

PERSONNEL-MANAGEMENT RELATIONS  
EMPLOYEE COMPLAINTS/GRIEVANCES

DGBA  
(LOCAL)

This policy provides employees an orderly process for the prompt and equitable resolution of grievances when a concern has not been resolved. The Board intends that, whenever feasible, grievances be resolved at the lowest possible administrative level. This policy shall not be construed to create new or additional rights beyond those granted by Board policy or law.

DIRECT  
COMMUNICATION  
WITH BOARD  
MEMBERS

Employees shall not be prohibited from communicating with Board members 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.

DEFINITIONS

For purposes of this policy, "days" shall mean District business days.

In calculating time lines under this policy, the day a document is filed is "day zero" and all deadlines shall be determined by counting the following day as "day one."

"Representative" means 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 complaint process.

"Untimely filings" – all time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed on written notice to the employee at any point during the complaint process.

The terms "complaint" and "grievance" shall have the same meaning. A grievance under this policy may include, but shall not be limited to, any of the following:

1. Grievances concerning an employee's wages, hours, or conditions of work.
2. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability.
3. Specific allegations of unlawful discrimination or retaliation on the basis of the employee's exercise of constitutional rights.
4. Whistleblower complaints.

DESIGNATION OF  
REPRESENTATIVE

The employee may designate a representative through written notice to the District at any level of this process. If the employee designates an attorney as 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, if desired, in order to include the District's counsel.

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OTHER REVIEW  
PROCESSES

Procedures and information regarding certain forms of harassment by other employees, including harassment by a supervisor, are found at DIA and information regarding federal nondiscrimination is found at DAA.

An employee's dismissal or nonrenewal may be the subject of a grievance under this policy only if the District does not otherwise provide for a review of the matter.

The following are governed by other review processes and are not subject to this policy:

1. Grievances regarding suspension without pay of a contractual employee: DF series
2. Grievances regarding termination of an employment contract governed by Chapter 21 of the Education Code: DF series
3. Grievances against a District peace officer: CKE
4. Grievances regarding instructional materials: EFA

NOTICE TO  
EMPLOYEES

The principal of each campus and other supervisory personnel shall ensure that employees under their supervision are informed of this policy.

FREEDOM FROM  
RETALIATION

Neither the Board nor the administration shall unlawfully retaliate against any employee for bringing a grievance under this policy. [See DG]

WHISTLEBLOWER  
COMPLAINTS

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within the time specified by law. [See DG(LEGAL)]

The complaint shall first be filed in accordance with LEVEL TWO, below. 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 days of the initiation of the whistleblower complaint.

GENERAL  
REQUIREMENTS

The purpose of the grievance process is to resolve conflicts in an efficient and expeditious manner. All employees are entitled to utilize the grievance process, but employees involved in the grievance process are expected to be courteous to one another [see DH (LOCAL)] and to adhere to the Code of Ethics and Standard Practices for Texas Educators as found at DH(EXHIBIT).

A grievance must specify the harm alleged by each individual and the remedy sought. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual

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	<p>consent. Each party shall pay its own costs incurred in the course of the complaint.</p>
GROUP GRIEVANCES	<p>Public employees may present grievances individually or as a group.</p> <p>When the Superintendent or designee determines, based upon his or her own discretion or with information provided, that two or more individual grievances are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the grievances. The factors to be considered by the Superintendent or designee include but are not limited to the common nature of the complaint and remedy sought, common interests of the grievants, and the timeliness of each individual's complaint.</p>
INFORMAL RESOLUTION	<p>The District encourages resolution of complaints at the lowest possible administrative level. Prior to the time the employee files a grievance, the parties are encouraged to attempt to resolve the issues informally.</p>
INITIATING GRIEVANCE	<p>Unless otherwise specified in policy, an employee shall initiate a grievance as provided at LEVEL ONE, below.</p>
PREREQUISITES	<p>A grievance shall be considered by the Level One administrator only when it complies with all of the following requirements:</p> <ol style="list-style-type: none"><li>1. The grievance must be in writing on a form or in the format provided by the District, dated, and signed by the grievant or by his or her representative. Any documentation the grievant would like considered during the grievance should be attached to the form.</li><li>2. The grievance must contain a statement of the facts and circumstances upon which the grievance is based, including the names of any persons, involved or who have information relating directly to the grievance, the date and a description of the event(s) or incident(s) giving rise to the grievance.</li><li>3. The grievance must contain:<ol style="list-style-type: none"><li>a. A reference to the law or policy alleged to have been violated or the dissatisfaction raised by the employee;</li><li>b. The resulting harm or damage alleged to have occurred; and</li><li>c. The remedy or remedies sought.</li></ol></li><li>4. The grievance must be timely filed.</li></ol>

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5. The grievance must include the name, address, and telephone number of the person who will represent the grievant, if any.
6. If two or more individuals seek to file a grievance as a group, each individual grievant must sign the employee complaint form required at Level One.

COMPLAINTS  
AGAINST  
SUPERVISORS

Complaints alleging a supervisor's violation of law may be made to the Superintendent beginning at Level Two. A complaint alleging a violation of law by the Superintendent may be made directly to the Board beginning at Level Three.

LEVEL ONE

An employee who has a grievance shall request a conference with the principal or immediate supervisor by submitting the grievance in writing on a form or in the format provided by the District. The grievance must be filed within 15 days of the time the employee first knew or should have known of the event or series of events about which the employee is complaining. All documentary evidence relied upon by the employee must be submitted at Level One. Additional material may only be provided by the employee at Level Two in reply to documentary evidence produced or relied upon by the Superintendent or designee at Level Two (see LEVEL TWO, below).

The principal or supervisor shall hold the conference within seven days after receipt of the written request. The principal or supervisor shall respond in writing no more than seven days following the conference.

LEVEL TWO

If the outcome of the conference at Level One is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to discuss the grievance. The request shall be in writing on a form or in the format provided by the District and must be filed no later than seven days following receipt of a written response or, if no written response is received, no later than seven days after the response deadline. [See DGBA(EXHIBIT)]

The Superintendent or designee shall hold the conference within seven days after receipt of the written request. The Superintendent or designee shall respond in writing no later than seven days following the conference.

If during the consideration of the grievance at Level Two the Superintendent or designee determines that additional information may be necessary to render a decision, the time for responding to the employee shall be extended by seven days. Any documentary evi-

dence upon which a decision is based at Level Two shall be provided to the employee to the extent permitted by law.

Should the employee choose to submit a response, clarification, or further documentary evidence in reply to additional information provided to the employee by the Superintendent or designee, the employee must do so within seven days of receipt of these additional materials. The Level Two decision will then be rendered or the complaint remanded to Level One within seven days after the receipt of the employee's reply. If the employee chooses not to submit a response to the additional information provided by the District, the normal time lines for issuing a decision will be followed.

#### LEVEL THREE

If the outcome of the conference at Level Two is not to the employee's satisfaction or if the time for a response has expired, the employee may request to place the matter on the agenda of a future Board meeting. [See BE(LOCAL)] The request shall be in writing on a form or in the format provided by the District and must be filed within seven days following receipt of a written response or, if no written response is received, within seven days of the response deadline. [See DGBA(EXHIBIT)]

The Superintendent or designee shall inform the employee of the date, time, and place of the meeting.

The Superintendent or designee shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. No new documentary evidence may be submitted at Level Three.

The presiding officer may set reasonable time limits. The Board shall hear the grievance and may request a response from the administration. The District shall make an audiotape record of the Level Three proceeding before the Board.

The Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board fails to reach 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.

#### CLOSED MEETING

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it may be heard by the Board in closed meeting unless the employee bringing the grievance requests that it be heard in public.

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EXCEPTION

However, if the grievance involves a complaint or charge against another District employee or a Board member, it shall be heard in closed meeting unless an open meeting is requested in writing by the employee or Board member against whom the complaint or charge is brought.