



WACO INDEPENDENT SCHOOL DISTRICT

EMPLOYEE COMPLAINTS PROCEDURES

Non Discrimination Statement

The Waco Independent School District (District) as an equal opportunity educational provider and employer does not discriminate on the basis of race, color, national origin, sex, religion, age, disability, or genetic information in educational programs or activities that it operates or in employment matters. The District is required by Title VI and Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, as well as Board policy not to discriminate in such a manner.

For information or complaints regarding compliance with the nondiscrimination requirements of Title IX, contact Waco ISD Executive Director of Human Resources at 254-755-9473 and/or Waco ISD Director of Athletics, at 254-745-2250. For information or complaints regarding compliance with the nondiscrimination requirements of Title VI and Title VII, as amended, contact Waco ISD Executive Director of Human Resources at 254-755-9473. For information or complaints regarding compliance with the nondiscrimination requirements of Section 504 or the Rehabilitation Act of 1973, as amended, contact Waco ISD Section 504 Coordinator at 254-755-9473 or; P.O. Box 27, Waco, TX, 76703.

PURPOSE

The purpose of the Employee Complaints Procedure is to provide employees an orderly process for the prompt and equitable resolution of complaints. The board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level. The board encourages employees to discuss their concerns and complaints through informal conference with their supervisor, principal, or other appropriate administrator.

Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

NOTICE TO EMPLOYEE

The principal of each campus and other supervisory personnel shall be responsible for informing all employees under their supervision of the district's policy on employee complaints and grievances. Upon request, employees shall be provided a copy of the Employee Complaints Procedure and given assistance in proper procedures for filing complaints and grievances.

DEFINITIONS

1. Complaint

The terms "complaint" and "grievance" shall have the same meaning. A complaint under this policy shall include:

- a. Grievances involving an employee's wages, hours, or conditions of work;
- b. Specific allegations of unlawful discrimination in employment in the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability;
- c. Specific allegations of unlawful discrimination or retaliation based on the employee's exercise of legally protected rights; or
- d. Specific allegations of adverse personnel action based on the employee's good faith report to an appropriate law enforcement authority of a violation of a law by the District or a District employee, i.e., "whistleblower complaint. [See DG]
- e. Complaints arising from the dismissal or termination of an at-will employee. [See DFAA]

- f. Complaints arising from the termination at end of year of the probationary contract of a professional employee. [See DFAA]

A complaint must specify the individual harm suffered.

Aggrieved Party

An aggrieved party is an employee who alleges a violation of a constitutional, statutory, common law right, or of a State Board rule or local Board policy in accordance with Board Policy DGBA. An employee who files a grievance is not necessarily an “aggrieved party.” Under State Board rules, different timelines and procedures may apply to “aggrieved party” than to “complaint.” Those distinctions shall be determined on a case-by-case basis.

D. PRESENTATIONS AND HEARINGS

In most circumstances, complaints shall be entitled to an administrative review conference and an informal presentation of the complaint to the Board; however, aggrieved parties whose legal rights allegedly have been adversely affected such that they are entitled to some type of due process hearing shall be offered a hearing before the Board or its designee at Level Three. Upon receipt of the written request party is legally entitled to more than a presentation and, if so, the type of hearing appropriate.

E. OTHER REVIEW PROCESSES

Some topics are governed by other review processes and are not subject to this procedure. Employee termination procedures are found in policy [DGBA (LOCAL)]. The termination or non-renewal of an employee shall not be the subject of a complaint under this policy except when the district does not otherwise provided a hearing on the matter.

F. REPRESENTATION

The employee filing a complaint or any employee who is the subject of a complaint may be represented at his or her own expense by a fellow employee, attorney, or other person or organization that does not claim the right to strike. The district may be assisted in processing a complaint, as it deems appropriate. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel.

G. GENERAL PROVISIONS

The following shall be general provisions for processing complaints:

1. Complaints shall be heard in informal; administrative conferences.
2. Time is of the essence. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point

during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days starting at the level at which the complaint was dismissed.

3. "Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one."
4. The appropriate administrator at each level shall respond to the employee within ten District business days of a complaint conference.
5. The employee has ten District business days after receiving a response denying the complaint to appeal to the next level. The complaint shall be considered concluded if at any level it is not appealed within the given time limit.
6. All complaints arising out of an event or related serried of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints concerning events about which
7. Costs of any complaint shall be paid by the party incurring them.
8. Complaints shall be submitted in writing on district provided forms contained in this packet. All items on the complaint forms must be completed and any documents that support the complaint should be included. Copies of supporting documents may be presented at the Level One conference if not available when the complaint was filed.
9. At each level of notice or appeal, the employee is expected to send the human resources director a copy of the complaint files and any supporting documentation. Human resources director is also available to assist the employee as to procedures, timelines, and filing forms throughout the complaints process. Director of Human Resources may be reached by telephone at (254)755-9418 or by mail at:
Waco Independent School District
Human Resources Office
P.O. Box 27
Waco, TX 76703-0027
10. Completed complaint form may be submitted by hand delivery, fax, or U.S. mail to the immediate supervisor and to the director of human resources.

H. INITIATING A GRIEVANCE

LEVEL ONE

The employee is expected to attempt to resolve any complaint informally by meeting with the principal or immediate supervisor. If the complaint is unable to be resolved informally, the employee shall request a conference with the principal or immediate supervisor by submitting the complaint in writing on a "LEVEL ONE" form provided by the district. This form must be filed within 15 District business days of the time the employee first knew or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

Principal or immediate supervisor shall hold the "LEVEL ONE" conference within ten District business days after receipt of the written request. During this conference, principal or immediate supervisor will review the contents of the "LEVEL ONE" form and any other documentation submitted by the employee specifically related to the complaint. The employee is also expected to give the names of any individuals who can provide information relevant to the complaint.

Principal or immediate supervisor shall have ten District business days following the "LEVEL ONE" conference to give a written response. If the employee is satisfied, the process is complete. If the employee is not satisfied with the response, he/she may request a "LEVEL TWO" conference with the superintendent or designee.

LEVEL TWO

The employee must request the "LEVEL TWO" conference on the form provided within ten District business days following receipt of a LEVEL ONE written response from the principal; or immediate supervisor. Within ten District business days of the receipt by the superintendent or designee of the employee's written appeal, the Superintendent or designee will hold the "LEVEL TWO" conference. [BOARD POLICY DGBA (LOCAL)].

During this conference, superintendent or designee will review all documentation presented at LEVEL ONE including information presented by any individuals who provided information relevant to the complaint. Employee may have present the same witness or request the superintendent or designee conference with these individuals before making a decision. Superintendent or designee shall consider only the issues and documents presented at Level One and identified in the Level Two appeal notice.

A decision is made within ten District business days after the "LEVEL TWO" conference, and the employee is notified in writing. If the employee is satisfied, the process is complete. If not, the employee may file a "LEVEL THREE" presentation by submitting a written request to place the matter on the agenda of a future Board meeting.

LEVEL THREE

The employee must submit a written appeal of the LEVEL TWO decision within ten District business days after receiving the written decision. The appeal to the board shall be in writing on the "LEVEL THREE" form provided by the district. If the written appeal is received within ten District business days of the response deadline, LEVEL THREE presentation will be placed on the agenda of a future board meeting [Board Policy BE (LOCAL)]. The superintendent or designee shall inform the employee of the date, time, and place of the LEVEL THREE presentation.

The Superintendent or designee shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented.

The Level Three presentation before the Board shall be recorded by audio recording, video/audio, or court reporter. The presiding officer may set reasonable time limits. The Board shall consider the grievance and may request a response from the administration.

The lack of a response by the Board upholds the administrative decision at Level Two. If the Board chooses to respond, the Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. Announcing a decision in the employee's presence constitutes communication of the decision.

I. LEVEL THREE: PRESENTATION FORMAT

The presentation before the Board of Trustees is conducted as an administrative proceeding. This means the presentation is somewhat informal; but all testimony, documentation presented, and closing statements made must relate to the existing complaint. Both the employee and the administration may have witnesses, but no cross-examination of witnesses is permitted. Only board members may ask witnesses questions. However, board members are not subject to any questioning. Only questions seeking procedural clarification may be addressed to the board president.

Since a presentation usually involves personnel matter, the board will hear the matter in closed session unless the employee requests that it be held in open session, which means the public may attend. A closed session attendance is limited, and the board determines who may be present.

During the presentation you are asked to avoid talking when others are speaking. After the president of the board opens the presentation, the superintendent or designee will present a brief overview of the nature of the complaint and state what prior transactions have taken place. Following the superintendent's opening comments, employee will have a specified amount of time to give testimony, present witnesses, and/or review existing documentation that supports the grievance. Likewise, the administration will have the same amount of time to present its case.

After all testimony and closing statements are made, board members will have an opportunity to ask any questions before they adjourn to deliberate. The Board will deliberate in closed session and vote, as required by law, in open session. The decision of the board is final.

J. CLOSED MEETING

If the complaint involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint, it shall be heard by the Board in closed meeting unless the employee bringing the complaint requests it to be heard in public. However, if the complaint constitutes a complaint or charge against another district employee, the Board shall hear it in closed session unless an open hearing is requested in writing by an employee against whom the complaint or charge is brought. [BOARD POLICY DGBA (LOCAL)]

*****These procedures shall in no way supersede board policy DGBA (LEGAL & LOCAL)*****

