

POLICY GROUP 4 – PERSONNEL
EMPLOYEE COMPLAINTS AND GRIEVANCES (GENERAL)

PG-4.24

Sec. 1. GUIDING PRINCIPLES

IDEA Public Schools values the opinions of all its employees. Employees have the right to express their views through appropriate informal and formal processes.

a) *Informal Process*

The Board encourages employees to discuss their concerns and complaints through informal meetings with their supervisor or Principal, or other administrator with authority to address the concern. Concerns and complaints should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. Informal resolution is encouraged but will not extend any deadlines in this grievance process, except by mutual written consent.

b) *Complaint Procedures*

The Superintendent or designee shall develop a detailed employee grievance process and include it in the Employee Handbook or other procedure document; this process shall recognize the Board's final authority to hear or decide employee complaints. The complaint process 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.

The Superintendent or designee shall ensure that the detailed employee grievance process is made available to employees through the Employee Handbook.

c) *Board Consideration of Employee Complaints and Grievances*

The Board shall retain final authority to hear or decide employee complaints. *19 TAC 100.1033(b)(14)(C)(i)*.

The Board may conduct a closed meeting when hearing or deciding an employee complaint as allowed by applicable law. *Gov't Code Ch. 551, Subch. D*.

d) *Freedom from Retaliation*

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

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Sec. 2 Complaints & Grievances Process & Procedures

The purpose of IDEA’s employee complaint process is to entertain employee views and to resolve employee complaints and workplace conflicts in an efficient and expeditious manner at the lowest possible administrative level. In using and applying the policy, all participants are expected to remain courteous and to adhere to the Code of Ethics and Standard Practices for Texas Educators.

Informal Process

IDEA encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. Informal resolution is encouraged but will not extend any deadlines in this grievance process, except by mutual written consent.

Formal Process

An employee may initiate the formal grievance process as described in this policy by timely filing a written complaint form.

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

Guidelines for General Employee Complaint Process

Definitions

For purposes of understanding the General Employee Complaints and Grievances Process, terms are defined as follows:

The terms “complaint” and “grievance” shall have the same meaning and may pertain to the following situations:

1. Grievances concerning an employee’s wages, hours, or conditions of work;
2. Specific allegations of unlawful discrimination in employment based on the employee’s sex (including allegations of sexual harassment and/or wage discrimination on the basis of sex), race, religion, national origin, age, veteran status, or disability, following completion of an investigation by the designated compliance coordinator or designee set by policy; or
3. Specific allegations of unlawful discrimination or retaliation based on the employee’s exercise of constitutional rights.

The term “day” shall be defined as a school business day, unless stated otherwise in this complaint process. In calculating timelines under these procedures, the day a document is filed is “day zero,” and all deadlines shall be determined by counting the following school business day as “day one.”

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Filing

Complaint forms and appeal notices may be filed by hand-delivery, by email, or by U.S. Mail. Hand-delivered filing shall be timely filed if received by the appropriate administrator or designee 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 the deadline, as indicated by the date/time shown on the electronic communication. Mail filing 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 (3) days after the deadline.

Scheduling Conferences

IDEA will make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, IDEA may hold the conference and issue a decision in the employee's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. 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.

If the administrator addressing the complaint determines that additional time is needed to complete a thorough investigation of the complaint and/or to issue a response, the administrator shall inform the grievant in writing of the necessity to extend the response time and a specific date by when the response will be issued.

A grievance official who fails to meet a time requirement, without providing written notice of an extended deadline, shall be considered to have denied the complaint as of the date of the missed deadline.

Representative

"Representative" means a person designated to represent him or her in the complaint process. An employee may designate a representative through written notice to IDEA at any level of the grievance process. The representative may participate in person or by telephone / video conference. If the employee designates a representative with fewer than three days' notice to IDEA before a scheduled conference or hearing, IDEA may reschedule the conference or hearing to a later date, if desired, in order to include the school's counsel. IDEA may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event, or a series of related events, shall be addressed in one complaint. Employees 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.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their

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resolution through one proceeding, IPS may consolidate the complaints.

Untimely Filings

All time limits for an employee to file a complaint 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, upon written notice to the employee, at any point during the complaint process.

Costs Incurred

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

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by IDEA and made available by Human Resources for each grievance level.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be re-filed with all the required information if the re-filing is within the designated time for filing.

General Employee Complaint Process

Level One

Formal complaints must be filed:

1. Within fifteen (15) days of the date the employee first knew, or with reasonable diligence should have known, of the decisions or action giving rise to the complaint; and
2. With the employee's supervisor.

If the employee's supervisor does not have authority to remedy the alleged problem, IDEA may accelerate the appeal to the appropriate level.

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

The employee's immediate supervisor or designee will investigate as necessary and schedule a conference with the employee within ten (10) days of receipt of the written complaint. The supervisor or designee may set reasonable time limits for the conference.

Absent extenuating circumstances, or if there is a need to gather additional information, the

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administrator who hears the employee's complaint shall provide a written response within ten (10) days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the complaint is not resolved to the employee's satisfaction at Level One or if the time for a Level One response has expired, or if the employee is directed to do so by IDEA, the employee may submit a written appeal to Human Resources by completing and submitting the IDEA Level Two Grievance Form. The appeal notice must be filed within ten (10) days of the date of the written Level One response or, if no response was received, within ten (10) days of the Level One response deadline.

A representative from Human Resources will hear the Level Two appeal and will schedule a conference with the employee within ten (10) days after the appeal notice is filed. The Human Resources representative may set a reasonable time limit for the conference. The Human Resources representative will provide a written response within ten days following the conference. The written response will set forth the basis of the decision. In reaching a decision, the Human Resources representative may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information that may help resolve the complaint.

Level Three

If the complaint is not resolved to the employee's satisfaction at Level Two or if the time for a Level Two response has expired, the employee may submit a written appeal to the Vice President of Human Resources or designee by completing the IDEA Level Three Grievance Form. The appeal notice must be filed within ten (10) days of the date of the Level Two response or, if no response was received, within ten (10) days of the Level Two response deadline.

Human Resources will inform the employee of the date, time, and place of a meeting with the VP of HR or designee; this meeting will take place within ten days after the appeal notice is filed. The VP of or designee may set reasonable time limits and guidelines for the presentation. The VP of HR or designee will provide a written decision within fifteen (15) days of the conference. The written response will set forth the basis of the decision. In reaching a decision, the VP of HR or designee may consider the Level One and/or Level Two record, information provided at the Level Two and/or Level Two conference, and any other relevant documents or information that may help resolve the complaint.

Level Four

If the complaint is not resolved to the employee's satisfaction at Level Three or if the time for a Level Three response has expired, the employee may submit a written appeal to the Board of Directors using the Level Four Grievance Form. The appeal must be filed within ten (10) days of the Level Three response or, if no response was received, within ten (10) days of the Level Three response deadline.

The Human Resources department or designee will inform the employee of the date, time, and place

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of the meeting at which the complaint will be on the agenda for consideration by the Board of Directors (“Board”). The Board will consider the appeal and may, at its discretion, require the appearance of the employee and administration.

The Board will determine whether the appeal will be presented in open or closed meeting in accordance with respective state Open Meetings Laws and other applicable law. Generally, complaints involving the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint may be heard by the Board in a closed meeting. Complaints involving a complaint or grievance against another IDEA employee, director, or officer shall be heard in a closed meeting unless an open meeting is requested in writing by the employee, director, or officer against whom the complaint or grievance is brought.

After considering the appeal, the Board may subsequently take action or no action. If the Board takes action, it may make and communicate 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 Three (or the last level prior to the Board’s consideration of the appeal). A decision by the Board, if any, is final and may not be appealed.

CERTIFICATION

The undersigned, being the Secretary of the Corporation, hereby certifies that the foregoing represents a true copy of a Board Policy as originally adopted by the Directors of the Corporation on May 1, 2020, and as subsequently amended on July 28, 2023, which Policy, as amended, is in full force and effect and has not been revoked or amended.

DocuSigned by:
A. Ryan Vaughan

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Ryan Vaughan, Secretary

8/1/2023

Date