

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

(Unofficial version of policy adopted by Board of Trustees on February 22, 2024)

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with DIA.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.
4. Complaints concerning instructional resources shall be submitted in accordance with the EF series.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice to Employees

The District shall inform employees of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. An employee whose concerns are resolved may withdraw a formal complaint at any time.

Informal resolution shall be encouraged but shall not extend any filing deadlines in this policy. The burden of proof for the hearing is on the employee filing the complaint.

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If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may, at the District's discretion, begin at Level Two following the procedure, including deadlines, for filing the Level One complaint form.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

Level One and Level Two hearings are not recorded. An employee who files a grievance may make an audio recording of any hearing or meeting at which the substance of the employee's grievance that complies with this policy is discussed or investigated. The employee's audio recording shall not result in a delay of any timeline under this policy. The employee must provide his or her own equipment to make any such recording. If a recording is made, recordings of the Level One and Level Two hearings, if any, shall be maintained with the Level One and Level Two records.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

Direct
Communication with
Board Members

The Grievant, as defined further in this policy, shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between the Grievant and a Board member would be inappropriate because of a pending hearing or appeal related to the Grievant's pending grievance.

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Filings shall be deemed timely filed if:

1. For hand-delivered filings, if received at the Administration Building front desk by the close of business (4:30 p.m. unless otherwise indicated in writing) on the deadline date;
2. For filings submitted by electronic communication, if they are received at Grievances@risd.org by the close of business (4:30 p.m. unless otherwise indicated in writing) on the deadline date, as indicated by the date/time shown on the electronic communication;
3. For mail filings, if postmarked by the U.S. Postal Service on or before the deadline date and received by the appropriate

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administrator or the Grievance Coordinator no more than three business days after the deadline.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

Whistleblower Complaints

Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Timelines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint.
[See DG]

Complaints Against Supervisors

Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaint forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee.

General Provisions

Scheduling Hearings

The District shall make reasonable attempts to schedule hearings at a mutually agreeable time. If the Grievant fails to appear at a scheduled hearing, the District may hold the hearing and issue a decision in the Grievant's absence.

Decision

At Levels One and Two, "decision" shall mean a written communication to the Grievant from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the Grievant's email address of record, or sent by U.S. Mail to the Grievant's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

For purposes of this policy, "days" shall mean District business days. In calculating timelines under this policy, the day a document is filed or served is "day zero," and all deadlines shall be determined by counting the following business day as "day one." A District business day does not include a school holiday or a day on which District administrative offices are closed for business. If a deadline falls on a school holiday or other day on which District administrative offices are closed for business, then the deadline shall be extended to the first business day following the holiday or closure.

Grievant

"Grievant" is defined as the employee bringing forth the complaint. The Grievant may have, but is not required to have, a representative as the term is defined below. For purpose of this policy, references to "Grievant" shall also include the Grievant's representative.

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Grievance Coordinator	<p>The “Grievance Coordinator” is the designated District employee who serves as the point of contact for receipt of grievance complaints. The Grievance Coordinator is responsible for coordinating and scheduling hearings and communicating with the parties, unless otherwise noted in this policy.</p>
Representative	<p>“Representative” shall mean any person or organization that does not claim the right to strike and is designated by the Grievant to represent him or her in the complaint process.</p> <p>The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person, by telephone conference call or virtually. If the Grievant designates a representative with fewer than three days’ notice to the District before a scheduled hearing, the District may reschedule the hearing to a later date, if desired, in order to include the District’s legal counsel. The District may be represented by legal counsel at any level of the process.</p>
Consolidating Complaints	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. A Grievant shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p> <p>When two or more complaints are sufficiently similar in nature and the remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.</p> <p>The Grievance Coordinator is authorized to take such actions as are reasonable and necessary to ensure the effective and efficient operation of the complaint process, which may include combining similar complaints, beginning the process at Level Two, offering a method of alternative dispute resolution, or other actions the Grievance Coordinator deems appropriate under the circumstances.</p>
Untimely Filing of Complaint	<p>All time limits for filing shall be strictly followed.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the Grievant, at any point during the complaint process. The Grievant may appeal the dismissal due to untimeliness by seeking review in writing within seven business days from the date of the written dismissal notice was sent. The review will begin at the level at which the complaint was dismissed and shall be limited to the issue of timeliness.</p>

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Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. The following will govern the submission of the complaint and appeal forms:</p> <ol style="list-style-type: none">1. A copy of any documents that support the complaint should be attached to the complaint form.2. If the Grievant does not have a copy of the supporting documents, when filing the initial Level One complaint, a copy of the supporting documents may be presented at the Level One hearing.3. After the Level One hearing, no new documents may be submitted by the Grievant unless the Grievant did not know the documents existed before the Level One hearing officer allows the introduction of the documents.
Amendment of Complaint	A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing. An amendment does not restart the timeline for submission.
Level One	<p>Complaint forms must be filed:</p> <ol style="list-style-type: none">1. Within ten business days of the date the Grievant first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and2. In most circumstances, Grievants on a school campus shall file Level One complaints with the campus principal with a copy to Grievances@risd.org; other Grievants shall file Level One complaints with their immediate supervisor with a copy to Grievances@risd.org. <p>The date and time the complaint form was received shall be noted by the Grievance Coordinator. The Grievance Coordinator shall schedule a hearing with the Grievant within seven business days after receipt of the written complaint. The Grievance Coordinator will communicate to the parties the procedures for the hearing, including time limits.</p> <p>Following the hearing, the Hearing Officer shall conduct such investigation as is appropriate to fairly respond to the complaint. In reaching a decision, the Hearing Officer may consider information provided at the Level One hearing and any other relevant documents or information the Hearing Officer believes will help resolve</p>

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the complaint. The Hearing Officer shall submit his or her written decision to the Grievance Coordinator.

Absent extenuating circumstances, the Grievance Coordinator shall provide the Grievant a copy of the Hearing Officer's written response within seven business days following the hearing.

Level Two

If the Grievant did not receive the relief requested at Level One or if the time for a response has expired, the Grievant may proceed with filing a Level Two complaint appeal as outlined below.

The appeal notice must be filed in writing on the District form within seven business days of the written Level One decision being sent to Grievant or, if no response was received, within seven business days of the Level One decision issuance deadline. The appeal shall be sent to Grievances@risd.org.

After receiving notice of the appeal, the Grievance Coordinator shall forward the notice of appeal and Level One record to the Level Two Hearing Officer. The Grievant may request a copy of the Level One record from the Grievance Coordinator.

The Level One record shall include:

1. The original complaint form and any attachments;
2. All other documents submitted by the Grievant at Level One;
3. The written response issued at Level One and any attachments; and
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Grievance Coordinator shall schedule a hearing within seven business days after the appeal notice is filed. The Level Two hearing shall be limited to the issues presented on the Level One complaint form and documents submitted at the Level One hearing.

If the Level One Hearing Officer relied upon additional evidence in making the decision, the Grievant may also submit this evidence as part of their documentation at the Level Two hearing. The Grievance Coordinator will communicate the procedures for the hearing to both parties, including time limits.

Following the hearing, the Hearing Officer shall conduct such investigation as he or she believes is necessary to fairly respond to the complaint. In reaching a decision, the Hearing Officer may consider the Level One record, information provided at the Level Two hearing, and any other relevant documents or information the

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Hearing Officer believes will help resolve the complaint. The Hearing Officer shall submit the written decision to the Grievance Coordinator.

Absent extenuating circumstances, the Grievance Coordinator shall provide the Grievant the Hearing Officer's written response within seven business days following the hearing.

If the Grievant did not receive the relief requested at Level Two or if the time for a response has expired, the Grievant may appeal the decision to the Board.

The Level Three appeal notice must be filed in writing on the District form within seven business days of the date of the written Level Two decision being sent to the Grievant or, if no response was received, within seven business days of the Level Two decision issuance deadline. The appeal shall be sent to Grievances@risd.org.

Informal Mediation Meeting

Prior to scheduling the Level Three hearing, the Grievant will be given the opportunity to engage in an informal mediation meeting with the Superintendent's designee. The informal mediation meeting is voluntary and provides the parties an opportunity to attempt a final resolution prior to the Level Three hearing. Within five business days of submitting the Level Three appeal form, the Grievant shall notify the Grievance Coordinator if Grievant is interested in participating in an informal mediation meeting.

The informal mediation meeting will be scheduled within ten business days of the Grievant expressing interest in participating in an informal discussion. Within five business days of the meeting, the Superintendent's designee will send follow-up correspondence to the Grievant. If the Grievant is satisfied with the outcome of the informal mediation meeting, the grievance will be closed. If the Grievant is not satisfied with the outcome of the informal mediation meeting, the Level Three hearing will be forwarded to the Office of General Counsel for scheduling.

Level Three

The Level Three hearing shall occur when a quorum of the Board is available to hear the complaint. The Office of the General Counsel shall inform the Grievant of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Office of the General Counsel shall provide the Board the record of the Level Two appeal. The Grievant may request a copy of the Level Two record from the Office of the General Counsel.

The Level Two record shall include:

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1. The Level One record;
2. The notice of appeal from Level One to Level Two;
3. The written response issued at Level Two and any attachments; and
4. All other documents relied upon by the administration in reaching the Level Two decision.

The Level Three appeal shall be limited to the issues outlined on the Level Two appeal form and documents considered at Level Two hearing. If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the Grievant notice of the nature of the evidence at least three business days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The Board's presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the Grievant and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The hearing procedures shall be provided to both parties prior to the hearing. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the Grievant, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter, at the presiding officer's discretion.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.