

# Series 500 – Student Personnel

Policy Title: STUDENT GRIEVANCE

Policy Code No. 502.9R

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## A. DEFINITION OF TERMS

**Grievance:** A claim by a student questioning the interpretation or application of a board policy, or an administrative rule or regulation, or alleging a violation thereof. Student suspensions and expulsions governed by Board Policies 502.2 and 502.3 are excluded from the grievance procedure.

**Aggrieved:** The student making the claim

**Actor:** The person whose act caused the grievance.

**Hearing Officer:** The person designated at each level of this procedure with whom grievances and appeals are filed and who shall hear grievances and their appeals.

**Student Facilitator:** A staff member at each school who is to improve communications among all interested parties. This person shall be selected from the building staff by the student. The staff member of whom the request to facilitate was made may decline such. The student facilitator shall be available to help solve the problem, reduce the grievance to writing, and if necessary, aid in processing the grievance. The essential function here is to listen to and question the aggrieved in an effort to assist in a clearer understanding of the grievance. The student facilitator shall not be involved beyond Level One. (Principal)

**Head of Household:** A parent (s), legal guardian, emancipated student or other adult in charge of the home in which the student resides.

**Interested parties:** The aggrieved, the actor, the building principal and/or person designated by the Superintendent.

**Filing:** Informing the appropriate person, in writing, that the aggrieved has a grievance or that the person filing is appealing a decision of a hearing officer. Only the aggrieved, head of household or their attorney may file a grievance.

## B. STIPULATIONS

### Representation

If the aggrieved is three or fewer students, such students may represent themselves. If the aggrieved is more than three students, such students must select not more than three persons to represent them.

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The actor may be represented at any proceeding by head of household, attorney and/or a representative selected by the actor.

In all cases where an interested party has selected a representative, the interested party shall notify the appropriate hearing officer of this fact in writing and the representative shall be the spokesperson for the interested party.

## Confidence

All documents, communication, and records dealing with the processing of a grievance shall be kept in a separate file and shall not be kept in the student's cumulative or the actor's personal file.

Prior to the Board Level (Level Three), all meetings and hearings under this procedure shall be conducted in private and shall include only witnesses and interested parties and their designated representatives. All grievance investigations and procedures shall be held in confidence except when the resolution of the grievance requires public action.

## Grievances Against Hearing Officers

In any case where the actor is the hearing officer, the procedure shall start at the next highest level, except that no grievance shall start at the Board Level (Level Three). If the actor is the Superintendent, the President of The Board of Directors shall be the Level Two hearing officer.

## Form

Each grievance shall state the nature of the grievance, the aggrieved, the actor, the names of any witnesses, representatives, and any other information deemed pertinent by the aggrieved or deemed necessary by the hearing officer. The school district shall make the appropriate forms easily available in all buildings.

## Corrective Action

The set of behaviors constituting an act which caused a grievance does not constitute participation in the grievance procedure and therefore is subject to corrective action. However, no reprisal shall be taken by the Board of Directors or by any employee of the district against an interested party, or any representative or any other participant in the grievance procedure by reason of such participation.

## Time

Day is between 7:30 a.m. and 5:00 p.m. on a day when school is in session. Anything occurring after 5:00 p.m. shall be considered to have occurred the next day.

In the event a grievance is filed at such time that it cannot be processed through all the steps in this procedure by the end of the school year, the process shall proceed with Monday through Friday being considered school days.

Every effort will be made to have a grievance processed at times which will not require a replacement for the staff member involved for the performance of normal duties, or disruption of student class time.

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In computing time, the first day, the day the actor acts or a grievance or appeal is filed, shall be excluded and the last day of the time limit included.

Any grievance or appeal not timely taken shall be considered waived except when the hearing officer fails to deliver a decision within the specified time limits. The grievance or appeal shall be considered denied and this decision may be appealed unless the contrary is agreed to by the aggrieved and the actor.

## Writing

All filings, appeals, and decisions shall be in writing.

## Group Grievances

If more than one grievance is filed involving substantially the same issue, the hearing officer shall have the right to consolidate them and treat them as one grievance filed by more than one person.

## Delegation

Whenever a particular person is designated by this regulation to do a particular function, the function may be delegated by that person to a substitute, only if the named person is unable to do the function.

A substitute for the Superintendent shall be designated by the Superintendent or by the Board of Directors.

## Dissemination

The notice of this procedure's existence in board policy shall be included in faculty and student handbooks.

## C. PROCEDURES FOR STUDENT GRIEVANCES

### Student Grievances

A student who alleges a grievance shall first attempt to resolve the problem. If the problem cannot be solved without the grievance procedure, the parties may proceed formally to Level One.

#### 1. Level One-Principal

Formal student grievances shall be filed, not later than three (3) days from the act precipitating the grievance, with the principal, who shall be the Level One hearing officer. The student's head of household must either sign the grievance or accompany the student when the grievance is filed. If for any reason, a student is not in the building, the student's representative shall be allowed into the building to file a grievance. The Level One hearing officer shall immediately, by telephone or mail, notify the student's head of household and actor of

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the filing of a grievance.

The hearing officer shall then investigate the facts and circumstances of the grievance and interview the aggrieved and actor and shall attempt to solve the grievance to their mutual satisfaction. The hearing officer shall then deliver a report of the grievance and a decision within three (3) days of the filing to the aggrieved, the actor and the head of household.

## 2. Level Two-Superintendent

An interested party may appeal the Level One decision to the Superintendent who shall be the Level Two hearing officer by filing an appeal with the Superintendent within three (3) days of delivery of the final Level One decision.

The Level Two hearing officer shall investigate the facts and circumstances, and if the hearing officer deems it necessary, interview the aggrieved and actor. The Level Two hearing officer shall deliver a report of action taken and decision within three (3) days of the filing of the appeal to the aggrieved, the actor, the head of household and the Level One hearing officer.

## 3. Level Three-Board of Directors

An interested party may appeal the Level Two decision to the Board of Directors of the district, which shall be the Level Three hearing officer, by filing an appeal with the Board within three (3) days of delivery of the final Level Two decision. Appeals to the Board of Directors must be filed in person at the Board Secretary's office.

At the first regular Board of Directors' meeting following the filing of an appeal, or at such other time as fixed by the Board of Directors, the Board of Directors shall hold a hearing on the grievance.

Except on appropriate action taken in accordance with Iowa Code Section 21.5, such hearing shall be public. At such hearing, the Board of Directors shall investigate the facts and circumstances.

The Board of Directors' presiding officer shall prescribe the rules for the conduct of the hearing and shall preside. The actor and the aggrieved and their allowed representatives shall have an opportunity to testify orally and the Board of Directors shall review all writings in the matter.

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The Board of Directors shall deliver a decision within three (3) days of the second regular Board of Directors' meeting following the filing of an appeal. The Board of Directors on its own motion, may extend this period for not more than thirty (30) days.

All decisions of the Board of Directors shall be final within the scope of their authority.

## Non-Grievance Items

Notwithstanding any other language to the contrary, employment and assignment of personnel are not grievable.

Complaints of one student against another are not grievable. Student suspensions and expulsions, governed by Board Policies 502.2 and 502.3 are excluded from the grievance procedure.

## Grievance Resolution

The high school diploma may be withheld pending the resolution of any end-of-school-year grievance filed by a high school senior.

Other grievances that occur at the end of the school year will result in the implementation of any penalty being postponed until the subsequent school year.

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