

## AFFIRMATIVE ACTION - GRIEVANCE PROCEDURE

701

### A GRIEVANCE CAN BE FILED BY:

Any person, employee, applicant for employment, student, parent, or patron, may contact the Affirmative Action Office of Mountain View School District #244, if that person feels there has been discrimination on the basis of race, color, sex, religion, age, birth, ancestry, national origin, family relationship, or personal or political patronage, in the area of employment, recruitment, training, and promotion of staff or the delivery of educational services to the students of Mountain View School District #244.

### DEFINITION

A grievance is an assertion that there has been discrimination in the areas of employment, compensation, transfer, or promotion of existing employees of the Mountain View School District #244 or of applicants for employment. A grievance may also be filed by a student who feels there has been discrimination in the area of the delivery of educational services. The grievance in these cases may be filed on the basis of race, color, age, sex, religion, birth, ancestry, national origin, family relationship, or personal or political patronage.

### PURPOSE

The purpose of this procedure is to secure equitable solutions to claims of discrimination or preferential treatment of an employee, an applicant for employment, or a student in the area of race, color, sex, religion, age, birth, ancestry, national origin, family relationship, or personal or political patronage.

### PROCEDURE

Employees of Mountain View School District #244 must follow procedures in policy manuals for their respective employment.

The first meeting shall be with the building principal of the aggrieved person. If not absolved, follow thus:

A grievance must be in writing to the Affirmative Action Officer, 714 Jefferson St., Grangeville, Idaho, 83530, Phone 208-983-0990, and meet the following specifications.

- A. It shall be specific.
- B. It shall contain a synopsis of the facts giving rise to the allegation.
- C. It shall state the relief requested.
- D. It shall contain the date or dates of the alleged violation.
- E. It shall be signed by the person filing the grievance.

## RESOLUTION OF A GRIEVANCE

After receipt of a formal grievance, the Affirmative Action Officer will meet with the party in an attempt to resolve the problem. If after a reasonable amount of time, but not more than 30 days (working) the person is not satisfied with the progress of the grievance, the person may submit the grievance, in writing, to the Superintendent or his/her designee.

If the person is not satisfied with the disposition of the grievance by the Superintendent, the grievance may be submitted to the Board or Trustees for final disposition. The request for a hearing before the Board of Trustees must be in writing and submitted to the Clerk of the Board.

The Board hearing will be set at the earliest possible date after the receipt of the written request, but in no case more than thirty (30) working days after notification.

Neither party shall be permitted to assert in the Board hearing any evidence which was not submitted to the other party before completion of the meeting with the Superintendent.

## DISTRICT PROCEDURE FOR GRIEVANCES

A "grievance" is any question concerning the interpretation of a Board policy, Board action of record, published administrative rule, or any action deemed to be discriminatory in nature.

The "grievance" procedure is designed to insure adequate consideration and appropriate solution of grievances, as defined above. Nothing in the procedure should inhibit the continuation of rapport and informal discussion between district personnel.

Grievances may be filed with the Affirmative Action Office and a hearing shall be provided within appropriate time limits established for that purpose.

### Complaints Relative to Grievances

If the Affirmative Action Officer believes the complaint warrants an investigation, the officer shall within two (2) days after receiving notice of grievance:

Require the party alleging the grievance to explain the circumstances in writing.

Require the individual(s) to whom the grievance is being alleged to explain the circumstances in writing. Obtain facts from others who observed or were involved and require a written statement from them.

After reviewing the above data, the Affirmative Action Officer shall then determine whether Formal or Informal action is appropriate.

### Informal Action

If, in the Affirmative Action Officer's judgment, the matter can be handled by an informal conference, the officer may wish to meet with the party alleging the grievance and the party to whom the grievance has been alleged, in an effort to reach mutual agreement on the issue. It is expected that most matters involving a grievance would be handled informally at this level. If the matter cannot be handled informally, the party alleging the grievance shall be informed of his/her right to a hearing (see Formal Action).

### Formal Action

If the Affirmative Action Officer has reason to believe that the party alleging the grievance requires further action, the party alleging the grievance shall be informed in the presence of the Affirmative Action

Officer and a district administrator that he/she has a right to a hearing. The request for a hearing must be made in writing to the officer within 48 hours following notice.

### Affirmative Action Officer Level

Upon receipt of a request for a hearing, the Affirmative Action Officer or his/her designee may take formal action and select a hearing panel. Said panel shall take the necessary actions to hear the case within four (4) days.

The panel shall consist of the Affirmative Action Officer, or his/her designee, and two certified staff members, who have not been associated with the action.

The hearing officer will provide the party claiming the grievance with a written notice of the hearing. The notice shall include a statement concerning:

Time and place of hearing.

Specific facts alleged.

The right to be represented by an advocate of their choosing (may be legal counsel).

The right to present evidence, call witnesses and cross examine adverse witnesses.

### Conduct of the Hearing

All rights, stated in the above paragraph shall be provided and all procedures indicated below shall be followed:

Shall be in private (optional).

Hearing need not follow same rules of evidence observed by the courts, but it must be the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.

A record shall be kept of the proceeding and a copy made available to the party to which the grievance has been alleged.

The hearing panel shall issue a written decision stating the findings and evidence upon which they are based within two (2) days after the meeting.

Said findings and recommendations will be given to the District Board of Trustees at their next regularly scheduled meeting at which time official action will be taken in regard to the matter.

### Alternate Grievance Procedures for Affirmative Action

Employees, applicants for employment, students and other patrons of this district may have affirmative action grievances heard by any of the following procedures:

District Procedure - It is usually good practice to use local agencies first to seek mediation of grievances. The local procedures for airing grievances is included in the district Affirmative Action Plan.

The District Affirmative Action Plan may be obtained from the Superintendent of Schools, 714 Jefferson Street, Grangeville, Idaho, 83530 (208-983-0990).

The contract person for affirmative action grievances in Mountain View School District #244 is the Superintendent of Schools.

The law also makes these other agencies available to you for mediation or rectification of affirmative action grievances.

The Office of Civil Rights  
Health Education and Welfare  
1321 Second Avenue  
Seattle, Washington 98101  
Phone: (206) 442-0473

Idaho Human Rights Commission  
506 North 5th St.  
Boise, Idaho 83720  
Phone: 384-2873

The Equal Employment Opportunity Commission  
414 Olive Way, 4th Floor  
Seattle, Washington 98104  
Phone: (206) 442-0968

The Wage & Hour Division of the Employment Standards Administration  
Department of Labor  
550 West Fort Street  
Boise, Idaho 83702  
Phone: (206) 442-0968

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