

Grievances

In this policy the term “grievance” shall refer to all employee complaints and grievances.

Other Grievance 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. Grievances alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), Section 504 (disability), or ADA (disability) shall be submitted in accordance with DIA.
2. Grievances alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
3. Grievances concerning retaliation relating to discrimination and harassment shall be submitted in accordance with DIA.
4. Grievances concerning instructional resources shall be submitted in accordance with EF.
5. Grievances concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.
6. Grievances concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Grievances 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 level.

Participation in the informal resolution process shall be mandatory prior to filing a Level One grievance but shall not extend any deadlines in this policy, except by mutual written consent.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

From the date the employee knew or should have known of the concern, there shall be a 15-day period during which the employee must inform his or her supervisor of the concern and attempt an informal resolution. If there is no informal resolution, no later than the 15th day from the date the employee knew or should have known of the concern, the Level One grievance form must be filed as described below.

All parties must make a good faith effort to informally resolve a grievance. The Board expects that every reasonable effort shall be made to resolve a grievance at the informal level. At the informal resolution stage, there shall be an in-person meeting between the supervisor and the employee to discuss the possible grievance. The supervisor may obtain the assistance of other administrators in an effort to reach an informal resolution of the grievance. The supervisor shall have the right to unilaterally extend, in writing, the time for filing a grievance in the event the supervisor is continuing the process of informal resolution of the grievance. If, however, it appears that an informal resolution is not possible, the supervisor shall review the grievance process with the employee and provide information on how to access a grievance form.

Direct
Communication with
Board Members

Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.

Formal Process

If an informal conference regarding a grievance fails to reach the outcome requested by the employee, he or she may initiate a grievance described below by timely filing a written Level One form.

Even after initiating the formal grievance process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal grievance at any time.

All grievances shall be resolved expeditiously. However, time lines may be extended at the discretion of the Superintendent or designee when circumstances warrant such extensions.

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.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

Freedom from Retaliation	Retaliation for filing a grievance shall not be permitted by the District and, therefore, it is not necessary to request in a grievance that there be no retaliation.
Whistleblower Grievances	Whistleblower grievances shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Time lines 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 grievance. [See DG]
Grievances Against Supervisors	Grievances alleging a violation of law by a supervisor may be made to the Superintendent or designee. Grievance forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee.
General Provisions	
Filing	Grievance forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the campus/department or the legal services department by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on or before the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
Scheduling Conferences	The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the employee's absence.
Response	At Level One and Level Two, "response" shall mean a written communication to the employee from the appropriate administrator/hearing officer. Responses may be hand-delivered, sent by electronic communication to the employee's e-mail address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean District business days, unless otherwise noted. In calculating time lines under this policy, the day a grievance or response is filed is "day zero." The following business day is "day one."
Employee	An "employee" is a person who at the time the grievance arises is an employee of the District.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

Representative	<p>“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the grievance 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 or by telephone conference call. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, pending the District’s decision on whether to have representation. The District may be represented by counsel at any level of the process.</p> <p>In addition, other persons may attend informal administrative conferences and hearings held in connection with the grievance process if the hearing officer agrees that the person may attend.</p>
Additional Information to Be Considered	<p>Information to be considered (“additional information”) shall mean any supporting or relevant information or evidence the parties to the complaint want to be considered with the grievance or response.</p>
Consolidating Grievances	<p>Grievances arising out of an event or a series of related events shall be addressed in one grievance. Employees shall not file separate or serial grievances arising from any event or series of events that have been or could have been addressed in a previous grievance.</p> <p>When two or more grievances are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the grievances.</p>
Consideration of Grievance	<p>Supervisors and hearing officers who are hearing and responding to grievances should consider all additional information provided by parties involved in the grievance; applicable laws, regulations, policy, and directives from the Superintendent or other supervisors; and information provided by the supervisor or within the knowledge of the supervisor or the hearing officer hearing the grievance. Unless directed by the Superintendent or designee, supervisors and hearing officers shall not undertake independent investigations or studies.</p>
Untimely Filings	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a grievance form or appeal notice is not timely filed, the grievance shall be dismissed, on written notice to the employee, at any point during the grievance process. The employee may appeal the dismissal by seeking review in writing within five days from the</p>

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

date of receipt of the written dismissal notice, starting at the level at which the grievance was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the grievance.

Grievance and
Appeal Forms

Grievances and appeals under this policy shall be submitted in writing on a form provided by the District. The employee may request a copy of the grievance forms from the campus/department or access them at <http://roundrockisd.org/>.

A grievance 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.

Parties to the complaint must attach to the Level One form any additional information (as defined above) and evidence to be considered with the grievance and response. Unless the hearing officer at Level One or at Level Two agrees to accept new information as part of the record, no new information shall be submitted for consideration after the initial filing. The hearing officer shall not be required to accept any information for consideration that was not originally included with or attached to the Level One form. New information shall not be submitted for consideration at Level Three. The remedy requested on the Level One form shall not be amended at any level.

Audio Recording

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's grievance is discussed. The employee shall notify all attendees present that an audio recording is taking place.

Level One

Level One forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the grievance; and
2. With the supervisor who has the authority to remedy the alleged problem; or
3. With the legal services department.

In most circumstances, employees on a school campus shall file a Level One grievance with the campus principal; other District employees shall file a Level One grievance with their immediate supervisor.

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

If the subject matter of the grievance is that the supervisor took or failed to take action, and the supervisor has attempted to resolve the grievance through the informal resolution process, the supervisor may, with a written explanation, recommend that the grievance begin at Level Two. The determination of whether the grievance shall begin at Level One or Level Two shall be made by the Superintendent or designee. In all cases, the Level One grievance form must be completed by following the procedure, including deadlines, for filing the grievance form at Level One.

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

If directed by the Superintendent or designee, the appropriate administrator shall investigate as necessary.

The employee shall describe in the Level One grievance form the efforts the employee has made toward informal resolution of the grievance.

If the supervisor determines that the employee has not made a good faith effort to resolve the grievance informally, the supervisor, in writing, may reject the grievance, instruct the employee to seek informal resolution, and set a new date for filing the Level One grievance form.

The appropriate administrator shall schedule a conference with the employee within ten days after receipt of the written Level One grievance form. The administrator may set time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider additional information provided at the Level One conference and any other relevant information the administrator believes will help resolve the grievance.

Level Two

If the employee did not receive the relief requested at the Level One conference, the employee may appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of receipt of the written Level One response. If the response was sent by mail, three additional

days when the U.S. Mail Service is in operation shall be added for delivery.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One grievance to the legal services department. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The Level One form and any attachments.
2. All other additional information submitted by the employee or supervisor at the Level One conference.
3. The written response to Level One and any attachments.
4. Any other additional information relied upon by the Level One administrator in reaching the Level One decision.

In connection with the consideration of a grievance at Level Two, the Superintendent or designee may appoint an independent hearing officer to hear a grievance and render a recommendation to the Superintendent. At the time of appointment of the independent hearing officer, the Superintendent or designee shall direct the type of investigation and hearing, if any, that would be appropriate in connection with consideration of the grievance.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed, unless the Superintendent has revised the time lines as provided above.

The conference shall be limited to the issues and documents considered at Level One. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, additional information provided at the Level Two conference, and any other relevant information the Superintendent or designee believes will help resolve the grievance.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

If the employee did not receive the relief requested at Level Two, the employee may appeal the decision to the Board. However, provisions for placement of items on a Board meeting agenda, as provided in BE(LOCAL), shall not apply to grievances.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of receipt of the written Level Two response. If the response was sent by mail, three additional days when the U.S. Mail Service is in operation shall be added for delivery.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the grievance will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level One grievance and, if applicable, the Level Two appeal. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record;
2. The Level Two grievance form;
3. Additional information provided at the Level Two hearing;
4. The Level Two response; and
5. Any other additional information relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that 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 employee notice of the nature of the evidence at least three days before the hearing.

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

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and an opportunity for questioning by the Board. The Board shall hear the grievance 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 presenta-

PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA
(LOCAL)

tion by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the grievance. 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 grievance by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Once the Board has communicated its decision, the matter is concluded.