

Purple = Legal Input**Community Relations
Uniform Grievance Policy**

It is the Board of Trustees ("Board") desire that grievances, complaints, and concerns ("grievance") from ~~all~~ interested persons (defined below), be an orderly process within which solutions may be pursued. The process should provide prompt and equitable resolution at the lowest possible administrative level and provide an opportunity for orderly presentation and review of a grievance without fear of reprisal.

An "interested person" is an individual who believes his/her own rights arising under District Board policy or applicable law have been directly violated. ~~If an individual believes that their rights have been violated as guaranteed by state or federal constitutions, state or federal statutes, or Board policy, then the following process should be applied.~~ Only an interested person can file a grievance as outlined herein.

This policy does not apply to personnel and student grievances, as those matters may result in due process hearings and decisions before the Board. Nor does this process supersede any other policy or process addressing a more specific type of grievance.

If a grievance is filed, it will be addressed promptly and equitably. The right of a person to a resolution of the grievance filed shall not be impaired by the person's pursuit of other remedies. Use of this process does not extend any filing deadline related to any other remedies.

Process**Step 1:**

An individual with a grievance will first discuss it with the staff member involved, with the objective of resolving the matter promptly. Step 1 is an informal process in an attempt to remedy a grievance. *These discussions should occur no later than five (5) working days after the issue arises. If the individual is unsatisfied with the attempt at informal resolution, they may proceed to Step 2. An exception is that complaints of sexual harassment should be discussed with the building administrator that is not involved in the alleged harassment.*

Step 2:

If a grievance is not resolved at Step 1 with the staff member involved, the individual should complete Policy 4120F (“Grievance Form”) and provide the form to building administration (meaning principal or department supervisor) for assistance in resolving the grievance. **The grievance must be filed no later than ten (10) working days after the unsatisfactory attempt at informal resolution.**

The building administration shall investigate and attempt to resolve the grievance. The building administration will provide their written decision to the individual included on the Grievance Form. The written decision will be provided within fifteen (15) working days of the building administration’s receipt of the grievance.

If either party is not satisfied with the building administration’s decision, the grievance may advance to Step 3 by requesting the Superintendent review the building administration’s decision on the Grievance Form. This request must be signed, dated, and submitted to the Superintendent within five (5) working days of receiving the building administration’s decision on the Grievance Form with the remedy requested.

If the grievance alleges a violation of Title IX or sexual harassment, then the building administration shall turn the grievance over to the Title IX Coordinator who shall investigate the grievance and report the findings to the Superintendent in accordance with the procedures set forth in Policy 3085P, Title IX Sexual Harassment Procedure, Requirements, and Definitions. The Title IX Coordinator may hire an outside investigator, if necessary.

If the grievance alleges a violation of Title II or Section 504 of the Rehabilitation Act, then the building administration shall turn the grievance over to the Federal Programs Director who shall investigate the grievance and report the findings to the Superintendent within thirty (30) working days after receipt of the written grievance. If the Superintendent agrees with the recommendation within the report, the recommendation will be implemented. If the Superintendent rejects the recommendation, and/or either party is not satisfied with the recommendations from the report, either party may make a written appeal within fifteen (15) working days of receiving the report to the Board for a hearing.

Step 3:

When the Superintendent receives a request to review a grievance, a meeting shall be scheduled with the necessary parties within ten (10) working days. The parties shall be afforded the opportunity to either dispute or concur with the building administration's recommendation. The Superintendent shall decide the matter within ten (10) working days of the meeting and shall notify the parties in writing of the decision.

If either party is not satisfied with the decision of the Superintendent, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within five (5) working days of receiving the Superintendent's decision. The Board is the policy-making body of the school; however, appeals to that level must be based solely on whether or not policy has been violated. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy.

The Board cannot make decisions that address personnel matters and student discipline, which are separately governed by Idaho Code and Board policies and procedure.

Step 4:

When the Board receives a written appeal of a decision of the Superintendent in which a person alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration. **Statutory requirements for agenda postings shall be adhered to and take precedence.** ~~no later than two days before the next regularly scheduled meeting.~~

The Board has the sole discretion in determining how to handle the grievance review, including but not limited to the option of solely reviewing the written record and making a determination or seeking to speak with both sides of a grievance during a properly noticed meeting of the Board. Idaho open meeting laws will be adhered to during the review process.

Superintendent

After step one, if a grievance is against the Superintendent, the **grievant interested person** shall submit the **Policy 4120F (Grievance Form)** directly to the Chair of the Board of Trustees, or if the Chair is ~~a subject of the grievance or~~ unavailable, to the Vice Chair. The Board Chair (or Vice Chair) shall designate an impartial administrator or qualified outside investigator to investigate the grievance and prepare a written report and recommendation. The investigator shall provide the written report to the Board Chair

within fifteen (15) working days, unless additional time is reasonably necessary, in which case the **all** parties shall be notified. The Board Chair shall review the investigator's report and schedule the matter for consideration by the Board. The Superintendent shall be afforded the same opportunity to respond to the grievance as any other party.

A decision **regarding any grievance** shall be made and reported in writing to all parties within thirty (30) working days of the Board's review. The decision of the Board will be final.

Cross Reference:

[3085 Sexual Harassment, Discrimination and Retaliation Policy](#)

[3085P Title IX Sexual Harassment Procedure Requirements and Definitions](#)

[4150 Accommodating Individuals with Disabilities](#)

[5250 Staff Grievances](#)

Legal References:

[20 U.S.C. §§ 1681 - 1682](#) Title IX of the Education Amendments of 1972

34 CFR Part 106

[42 U.S.C. §§ 12111, et seq., and 12131, et seq.](#); 28 C.F.R. Part 35. Americans with Disabilities Act,

Procedure History:

Promulgated on: August 13, 2007

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Revised on: **pending**