processing of a concern or grievance shall be filed separately from the personnel files of the participants. The aggrieved person has the right to attach a written response to any document placed in his/her personnel file.

Should the results of the grievance procedure exonerate the aggrieved person, he/she shall be reinstated with no loss of salary if he/she was suspended without pay during the proceedings.

Failure of the employee to appeal to the next level within the specified time limits shall be deemed a withdrawal and will serve as final disposition of the grievance unless all parties in interest agree, in writing, to an extension of the time limit. If the administrator fails to make a decision within the specified time limit, the employee may appeal to the next level of the process unless all parties in interest agree, in writing, to an extension of the time limit.

No party in interest shall be subjected to discrimination, reprisal, or adverse treatment for participating in a grievance procedure.

#### Legal References

53E-6-601	Definitions
53E-6-605	Designation of Hearing Officer or Panel -Review of Findings
53E-6-606	Administering of Oaths – Issuance of Subpoenas
53E-6-607	Rules for Conducting Hearings – Standard of Proof
53G-11-512	Local School Board to Establish Dismissal Procedures
53G-11-513	Dismissal Procedures
53G-11-514	Nonrenewal or Termination of a Career Employee's Contract for Unsatisfactory Performance
53G-11-515	Hearings Before district Board or Hearing Officers – Rights of the Board and the Employee
67-5-12	Dismissal of Career Employees for Cause

Approved by Board of Education: November 25, 2014