

Employee Complaints and Grievances

Policy Code: 1750/7220

The Guilford County Board of Education encourages the administration to actively attempt to resolve differences and to reduce the potential sources of conflict between employees and administrators. The Board expects the Superintendent to maintain open, effective channels of communication among employees and administrators. The Board believes that most conflicts should be resolved through open and informal communication between an employee and their immediate supervisor and that, for effective and efficient operations and a positive working environment, complaints and concerns should be resolved equitably at the lowest possible administrative level.

An employee may also seek advice and feedback regarding a potential grievance or may ask for further clarification of policies, regulations and statutes through the following methods:

- The open-door policy with all administrators,
- Presentations during public comments at Board meetings
- Petitions on behalf of groups of employees to administrators or the Board.

Alternatively, an employee may file a grievance in circumstances described in this policy.

Any employee who has a grievance against the school district or against another employee within the district will have the opportunity for an orderly presentation and impartial review of the grievance. The grievant will be permitted representation at any formal step in the grievance process.

The grievance process as described in this policy and administrative regulations issued by the Superintendent is designed to be a positive process through which relationships and communications between employees may be improved. The primary purpose of the grievance process is to provide a means for orderly and equitable resolution of disputes that arise during employment with the District. Grievance hearings are intended to open discussion about concerns and to resolve them. They are not intended to punish any employee or to alter employment relationships. During all grievance conferences and communications, the focus will be on finding solutions and resolutions. In accordance with North Carolina law, the grievance process may not be used as a means of collective bargaining.

A. DEFINITION OF GRIEVANCE

A grievance is a formal written complaint by a current employee of the Guilford County Schools that alleges one or more violation(s) of a specified federal law, state law, State Board of Education policy, state rule, or local board policy. The term grievance does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific remedy in law or board policy, or for which the Board of Education is without authority to act. Grievances are not available to address personnel actions, including but not limited to evaluations, personnel file performance documentation, assignment, termination or non-renewal.

B. PROCEDURES

The Superintendent will establish administrative regulations for the implementation of this policy. The procedures should allow for grievances to be raised and settled in a prompt and

efficient manner. All employees are encouraged to make reasonable efforts to resolve grievances informally and at the most immediate administrative level. All hearings and conferences under the grievance procedure will be private and confidential unless otherwise provided by law or unless otherwise mutually agreed to by all interested parties. To the extent possible, all hearings and meetings will take place so as not to interrupt the regular duties and responsibilities of employees. The procedure will provide for an appeal to the Board of a final administrative decision regarding a grievance. Hearings will be conducted in accordance with Policy 2500 Hearings before the Board.

C. RIGHT TO REPRESENTATION

Any employee involved in a grievance process has a right to representation by a third party to the grievance. Third party representatives are expected to follow the rules established for grievances and to act with courtesy and decorum befitting a hearing or formal meeting. No party may have more than one representative present at a hearing or formal meeting. Parties intending to bring representation to the hearing or formal meeting must notify all other interested parties at least 2 days before the hearing of the name and position (attorney, pastor, association representative, etc.) of the third-party representative they are bringing.

D. PROHIBITION ON RETALIATION

No coercion, discrimination, or other reprisals of any kind will be taken by the Board or by an employee of the school system against any employee or witness because of their participation in a grievance filed pursuant to this policy and its accompanying procedure.

E. NOTICE

The Superintendent or designee is responsible for providing effective notice to employees of the procedures for reporting and investigating grievances. When questions arise regarding which policy or procedure to follow, the Chief Human Resources Officer will provide information to employees to assist them in accessing the appropriate process.

Legal References:

Cross References:

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The Guilford County Board of Education encourages the administration to actively attempt to resolve differences and to reduce the potential sources of conflict between employees and administrators. Open, effective channels of communication between all employees, administrators and the Board shall be established and maintained. Any employee who has a grievance against the school district or against another employee within the district shall have the opportunity for an orderly presentation and impartial review of the grievance. The grievant will be permitted representation at any formal step in the grievance process.

It is acknowledged that it is usually most effective for an employee and his/her immediate administrative supervisor to resolve potential conflicts through open and informal communication. An employee, however, may seek advice and feedback regarding a potential grievance or may ask for further clarification of policies, regulations and statutes through the following methods:

I. Open Door Policy

The Superintendent, Chief Officers, Instructional Improvement Officers, School Support Officers, and Executive Directors are encouraged to establish effective lines of communication with all employees. The doors of the above named administrators are open at all times to confer with personnel. Conferences are confidential unless questions of legality arise. Reactions and advice on potential grievances may be given, but no official action shall be taken unless informal or formal grievance procedures have been followed.

II. School Board Meetings

The Board welcomes employees to all Board meetings. Employees may express general problems, suggestions, or frustrations about the school system without identifying specific persons, but the Board shall defer any official action unless the formal grievance procedure has been followed.

III. Petitions

Groups of employees may submit written petitions involving a single issue to the Superintendent or the Board. If the petition refers to a specific grievance involving a single school, department, or employee, the Superintendent or Board shall refer the employees to the informal or formal grievance procedures.

GRIEVANCES

I. Purpose

The grievance procedure is designed to be a positive process through which relationships and communications between employees may be improved. The primary purpose of the grievance procedures is to provide a means for orderly and equitable resolution of disputes that arise during employment with GCS. Grievance hearings are intended to open discussion about concerns and to resolve them. They are not intended to punish any employee or to alter employment relationships. During all grievance conferences and communications the focus shall be on finding solutions and resolutions rather than on describing or elaborating on the problem itself. No retaliation, coercion, discrimination or reprisal shall be taken against any employee who makes use of the grievance process. In accordance with North Carolina law, the grievance process may not be used as a means of collective bargaining.

II. Definitions

A. Grievance

1. A formal written claim by a current employee of the Guilford County Schools that alleges one

of the following: that there has been a violation, misapplication or misinterpretation of State or federal law or regulation, school board policy, administrative procedure.

2. The term grievance does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific remedy in law or board policy, or for which the Board of Education is without authority to act.

3. Grievances are not available to address personnel actions, including but not limited to evaluations, personnel file performance documentation, assignment, termination or not being re-employed.

~~B. Grievant—the current employee who is filing the grievance.~~

III. Right to Representation

~~Both the Grievant and the other Interested Parties have a right to representation by a third party whose role and type of participation shall be determined by the parties to the grievance. Third party representatives are expected to follow the rules established for grievances and to act with courtesy and decorum befitting a hearing process. No party shall have more than one representative present at a hearing. Parties intending to bring representation to the hearing shall notify all other Interested Parties at least two days before the hearing of the name and position (attorney, pastor, association representative, etc.) of the third party representative they are bringing; however, attorneys may not be used until the grievance has progressed to the Superintendent's level.~~

IV. Procedures

~~Grievances should be raised and settled in a timely and efficient manner. All Interested Parties are encouraged to make reasonable efforts to resolve grievances informally and at the most immediate administrative level. All hearings and conferences under the grievance procedure will be private and confidential unless otherwise provided by law or unless otherwise mutually agreed to by all Interested Parties. To the extent possible, all hearings and meetings will take place so as not to interrupt the regular duties and responsibilities of the Interested Parties. The Superintendent shall establish administrative procedures for the implementation of this policy.~~