

FAYETTEVILLE SCHOOL DISTRICT POLICIES

4102 – POLICY FOR HANDLING PERSONNEL PROBLEMS

The Board of Education recognizes the need to implement an orderly process for the early resolution of differences concerning the implementation of established rules and policies and to provide for an orderly settlement in a manner fair and equitable to all employees.

The Board of Education urges all employees to communicate observations and concerns which could ensure and improve the efficient operation of the District.

DEFINITIONS AND PROCEDURES

Definitions

Teacher - any person employed by the Fayetteville Board of Education in a capacity for which a certificate issued by the Arkansas State Education Department is required as a condition of employment.

Grievance - a disagreement between two or more teachers concerning the interpretation of existing laws, contracts, policies of the Board of Education, or established rules.

Workday - any Monday through Friday, inclusive, except for those holidays listed on the approved school calendar.

Professional Communication - communications which give appropriate attention to matters of mutual professional concern. They should be in writing and given prompt attention.

Professional Communications Procedures

All employees should communicate their observations and concerns which would ensure and improve efficient operations of the District. Any employee may file a Professional Communication using form 4102.1.

The receiver of the Professional Communication will reply in writing within 10 days if so requested. If the sender is not satisfied with the reply, the sender may continue with the full grievance process using form 4102.2.

Grievance Procedures

All teachers in the school district shall have the right to challenge the application and/or interpretation of rules, regulations, or policies affecting teachers through recognized administrative channels. Each teacher or group of teachers who have a grievance may process it by giving written notice of the grievance to their immediate supervisor. At each administrative level the teacher has the right to a face-to-face presentation of his/her grievance and the right to have a representative present to assist in that presentation. If necessary or desired, the decision rendered at that level may be appealed to the next person in line as defined by the school district's organizational chart, until reaching the final staff appeal

FAYETTEVILLE SCHOOL DISTRICT POLICIES

to the superintendent of schools. Should the teacher filing a grievance under this policy elect to seek court action, the processing of the grievance under this policy shall be closed.

Grievances that involve an administrator other than the building principals should be filed directly with that administrator or the superintendent.

If the grievance is not resolved after reaching the superintendent of schools, it may be appealed to the Board of Education.

Each administrator will deal with a grievance as quickly as possible but will have a maximum of seven workdays after a grievance is filed in which to investigate and render a decision. The decision will be delivered in writing to the teacher(s) who filed the grievance. If no decision is delivered within the seven-day limit, the grievance may be advanced to the next level. If the teacher(s) decides to appeal this decision, copies of the decision and the original grievance should be forwarded to the next appropriate administrator, along with notice of appeal. Such an appeal must be made, in writing, within seven days of the announced decision.

If a teacher has exhausted all previous steps, the teacher may appeal to the Board of Education. Appeals made to the Board of Education shall be delivered to the President of the Board within seven workdays of the delivery of the superintendent's response to the grievance and should include all documentation (the original grievance, appeals, responses, statements from witnesses, etc.) assembled in regard to the grievance. The appellant should include a statement indicating the reason(s) for appealing the superintendent's decision and a rationale for asking the Board to reverse or alter that decision. Copies of the appeal shall be delivered to the superintendent of schools and to the other party to the grievance within one day of delivery to the Board President. When an appeal to the Board of Education is filed, consideration of that appeal will be placed on the agenda for the next regularly scheduled Board meeting. If the appeal states a grievance within the definition of this policy, the Board shall grant a hearing to the grievant at that meeting or at some later time mutually agreed to by the Board and the grievant, unless the grievant requests that the appeal decision be made on the basis of the written record.

If the Board determines that a grievance exists within the definition of this policy, and if the grievant requests that no hearing be held, the Board will report its final decision regarding the grievance to the parties to the grievance, in writing, within seven workdays after the Board meeting at which the appeal is considered.

When a hearing is held, the following conditions will apply:

1. The hearing will be open to the public unless the employee requests a private hearing.
2. If the hearing is closed (conducted in executive session), no record of the hearing will be made. If the hearing is open, a record of the hearing will be made by the Board, and a copy will be provided to either party to the grievance, upon request and payment of copying costs.

FAYETTEVILLE SCHOOL DISTRICT POLICIES

3. When a public hearing is held, the Board of Education can be represented by one person, and each of the two parties to the grievance can be represented by one person. Each party to the grievance, or the representative of that party, shall have an opportunity to make a statement to the Board and shall, at the discretion of the Board, have an opportunity to question the other party.
4. When a public hearing is held, the Board reserves the right to call and question witnesses, including those suggested by either party to the grievance.
5. The President of the Board, or some other Board member appointed by the President, shall conduct the hearing before the Board as a whole.
6. The Board will report its final decision, in writing, to both parties to the grievance no later than seven workdays after its next scheduled meeting.

The Board's written response to a grievance will include the reason(s) for supporting or denying the grievance or for effecting a compromise between the parties to the grievance.

Forms for filing grievances shall be furnished by the school district Human Resources Office and made available to each building.

Date Approved:	6-28-72
Revised:	5-13-77
Revised:	12-19-78
Revised:	5-27-80
Revised:	2-23-81
Revised:	5-26-81
Renumbered:	6-22-84
Revised:	9-24-91
Revised:	5-12-94
Revised:	5-27-04