

**GRIEVANCE PROCEDURE FOR CERTIFIED PERSONNEL**

**ARTICLE I**

**Definitions:**

- A. A “grievance” is a complaint by a teacher, or group of teachers, based upon an alleged violation, misinterpretation, or inequitable application of any existing agreements, contracts, policies, rules or regulations of the school district, except that the term “grievance” shall not apply to any matter as to which the method of review is prescribed by law, or the board is without authority to act.
- B. The term “teacher” is considered to apply to any certified professional employee and may include an individual or group of teachers who are similarly affected by a grievance.
- C. An “aggrieved person” is the person or persons making the claim.
- D. “Board” means the board of education of the Huron School District #2-2, Huron, South Dakota.
- E. “Association” shall mean the Huron Education Association (HEA).
- F. The term “days,” when used in this policy, shall, except where otherwise indicated, mean calendar days.
- G. Timelines may be waived by mutual agreement of the HEA and the administration.

**ARTICLE II**

**Purposes:**

The purpose of this statement of grievance procedure policy is to secure a solution at the lowest possible administrative level.

**ARTICLE III**

**Procedure:**

- A. It is important that grievances be processed as rapidly as possible. The number of days indicated at each level should be considered a maximum, and every effort should be made to expedite the process. If appropriate action is not taken by the teacher within the time limits specified, the grievance will be deemed settled on the basis of the disposition at the

preceding level. The time limits specified herein may be extended by mutual agreement of the aggrieved and the board of education designee, provided the time extension is requested within the time limits provided in the Article.

- B. In the event a grievance is filed on or after April 15, an effort should be made to reduce the time limits.
- C. If a teacher does not file a grievance in writing with the principal or other supervisor within twenty days after the teacher knew, or should have known, of the act or condition on which the grievance is based, the grievance shall be considered as having been waived.
- D. A supply of grievance forms shall be on file with the building principal and/or the immediate supervisor.

**ARTICLE IV**

**Informal Procedures:**

- A. If a teacher feels he/she has a grievance, he/she shall first discuss the matter with his/her supervisor, principal, or other administrator to whom he/she is directly responsible, in an effort to resolve the problem.
- B. If, after such discussion with the supervisor, principal, or other administrator, the teacher is not satisfied with the disposition of the matter, he/she shall have the right to present the matter to and discuss it with the superintendent.

**ARTICLE V**

**Formal Procedures:**

**LEVEL ONE - School Principal, Immediate Supervisor, or Other Administrator**

- A. If an aggrieved person is not satisfied with the disposition of his/her problem through informal procedures, he/she shall submit his/her claim in writing within the time limits set forth herein above.
- B. Three (3) copies of this written grievance shall be prepared by the teacher, and he/she shall send one copy to each of the following: supervisor, principal, or other administrator, HEA president, and the superintendent of schools.

- C. A teacher who is not directly responsible to a building principal may submit his/her formal written grievance claim to the administrator or supervisor to whom he/she is directly responsible, and such administrator shall carry out the aforementioned responsibilities the same as a principal. The administrator within seven (7) days shall render his/her decision in writing to the aggrieved person.

LEVEL TWO - Superintendent of Schools

- A. If an aggrieved person is not satisfied with the decision concerning his/her alleged grievance at Level One, he/she may, within five (5) days after the decision is rendered, or within ten (10) days after his/her formal presentation, file his/her alleged grievance with the superintendent.
- B. The superintendent of schools or his/her designee within ten (10) days from the receipt of the written grievance shall meet with the aggrieved person for the purpose of resolving the grievance. The principal or appropriate administrator who was involved at Level One shall be notified and shall have the option of attending the meeting. Arguments and documentation of all parties shall be made in writing at this level, and copies thereof shall be given to the superintendent and all interested parties. The superintendent shall, within five (5) days after the meeting, render his/her decision in writing to the aggrieved person, the supervisor, principal or other administrator, and the HEA president.

LEVEL THREE - Huron Education Association

- A. If the aggrieved person is not satisfied with the decision concerning his/her alleged grievance at Level Two, he/she shall, within five (5) days after the decision is rendered, file his/her alleged grievance with the association.
- B. The association shall, within five (5) days, make a judgment on the merits of the alleged grievance. If the association decides that the alleged grievance lacks merit, it shall send written notification to the teacher, supervisor, principal or other administrator, superintendent, and the HEA president. If the association decides that the alleged grievance has

merit and the decision at Level Two is not acceptable, it shall, within five (5) days after receipt, refer such grievance with argumentation and reason in writing to Level Four. Copies will be sent the HEA president, supervisor, principal or other administrator, the aggrieved person, superintendent, business manager, and president of the board of education.

**LEVEL FOUR - Board of Education**

- A. At the next regular meeting, or within twenty (20) days, the board (or its designated agent) shall consider the grievance or may designate a committee which may or may not include board members to hold a hearing or otherwise investigate the grievance or prescribe such procedure as it may deem appropriate for consideration of the grievance. The board shall make a final decision thereon at the following regular or special board meeting. After the meeting, the board shall notify the aggrieved in writing of its decision.

**LEVEL FIVE - Level Five is provided in SDCL 3-18-15.2. This appeal must be made within thirty (30) days.**

**ARTICLE VI**

**Miscellaneous:**

- A. If, in the course of investigation of any grievance by representatives of the complainant and such investigation requires their presence in a school building, they shall report immediately to the principal of such building being visited and state the purpose of the visit.
- B. Classroom activities shall not be interrupted and every effort shall be made to avoid the involvement of students in all phases of grievance procedure.
- C. The person or persons taking the action and their selected representatives may be present at every step of the procedure and shall be present at the request of the board or its designee. Nothing in Article VI, Item C, will interfere with the provisions provided in SDCL 3-18-15.
- D. If, in the judgment of the building principal or immediate supervisor, the grievance is not against his/her interpretation of the policy but against the superintendent's interpretation of the policy, the grievance, upon recommendation of the superintendent or his/her designee, may be filed directly with the superintendent.

- E. No reprisals of any kind shall be taken by either party against any party in interest, any representative, any officer of the association, any member of the association's grievance committee, any member of the administration, or any other participant in the grievance procedure by reason of such participation.
- F. When it is necessary for an aggrieved person and/or representative(s) of the association to attend a meeting or a hearing called by the superintendent during the school day, the superintendent's office shall notify the appropriate principals. The aggrieved person and the representative(s) shall be released without loss of pay for such time as their attendance is required at such meeting or hearing.
- G. The board agrees to make available to the aggrieved person and his/her representative information which is in its exclusive possession or control and which is relevant to the issue raised by the grievance.

