

Uniform Grievance Procedure

Definitions

District – Teton School District #401, its employees, agents, and the Board of Trustees.

Grievance or complaint – a formal allegation or concern about a decision, practice, policy, or action of the District, particularly one involving alleged violations of

- Rights guaranteed by State or Federal constitutions or statutes, or by Board policy,
- Local, State, or Federal statutes or rules, or
- Board policy.

Grievant or complainant – any stakeholder having a grievance or complaint.

Retaliation – “A deliberate action used to send a ... message that complaining is unwelcome and risky ... employed to instill fear in others who might consider making a complaint in the future.”

([Bodensteiner, 2011, page 1](#)) It includes, but is not limited to,

- Verbal or physical abuse, or threats thereof;
- Threats to make, or to actually make, reports to authorities or contact the police;
- Increased scrutiny;
- Spreading false rumors, treating a family member(s) negatively;
- Making the person’s work more difficult;
- Removal from activity.

Stakeholder – any person residing in Teton County, Idaho, including students, patrons, and District employees.

Written – includes physically printed or hand-written information as well as electronic information.

Purpose

The District believes that listening to complaints, concerns, and suggestions is a fundamental aspect of continuous improvement AND that it is best to resolve grievances at the lowest possible administrative level. It is the intent of the District to provide a process that allows any

stakeholder the opportunity to formally present concerns, which are then addressed in a timely, orderly, and equitable manner.

The right of a stakeholder to prompt and equitable resolution of a complaint filed in accordance with this policy shall not be impaired by the pursuit of other remedies. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies, and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. In other words, this is a stand-alone policy that does not affect, and is not affected by, any other efforts by a stakeholder to resolve a situation.

Out of Scope for This Policy

- Alleged abuse of a student – consult policy 5260 and report to local law enforcement or the Department of Health and Welfare within twenty-four (24) hours.
- Alleged sexual misconduct – consult policies 3085 and 3085P and report to the Title IX Coordinator, the Superintendent of the District.
- Allegations of the following should be discussed with the first level of administration that is not involved in the alleged harassment
 - Sexual harassment or discrimination – policies 3085 and 3280
 - Sexual Harassment/Sexual Intimidation in the Workplace – policy 5240
 - Hazing, Harassment, Intimidation, Bullying, Cyber Bullying, Menacing – policy 3295
- Employment grievances by certified employees – consult policy 5250 and the grievance procedure contained in the Master Contract.
- Employment grievances by classified employees – consult policies 5800 and 5800P.

Procedure

- If a person designated to hear a grievance is the subject of the grievance, the grievance process shall begin at the next highest level.
- If a grievance is directly based on official Board action, the grievance shall be delivered to the Clerk of the Board. The grievance may be heard by the Board at the sole discretion of the Board.
- All times set forth may be enlarged by stipulation of the parties.

Alleged Violation of Title II, Section 504 of the Rehabilitation Act OR Title IX (other than Sexual Misconduct)

The principal shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints.

The Coordinator shall complete the investigation and file the report with the Superintendent within thirty (30) calendar days after receipt of the written grievance. The Coordinator may hire an outside investigator if necessary. If the Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Coordinator, or if any party is not satisfied with the recommendations from the Coordinator, a written appeal may be submitted to the Clerk of the Board (Level 4) within fifteen (15) calendar days of receiving the report of the Coordinator. It is important to note that a Level 4 appeal is sent to the Clerk of the Board, NOT an individual trustee.

Level 1: Informal. Stakeholders are encouraged to discuss issues directly with the teacher, counselor, or administrator involved within ten (10) days of the incident or from the date the grievant could reasonably have become aware of the incident. Ideally, matters will be resolved in this fashion – promptly and informally. If an informal discussion does not lead to a satisfactory resolution, continue to Level 2.

Level 2: Principal/Director. If a complaint is not resolved informally, the grievant may file a written grievance which must

- Be filed with the principal or director within sixty (60) calendar days of the incident, or from the date the grievant could reasonably have become aware of the incident;
- State the nature of the grievance, specifying
 - Facts and circumstances of the incident;
 - Alleged violations of policies, rules, laws, or statutes;
 - Witnesses or other evidence supporting the allegations;
 - Steps already taken to address the grievance; and
 - The remedy requested.
- Be signed and dated by the grievant or grievants

While no standard form is required, a well-organized grievance that includes the elements of form 4120F will help to expedite resolution.

The principal or director shall investigate and attempt to resolve the complaint within thirty (30) calendar days. If any party is not satisfied with the decision of the principal or director, or there is no resolution within thirty (30) calendar days, a written appeal may be submitted to the Superintendent (Level 3) within fifteen (15) calendar days of receiving the principal's or director's decision.

Level 3: Superintendent. Upon receipt of the written appeal, the Superintendent shall schedule a meeting between the parties and the principal or director. The parties shall be afforded the opportunity to either dispute or concur with the report of the principal or director. The Superintendent shall decide the matter within ten (10) business days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the principal or director, the recommendation will be implemented. If the Superintendent rejects the recommendation of the principal or director, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

If any party is not satisfied with the decision of the Superintendent, a written appeal may be submitted to the Clerk of the Board (Level 4) within fifteen (15) calendar days of receiving the Superintendent's decision. It is important to note that a Level 4 appeal is sent to the Clerk of the Board, NOT an individual trustee.

Level 4: Board. Upon receipt of the written appeal

- The Superintendent shall provide the Board with the original complaint, a summary of all actions taken at the school and/or superintendent levels, and any other documentation at least five (5) business days prior to the next regularly scheduled board meeting;
- In its discretion, the Board may require such further information about the complaint and the parties involved as it deems necessary for proper adjudication of the matter;
- The Superintendent, Board Clerk, and Board Trustees shall take all measures necessary to maintain the confidentiality of complaints, following FERPA laws, about or against any district employee. Such complaints will be heard in executive session, in compliance with Idaho Code 74-206(1)(b);
- All individuals concerned may present facts, make explanations, and clarify issues. Each party shall be given a complete and fair opportunity for explanation, comments, and presentation of facts as he or she understands them. All parties will then be dismissed during the board's deliberations;
- A decision shall be made and reported in writing to all parties within fifteen (15) calendar days of the Board hearing. The decision of the Board will be final;
- The Board reserves the discretion to schedule, hear, and dispose of all complaints in a manner of its own choosing.

Additional Considerations

The District shall maintain a complete written record of each complaint, the investigation methods and findings, and the final resolution.

- Such records will be maintained pursuant to Policy 8605 – Retention of District Records unless circumstances dictate that the file must be retained for a longer period of time.

- Written records, to the extent appropriate, will be maintained in a confidential manner in any affected employee's personnel file.

Retaliation will not be tolerated. To help prevent retaliation:

- District employees are expected to respond to and attempt to resolve complaints promptly and equitably.
- Employees shall not take actions to retaliate against individuals who have shared complaints or grievances.
- Complainants will be assured that they will not be punished for filing a complaint.
- Supervisors must understand their responsibility to prevent and address retaliation.
- Employees are accountable for complying with and enforcing discrimination rules and policies in accordance with stakeholder complaints.

Cross Reference:

3085 Sexual Harassment, Discrimination, and Retaliation Policy
3085P Title IX Sexual Harassment Grievance Procedure, Requirements
and Definitions
4110 Public Complaints
4000 Community Relations-Goals
1400 Board and Staff Communication

Policy History:

Adopted on: August 16, 2009
Revised on: August 8, 2016
Revised on: January 13, 2020
Revised on: December 14, 2020
Revised on: August 12, 2024

Other References

The Risk of Complaining – Retaliation –
https://scholar.valpo.edu/cgi/viewcontent.cgi?article=1359&context=law_fac_pubs

Title VI Legal Manual, Section VIII. Proving Discrimination - Retaliation –
<https://www.justice.gov/crt/fcs/T6Manual8>