



WINDHAM SCHOOL  
DISTRICT

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**SUPERSEDES:** WBP 07.26 (rev. 1)  
May 20, 2008

# WINDHAM BOARD POLICY

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**SUBJECT:** EMPLOYEE GRIEVANCE PROCEDURES

**AUTHORITY:** Texas Education Code § 19.009; 19 Texas Administrative Code § 300.1

Reference: Section 11.171, Texas Education Code §§ 11.171; Texas Government Code §§ 554.001-.010

**APPLICABILITY:** Windham School District (WSD)

## **EMPLOYMENT AT WILL CLAUSE:**

These guidelines **do not** constitute an employment contract or a guarantee of continued employment. The WSD reserves the right to change the provisions of these guidelines at any time.

Nothing in these guidelines and procedures limits the superintendent's authority to establish or revise human resources policy. These guidelines and procedures are adopted to guide the internal operations of the WSD and **do not** create any legally enforceable interest or limit the superintendent's authority to terminate an employee at will.

## **POLICY:**

The WSD promotes equal employment opportunity through a process designed to provide responses to employee grievances without regard to race, color, religion, gender, national origin, age, disability, genetic information or uniformed services status. The WSD has zero tolerance for all forms of employment discrimination in the employee grievance process, and harassment or retaliation is prohibited. No employee shall be subjected to harassment or retaliation for opposing or reporting employment discrimination in the employee grievance process.

Employees of the WSD shall be treated fairly and equitably. Employees who believe they have not been treated fairly and equitably in regard to employment related matters and have suffered an adverse effect have a right to submit a grievance to the appropriate WSD officials for prompt consideration and an equitable decision in accordance with the procedures within this policy. The application of procedures shall assure a fair opportunity for presenting and resolving employee

grievances. WSD officials applying this policy shall apply fundamental fairness, equity, and justice when making decisions affecting employees. It is the intent of these procedures that employment complaints be resolved at the lowest possible administrative level.

Employees and employees' representatives or witnesses shall not be subjected to harassment, retaliation, intimidation, or coercion for pursuing a grievance or acting as a representative or witness in the grievance process.

### **DEFINITIONS:**

“Adverse Effect” is an unreasonable interference with an employee’s ability to perform the employee’s job or with other employment related matters that affect the individual submitting the complaint.

“Employment Related Matter” includes, but is not limited to issues regarding performance evaluations, disciplinary actions, hours of work or assignment, working environment, and retaliation that is not based on race, color, gender, religion, national origin, age, disability, or genetic information. The employment related matter must be regarding an issue that is within the WSD’s authority to modify. Whether or not a matter is employment related shall be determined on a case by case basis by the grievance coordinator.

“Equal Employment Opportunity (EEO) Rule Violation” is a violation of one of the following TDCJ Employee General Rules of Conduct (as published and described in PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees,” Attachment A, “Listing of Employee’s General Rules of Conduct and Disciplinary Violations”): (a) Rule No. 14b, “Use of Slurs/Hostile Epithets”; (b) Rule No. 21, “Discrimination/Harassment against Persons of a Protected Class/Retaliation”; (c) Rule No. 50, “Discourteous Conduct of a Sexual Nature”; and (d) Rule No. 53, “Failure to Report Alleged Acts of Discrimination/Harassment against Persons of a Protected Class, Discourteous Conduct of a Sexual Nature, or Retaliation.”

“Grievance” is a formal written complaint filed by an employee in accordance with this policy and submitted on an Employee Grievance Form (Attachment A) regarding an employment related matter.

“Grievant” is an employee who pursues a grievance under the procedures set forth in this policy.

“Grievance Coordinator” is an employee assigned by the superintendent to receive, evaluate, and coordinate the processing of complaints; advise employees and supervisors of the available options to resolve employment related complaints, grievances, or any other employment related disputes; and inform employees of filing rights with state and federal enforcement agencies such as the Texas Workforce Commission – Civil Rights Division (TWC-CRD) and the Equal Employment Opportunity Commission (EEOC).

“Offender” is an individual under the supervision, custody, or incarceration of the Texas Department of Criminal Justice (TDCJ), including a TDCJ offender housed in a privately operated, federal, county, or other states’ facilities. These individuals include, but are not limited to, parolees, individuals under mandatory supervision, incarcerated individuals, and individuals housed in county jails, who have been sentenced to the TDCJ but are not yet in TDCJ custody.

“Representative” is a person who represents a grievant in a grievance meeting. The grievant may be represented at personal expense by a fellow employee, attorney, person, or an organization that does not claim the right to strike. The WSD may use representatives as it deems necessary.

“Responding Authority” is the WSD official who is responsible for responding to a grievance.

“Strike” is a work stoppage by a body of workers to enforce compliance with demands made by the body of workers or the workers’ representative.

“Witness” is a person who has firsthand knowledge pertinent to the complaint.

## **PROCEDURES:**

### I. Overview

Normal day to day discussions between an employee and a supervisor regarding working conditions and employment related matters are the most constructive and expeditious means of developing and enhancing favorable and effective work relationships. The WSD encourages employees and supervisors to attempt resolution of a situation by using informal problem solving techniques before filing a formal grievance. However, when a matter is not resolved to the satisfaction of the employee, the employee may seek resolution by submitting a grievance.

Submission of a grievance by an employee shall not be construed as reflecting unfavorably on an employee’s good standing, performance, or desirability to the WSD. Similarly, the occurrence of occasional grievances shall not be construed as reflecting unfavorably on the quality of supervision or on the general management of the WSD.

### II. Notice to Employees

All newly hired employees shall receive a copy of this policy, without attachments, during new hire training. The principal on each campus and other supervisory personnel shall ensure that all employees under their supervision are informed of this policy each time it is revised. This policy shall be published on the WSD website at [www.wsdtx.org](http://www.wsdtx.org) and intranet page at <http://tyler/csd/policy/index.html>. In addition, the name, title, and location of the grievance coordinator shall be identified on a prominent notice posted on the common use area bulletin board.

### III. Submission of a Grievance

#### A. General Procedures

##### 1. Compliance with Procedures

It is a grievant's responsibility to be knowledgeable of and seek clarification of WSD procedures for submitting a grievance and rejecting a grievance response. A submitted grievance shall not be accepted if it is not in compliance with the procedures established by this policy. Being unaware of the existence of or not having a clear understanding of these procedures is not a defense for failure to comply with these procedures.

##### 2. Employee Grievance Form

All grievances shall be submitted on the board approved Employee Grievance Form. Failure to comply with this requirement shall result in the grievance being returned without action. An employee may obtain a copy of the form from the WSD Human Resources Department, the Office of the WSD General Counsel, the employee's supervisor or regional administrator, or by printing a copy from the WSD website or intranet page. The grievant shall submit the complete original Employee Grievance Form with support documentation at level one of the grievance process. The Employee Grievance Form must have the original signature of the employee filing the grievance.

##### 3. Grievant Requirements

A grievance may be submitted by one employee. A grievance submitted by a group of employees shall not be accepted. An employee who is claiming to be adversely affected by an employment related matter may submit a grievance. A grievance submitted by an employee or individual on behalf of another employee shall not be accepted.

##### 4. Use of WSD or State Resources

A grievant shall not use the following WSD or state resources to prepare or submit a grievance:

- a. First class or certified mail postage or overnight delivery service paid or supplied by the WSD or state;
- b. WSD or TDCJ mail service, either hand delivery courier or truck mail;
- c. WSD or state equipment;

- d. WSD or state supplies; or
- e. WSD or state time (during working hours).

Evidence consisting of work related e-mails shall be listed on the grievance form by identifying the information in the To, From, Date, and Subject fields. The responding authority shall print these documents relevant to the complaint. Any questions regarding other printed documents may be referred to the grievance coordinator.

**B. Grievable and Non-Grievable Issues**

1. An employee may submit a grievance on any matter of concern or dissatisfaction related to the employee's employment, wages, hours, or any other employment related matter as defined by this policy.
2. Issues that are not grievable include, but are not limited to:
  - a. Voluntary resignation;
  - b. Reclassification;
  - c. A final decision of the sick pool administrator regarding the denial of sick leave pool;
  - d. Issues mandated by legislative action, statute, or court ordered reform;
  - e. Demotion of a contract employee; or
  - f. Topics governed by other review processes, such as terminations and non-renewal procedures of a contract employee.
3. An employee may contact the grievance coordinator or the WSD Human Resources Department, during normal business hours to confidentially discuss any questions regarding whether a complaint is a grievable issue.

**C. Representation**

A grievant may choose, at personal expense, to have a representative assist in the preparation of a written grievance or attend a grievance meeting along with the grievant.

1. Limitations

A grievant's representative shall not:

- a. Claim the right to strike; or
- b. Be an offender.

2. Designating a Representative

- a. A grievant shall designate a representative by writing the representative's name in the space indicated on the Employee Grievance Form. The grievant may designate a representative with the initial grievance or when submitting a Grievance: Notice of Appeal form. Once the grievant has identified a representative on the appropriate grievance form, the grievant shall not identify a different representative at a later step in the grievance process.
- b. A representative shall be allowed to attend a grievance meeting if the representative was identified on the appropriate grievance form and the grievant is present for the grievance meeting.

3. General Provisions

- a. There is no authority for the WSD to pay compensation to or reimburse the expenses of a representative, whether a WSD or state employee or someone from outside of the WSD or TDCJ. Appearance as a representative at a grievance meeting shall not be considered official business. If an employee acting as a representative attends a grievance meeting held during scheduled work hours, the employee shall obtain prior approval to take discretionary or compensatory time or, if discretionary or compensatory time is not available, leave without pay to attend the grievance meeting.
- b. Any meetings between the grievant and the grievant's representative relating to the preparation of a grievance shall not occur on WSD time (during working hours).
- c. A representative, whether a WSD employee or other individual, shall not use WSD or TDCJ resources, including first class or certified mail postage or overnight delivery service paid or supplied by the state, TDCJ mail service, WSD or TDCJ equipment, WSD or TDCJ premises, WSD or TDCJ supplies, or WSD or state time (during working hours) for the preparation or support of a grievance.

- d. The grievant is required to sign and submit the grievance. The WSD shall not accept a grievance signed and submitted by a representative on behalf of an employee. All communications by the WSD in regard to the grievance shall be with the grievant and not the representative.

D. Witnesses Presented by the Grievant

A grievant may present witnesses on the grievant's behalf. The witnesses shall be limited to individuals who have firsthand knowledge of the events being grieved. A grievant who anticipates relying on the testimony of one or more witnesses to support the grievance shall:

1. Write the name of each witness in the space indicated on the Employee Grievance Form; and
2. Attach a written statement from each witness to the Employee Grievance Form when the grievance is initially submitted. The grievant may ask a witness for a witness statement on WSD or state time (during working hours), and the WSD encourages witnesses with firsthand knowledge of the events being grieved to provide a witness statement for the grievant. However, the witness shall not use WSD or TDCJ resources, including first class or certified mail postage or overnight delivery service paid or supplied by the WSD or TDCJ, TDCJ mail service, WSD or TDCJ equipment, WSD or TDCJ premises, WSD or TDCJ state supplies, or WSD or state time (during working hours) to prepare a statement requested by the grievant.

E. Essential Elements of a Grievance

The essential elements of a grievance include the specific complaint, the adverse effect and the requested remedy or relief. The essential elements of a grievance shall be summarized, clearly stated, and typed or legibly written on the Employee Grievance Form or on a separate attachment. If the essential elements are not stated or are throughout the grievance form instead of the specific space indicated for each essential element, the grievance shall be rejected. If the essential elements are on a separate attachment, the grievant shall write "see attachment" in the appropriate space on the Employee Grievance Form.

1. Complaint

The grievance shall include a specific complaint regarding one incident or one employment related matter affecting the employee.

- a. The complaint shall be a grievable issue.
- b. The complaint shall not be in relation to an incident that has not yet occurred, such as notice of a policy violation that could result in formal disciplinary action.
- c. The complaint shall be about only one individual. If an employee is complaining about more than one individual, the employee shall submit a separate grievance for each individual and provide the full name of each individual.
- d. Only one employment related matter may be identified in the complaint. A grievance identifying multiple employment related matters or employment related matters already addressed in a grievance previously submitted by the same grievant shall be rejected.

2. Adverse Effect

The grievance shall contain an explanation of how the action or issue complained about adversely affected or unreasonably interfered with an employment related matter.

3. Requested Relief or Remedy

The requested relief or remedy shall:

- a. Be within the authority of the WSD to grant; and
- b. Not include a request for another employee to be disciplined. The inclusion of a request for discipline in a grievance is grounds for the grievance to be rejected.

F. Initial Submission of a Grievance

A grievant shall complete, sign, and submit the original Employee Grievance Form to the grievance coordinator by hand delivery, first class mail, delivery or overnight services, provided that no WSD or state resources are expended. In the interests of timeliness, a grievance may be submitted by personal or commercial facsimile machine directly to the grievance coordinator's WSD fax machine. All documents including facsimile and originals shall be date stamped upon receipt. Documents received after the close of business are considered received the next business day.

If a grievance is submitted directly to a supervisor, without being submitted through the grievance coordinator, the grievance shall be returned without action to the grievant. The time the grievance is in possession of the supervisor shall not count against any applicable submission time limit.

G. Submission Time Limits

The Employee Grievance Form and any support documentation for the grievance shall be considered as being submitted on the date the documents are given to the grievance coordinator, the date the documents are postmarked to the address of the grievance coordinator, or the date the facsimile is received by the office of the grievance coordinator.

The grievant shall submit the grievance within 15 working days of the time the employee knew, or should have known, of the event or series of events causing the complaint unless the superintendent or human resources director allows for an exception to this time limit.

H. Initial Review by Grievance Coordinator

Upon receipt of the grievance, the grievance coordinator shall review the grievance to determine whether the grievance includes an EEO related complaint.

1. If it is determined that a grievance includes an EEO related complaint, the grievance coordinator shall reject the complaint as a grievance and advise the grievant in writing that the complaint shall be processed in accordance with WSD procedures for addressing discrimination in the workplace, sexual harassment, discourteous conduct of a sexual nature or retaliation.
2. If the grievance does not include an EEO related complaint, the grievance coordinator shall:
  - a. Audit the grievance documents to verify that the grievance meets the requirements as set forth in this policy, to include the following:
    - (1) The grievance is on the approved Employee Grievance Form;
    - (2) The essential elements are summarized and clearly stated; and
    - (3) The requested relief or remedy is within the WSD's authority to grant.
  - b. Identify any discrepancies, such as the complaint was not clearly stated.

3. In order to expedite the grievance process, only one grievance from the same grievant regarding a single issue or related issues shall be processed. If multiple grievances are received from the same grievant with similar issues, the grievance coordinator shall combine the grievances into one grievance and administratively close the other grievances. The grievance coordinator shall advise the responding authority of the issues identified in the other grievances and instruct the responding authority to address all of the issues in the response of the remaining grievance.

I. Grievance Not Accepted

2. Grievance Coordinator Responsibilities

- a. If the grievance coordinator does not accept the grievance due to an error or oversight that may be corrected by the grievant and there is sufficient time remaining within the 15 working day submission period, the grievance coordinator shall notify the grievant of the error or oversight by e-mail or facsimile for correction or resubmission.

If the corrections are not received within the time periods specified in Section III.G., the grievance shall be closed by the grievance coordinator with no further action taken. The working days that the original grievance was in the administrative review process shall not count against the 15 working day time period for submission.

- b. If the grievance coordinator does not accept the grievance for any other reason, the grievance coordinator shall close the grievance with no further action taken.
- c. The grievance coordinator shall return the original Employee Grievance Form to the grievant with official notice in writing that the grievance was not accepted.

J. Grievance Accepted

If the grievance coordinator determines that the grievance meets the requirements as set forth by this policy, the grievance shall be moved forward for action.

If the grievance is accepted in error, the grievance shall not be processed beyond the point that the error is discovered. The grievance coordinator shall follow the procedures in Section III.I.1.c of this policy relating to notifying the grievant.

#### IV. Grievance Steps for Accepted Grievances

##### A. General Provisions

##### 1. Responding Authority

There are three levels in the grievance process. The positions authorized to act as a responding authority for each step are identified as follows.

##### a. Level One

The responding authority for a level one grievance shall be the lowest level of management or the immediate supervisor with the authority to grant the requested relief. If the grievance alleges the immediate supervisor's violation of the law or policy in the workplace or the supervisor's unlawful harassment of the employee, the grievance will begin at level two.

##### b. Level Two

The responding authority for a level two grievance shall be the appropriate regional administrator or division director or designee.

##### c. Level Three

The responding authority for a level three grievance shall be the superintendent or designee.

##### 2. Availability of Three Levels

Although there are three levels in the grievance process, a grievance shall only be responded to by a responding authority with the authority to grant the requested relief. Therefore, in some instances not all three levels are available because a level one or two responding authority may not have the authority to grant the requested relief.

The decision that a level one or two responding authority does not have the authority to grant the requested relief may be determined by the grievance coordinator or by the level one or two responding authority. When this occurs, the grievance shall be forwarded for response at the next level and shall only be responded to at the level the responding authority has the authority to grant the requested relief.

- a. A grievance to a district wide policy shall only be responded to by the superintendent or designee at level three.

- b. A grievance relating to a dismissal of a non-contract employee shall only be responded to by the appropriate division director or regional administrator or designee at level two.
- c. There may be other instances when the grievance coordinator determines that only a level two or three responding authority has the authority to grant the requested relief.

3. Circumventing the Three Level Process

A grievant shall not circumvent the procedures of this policy by forwarding a Grievance: Notice of Appeal form to the next step until it has been addressed at the previous step. If a grievant forwards a grievance to the next step before it has been addressed at the previous step, the grievance shall be rejected and returned to the grievant.

4. Grievant's Election to Have the Grievance Returned

If at any step the grievant elects to have the grievance returned before a response at that step is rendered, the grievant shall submit a written request to the grievance coordinator. The grievance shall be returned to the grievant, and the grievance shall be closed with no further action taken.

5. Witnesses Presented by the Responding Authority

Witnesses shall be limited to individuals, not including offenders, who have firsthand knowledge of the events being grieved. WSD employees who have firsthand knowledge of the events being grieved may serve as witnesses and provide statements when requested to do so by an appropriate authority, which is any manager or supervisor. Neither the grievant nor the grievant's representative are considered appropriate authorities.

When a WSD employee who has firsthand knowledge of the events being grieved is requested by an appropriate authority to provide a statement, the employee may use WSD resources, to include first class or certified mail postage or overnight delivery service paid or supplied by the WSD, TDCJ mail service, either hand delivery courier or truck mail, WSD equipment, state premises, WSD supplies, WSD (during working hours) to prepare and provide the statement.

B. Processing Accepted Grievances

Upon acceptance of a grievance, the grievance coordinator shall notify the grievant by e-mail that the grievance has been accepted for processing and forward a copy or facsimile of the grievance to the appropriate level one, two, or three responding authority.

C. Requirement to Hold a Grievance Meeting

1. Level One

A grievance meeting is not required at level one; however, after reviewing the grievance, the level one responding authority may conclude that a level one grievance hearing may expedite resolution of the grievance.

2. Level Two

If a grievance is being responded to at level two, the level two responding authority shall schedule a grievance meeting regardless of whether a meeting was held at level one.

3. Level Three

a. If the grievance was responded to by a level two responding authority, the level three responding authority may choose to:

(1) Review the grievance and respond in writing to the grievant's appeal based upon the available information without holding a meeting; or

(2) Schedule an additional grievance meeting.

b. If the grievance is only being responded to by the level three responding authority, such as a district wide policy, the level three responding authority shall schedule a level three grievance meeting.

D. Scheduling a Grievance Meeting and Notifying Employee

1. General Provisions

a. A grievance meeting shall be scheduled in accordance with the guidelines within this section and for a date and time that provides all parties a reasonable opportunity to be present.

b. The responding authority or designee shall determine the method of conducting the grievance meeting, such as in person, telephonically, or via video-conferencing, and location. Attendance at a grievance meeting shall be considered official business if the employee is still on payroll.

- c. An employee on approved leave, such as workers' compensation, shall not be asked to travel to the unit or department for a grievance meeting. The grievance meeting shall be delayed until the employee returns to work.

2. Scheduling Time Frames and Notification

- a. If a level one responding authority or designee determines that a grievance meeting is appropriate, the meeting shall be scheduled within 15 working days after the responding authority receives the grievance. The meeting shall be scheduled to take place no earlier than 24 hours and no later than 15 working days after the grievant receives the notification in person or via certified mail, return receipt requested, allowing three calendar days for delivery. When possible, all notifications shall be hand delivered. The notification must be in writing and include the name of the grievant and responding authority or designee, the time and location of the meeting, and the name of the representative if designated per the guidelines of this policy.
- b. A level two or three responding authority or designee scheduling a grievance meeting shall do so within 20 working days after the responding authority receives the grievance. The meeting shall be scheduled to take place no earlier than 24 hours and no later than 20 working days after the grievant receives notification in person or via certified mail, return receipt requested, allowing three calendar days for delivery. When possible, all notifications shall be hand delivered. The notification shall be in writing and include the name of the grievant and responding authority or designee, the time and location of the meeting, and the name of the representative if designated per the guidelines of this policy.

E. Notifying the Grievant's Representative of a Grievance Meeting

It is the responsibility of the grievant to notify the grievant's representative regarding the date and time of any grievance meeting.

F. Recording of Grievance Meeting

The steps of the grievance procedure are intended to be a problem solving process for addressing grievances. The use of recording devices at a grievance meeting held at any step creates a formal and adversarial atmosphere that is in direct conflict with the purpose of the problem solving approach. Therefore, audio taping, videotaping, or written recording of a grievance meeting is not permitted; however, informal note taking shall be allowed. As reasonable accommodation for a physical disability, a hearing impaired employee involved in the grievance process may use a qualified interpreter or use a recording device.

G. Conduct by Participants

All participants in a grievance meeting shall conduct themselves in a professional manner. The failure to do so shall be grounds to terminate the grievance meeting, in which case the grievance shall be decided on the basis of the written grievance and the information obtained prior to the termination of the grievance meeting. Misconduct by the grievant, representatives or witnesses shall also be grounds to disqualify the offending individual from participating in future grievance meetings related to the grievance in progress.

H. Grievant's Failure to Appear at a Grievance Meeting

1. Level One

If a grievant fails to appear at a scheduled level one grievance meeting, the responding authority may elect to respond to the grievance without conducting a grievance meeting or may elect to reschedule the grievance meeting. When making the determination, the responding authority should consider whether there were mitigating circumstances that prevented the grievant's appearance, such as illness or death in family. A representative failing to appear is not grounds for cancelling or rescheduling a grievance meeting.

If the responding authority reschedules the grievance meeting, the responding authority shall notify the grievant in writing of the rescheduled meeting. If the grievant fails to appear at the rescheduled meeting, the responding authority shall respond to the grievance without conducting a level one grievance meeting.

2. Level Two or Three

If a grievant fails to appear at a scheduled level two or three grievance meeting, the responding authority shall determine if the failure to appear was due to mitigating circumstances, such as illness or death in family.

- a. If the failure to appear was not due to mitigating circumstances, the responding authority shall administratively close the grievance.
- b. If the failure to appear was due to mitigating circumstances, a second meeting shall be rescheduled. The responding authority shall notify the grievant in writing of the rescheduled meeting. If the grievant fails to appear at the rescheduled meeting, the responding authority shall administratively close the grievance.

I. Grievance Response

1. Response Time Limits

If a responding authority fails to respond within the following established time limits, the failure shall not be grounds for granting the grievant's requested relief.

a. If a grievance meeting was not scheduled, the responding authority or designee shall submit a written response to the grievance as follows:

(1) Within ten working days of receipt for level one; or

(2) Within 15 working days of receipt for level three.

b. If a grievance meeting was scheduled or rescheduled, the responding authority or designee shall submit a written response to the grievant within 15 working days after the date of the scheduled or rescheduled meeting unless the grievance was administratively closed due to the grievant's failure to appear.

2. Response Time Limit Extensions

The responding authority shall provide the grievant and grievance coordinator with written notification of the new response date, if the responding authority is unable to respond to the grievance within the required time limits, such as travel or illness. The written notification shall be provided in person or by certified mail, return receipt requested.

3. Identification of the Grievance Coordinator

The responding authority at level one or two shall include the name and address of the grievance coordinator in the grievance response as a courtesy to the grievant should the grievant request to appeal to the next level.

4. Distribution of Grievance Response

After the responding authority has prepared a response to a grievance, a copy of the response shall be sent to the grievant and the grievance coordinator. The responding authority shall document the grievant's receipt of the response by signature and date or certified mail receipt.

If the grievant designated a representative, the grievant shall be provided with an extra copy of the response for the representative. Nothing in these procedures requires the WSD to send its written responses to the grievant's representative instead of the grievant.

V. Grievant's Acceptance or Rejection of Response

A. Level One or Two Response

Upon receipt of a level one or two grievance response, the grievant shall decide whether to accept or reject the response.

1. Response Accepted

If the grievant accepts the response, the grievant is not required to take any further action.

2. Response Rejected

a. If the grievant rejects the response and proceeds to the next step, the grievant shall:

(1) Complete the Grievance: Notice of Appeal form which shall include the reason for rejecting the response. The grievant shall not include the addition of new issues not directly related to the initial complaint.

(2) Submit the Grievance: Notice of Appeal form to the grievance coordinator in accordance with procedures in Section III.F of this policy.

b. The time limit for submitting a rejection to a level one or two response is five working days after the grievant receives the response. The Grievance: Notice of Appeal shall be considered as being submitted on the date the documents are given to the grievance coordinator, the date the documents are postmarked to the address of the grievance coordinator, or the date the facsimile is received by the office of the grievance coordinator. Documents received after the close of business are considered received the next business day.

c. If the grievant does not reject the level one or two response within the five working day response period, the grievance response shall be considered to have been accepted by the grievant and the grievance shall be closed.

B. Level Three Responses

The decision of the level three responding authority is final, and the grievance process is complete once the grievant receives a level three response.

VI. Separation from Employment when Grievance is in Process

When a grievant is voluntarily or involuntarily separated from employment, the separated employee's grievance shall continue to be processed in accordance with the procedures within this directive if the requested relief can be granted. If the requested relief cannot be granted because of the grievant's separation from employment, the grievance coordinator shall immediately close the grievance with no action taken and notify the grievant per procedures set forth in Section III.I.1.c. of this policy.

VII. Whistleblower's Complaints

The *Texas Government Code, Chapter 554, Protection for Reporting Violations of Law* (Whistleblower Protection) protects employees reporting a violation of the law to an appropriate authority. Employees who allege unlawful discrimination in retaliation for making such a report shall invoke this policy no later than 90 days after the date that the alleged violation occurred or was discovered by the employee through use of reasonable diligence. The complaint shall begin at level two. If the complaint is not resolved at that level, the superintendent shall ensure that the matter reaches level three expeditiously. Timelines for the employee and the WSD set out in this policy may be shortened to ensure that the final decision is made within 30 days of the initiation of the complaint.

VIII. Presentations to the Board of Trustees

Although the complaint review process is concluded at level three, this policy does not prevent an employee from either making a written appeal to the board; or speaking during the "Public Comment" period in accordance with 19 TAC § 300.1 concerning Public Presentations and Comments to the Windham School District Board of Trustees.

\* Signature on file

Oliver J. Bell, Chairman

Windham School District Board of Trustees



**EMPLOYEE GRIEVANCE**

An employee who wishes to file a complaint must complete this form in its entirety and submit the completed form to the WSD grievance coordinator in accordance with procedures established in WBP-7.26, Employee Grievance Procedures. All complaints will be processed in accordance with Board policy.

Use of WSD or state resources is strictly prohibited. WSD resources shall only be used to prepare for a grievance meeting after the grievant has been notified that a meeting has been scheduled. However, preparation shall not impact classroom instruction.

<b>Grievant Name:</b>		<b>Unit of Assignment:</b>	
<b>Supervisor:</b>		<b>Position of Assignment:</b>	
You may elect to identify a representative when the grievance is initially submitted or when submitting a rejection to level one or two response. If you fail to identify a representative when this form is submitted, a representative shall not be allowed to attend a grievance meeting. Once you have identified a representative, you shall not be allowed to identify a different representative.			
<b>Representative or Organization:</b>			
Address/Telephone:			
Witnesses are individuals who have first hand knowledge of the events being grieved.			
<b>Witness:</b>		<b>Witness:</b>	
Position:		Position:	
The complaint, adverse affect and requested relief must be summarized, clearly stated and legibly written or typed in the appropriate spaces below or on an attached sheet. If you describe a complaint, adverse affect, or requested relief on a separate attachment, write "see attachment" in each appropriate space below.			
<b>Complaint:</b> Be specific. Must pertain to one individual. Must be in relation to an event that has already occurred.			
<b>Adverse Action:</b> Explain how the action or issue adversely affected or interfered with an employment related matter.			
<b>Requested Relief or Remedy:</b> State the specific corrective action or remedy you are requesting. The corrective action shall be within the authority of the WSD to grant and shall not include a request for another employee to be disciplined.			
<b>Employee Signature:</b>		<b>Date:</b>	



**GRIEVANCE: NOTICE OF APPEAL**

This form must be filled out completely by a grievant appealing a grievance decision to the next level in accordance with WBP-07.26, Employee Grievance Procedures. The grievant shall attach a copy of the Employee Grievance Form submitted and the responding authority's response at level one or two.

<b>Grievant Name:</b>	<b>Unit of Assignment:</b>
<b>Supervisor:</b>	<b>Position of Assignment:</b>
<b>Did you have a level one grievance meeting?</b> Yes      No <b>If no, did you receive a written response?</b> Yes      No	<b>Who was the responding authority?</b>  <b>Name:</b>
<b>If the grievant elects to reject the response at level one, the grievant shall list the reasons for rejecting the grievance response:</b>  	
<b>Did you have a level two grievance meeting?</b>  Yes      No	<b>Who was the responding authority?</b>  <b>Name:</b>
<b>If the grievant elects to reject the response at level two, the grievant shall list the reasons for rejecting the grievance response:</b>  	
You may elect to identify a representative when submitting a rejection to a level one or two response. If you fail to identify a representative on this form, the representative shall not be allowed to attend a grievance meeting. If a representative was identified at level one, the representative shall not be changed.	
<b>Representative or Organization:</b>  Address/Telephone:	
The grievant understands that in order for the appeal to be considered, a copy of the original Employee Grievance Form and decision from the responding authority at level one or two must be attached.	
<b>Employee Signature:</b>	<b>Date:</b>