

Heritage Academy BOARD POLICY MANUAL

POLICY GROUP 4 – PERSONNEL

EMPLOYEE COMPLAINTS AND GRIEVANCES – GENERAL

PG-4.6

Purpose

Heritage Academy values the opinions of all its employees. Employees have the right to express their views through appropriate informal and formal processes.

The Board encourages employees to discuss their concerns and complaints through informal meetings with their supervisor and/or Principal. Concerns and complaints should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Neither the Board nor any Heritage Academy employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

The purpose of the grievance process is to resolve conflicts in an efficient and expeditious manner. All employees are entitled to utilize the grievance process, but employees involved in the process are expected to be courteous to one another and adhere to the Code of Ethics and Standard Practices for Texas Educators.

The Superintendent or designee may develop more detailed grievance procedures. The Superintendent or designee shall ensure that Heritage Academy's grievance procedures are distributed to employees. Any grievance procedures shall provide that any grievance may ultimately be considered or heard by the Board in accordance with Commissioner of Education rules.

Definitions

For purposes of this policy, "days" shall mean Heritage Academy 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."

If the administrator addressing the complaint determines that additional time is needed to complete a thorough investigation of the complaint and/or issue a decision, the administrator shall inform the employee in writing of the necessity to extend the time for investigating or responding and a specific date by when the decision will be issued.

The terms "complaint" and "grievance" shall have the same meaning. A grievance under this policy may include, but shall not be limited to, any of the following:

1. Grievances concerning an employee's wages, hours, or conditions of work.
2. Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment and/or wage discrimination on the basis of sex), race, religion, national origin, age, or disability, following the

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completion of an investigation by the appropriate compliance coordinator designated by applicable policy.

3. Specific allegations of unlawful discrimination or retaliation on the basis of the employee's exercise of constitutional rights.
4. Specific allegations of adverse employment action in retaliation for reporting a violation of law by a Heritage Academy employee, Director, or Officer to an appropriate authority. Employees making such complaints must initiate a grievance under this policy within the time specified by law. Timelines for the employee and Heritage Academy set out in this policy may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint.

Other Complaint Processes/Exclusions

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with this Board Policy PG-4.6 after the relevant complaint process or are excluded from eligibility for consideration under this policy.

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), GINA (genetic information), or ADA/Section 504 (disability) shall be submitted in accordance with Board Policy PG-4.14.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with Board Policy PG-4.14.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with Board Policy PG-4.14.
4. Complaints related to reports to Child Protective Services or Adult Protective Services made pursuant to the requirements of Section 261.101 of the Texas Family Code.
5. Complaints where the relief sought by the grievant has already been granted at a prior administrative level or through informal conference or other similar means.
6. Complaints where the grievant fails to state specific relief sought that applies to the grievant directly, or that cannot be granted by the grievance officer or Board.

Informal Conferences

An employee may request an informal conference through his or her Principal or Supervisor within ten (10) days of the time the employee knew or should have known of the event(s) giving rise to the complaint. If the employee is not satisfied with the results of the informal conference, he or she may submit a written grievance form to the Principal or other appropriate administrator.

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Formal Grievances

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the Board, as outlined below.

In the event of a problem or dispute with other personnel, students, or parents, an employee may submit a grievance following the process described below.

A grievance must specify the harm alleged by each individual and the remedy sought. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. Multiple grievances may be consolidated at the discretion of Heritage Academy. The complaining employee shall strictly comply with all time limits discussed in this policy, unless such time limits are modified by mutual consent. Costs of any grievance shall be paid by the party incurring them.

Notices

All notices and documentation required under this policy shall be delivered as follows:

By mail:

Heritage Academy Charter Schools, Inc.
Employee Grievance
Attn: HR Department
12470 Woman Hollering Rd.
Schertz, TX 78154

By e-mail:

sgarcia@heritageacademy.net
Subject heading should read "Employee Grievance."

By fax:

(210) 566-7195
Subject heading should read "Employee Grievance."

In person:

Heritage Academy Charter Schools, Inc.
12470 Woman Hollering Rd.
Schertz, TX 78154

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Level One

An employee who has a complaint that could not be resolved informally shall request a conference with the Campus Principal or Supervisor by filing the complaint in writing on a form provided by Heritage Academy. The form must be filed with the HR Department within five business days of the time the employee knew, or should have known, of the event or series of events about which the employee is complaining. Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted unless the employee did not know the documents existed before the Level One conference. A complaint form that is incomplete in any material way may be dismissed, but may be re-filed with all the requested information if the re-filing is within the designated time for filing a complaint.

The Campus Principal or Supervisor shall hold a conference with the employee within five days of the request. The five business day timeframe for holding the Level One conference may be extended if mutually agreed to by both the employee and the Campus Principal or Supervisor.

The Campus or Supervisor shall have five days following the Level One conference within which to respond. The announcement of a decision in the employee's presence shall constitute communication of the decision.

Should the complaint involve a problem with the Campus Principal or Supervisor, then the Level One conference will be held by another administrator selected by Human Resources.

Level Two

If the outcome of the Level One conference with the Campus Principal or Supervisor is not to the employee's satisfaction or the time for a response has expired, the employee may appeal the Level One decision to the Director of Student Services by filing the appeal notice in writing on a form provided by Heritage Academy.

The appeal notice must include a copy of the Level One complaint, a copy of the Level One decision being appealed (if applicable), and a copy of any documents presented at the Level One conference.

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The appeal notice must be postmarked or received by the HR Department within five days following receipt of a response or, if no response is received, within five days of the response deadline.

The Director of Student Services or designee shall hold a conference with the employee within five days of the appeal notice. The five day timeframe for holding the Level Two conference may be extended if mutually agreed to by both the employee and the Director of Student Services or designee.

The Director of Student Services or designee shall have five days following the Level Two conference within which to respond. The announcement of a decision in the employee's presence shall constitute communication of the decision.

Level Three

If the outcome of the Level Two conference with the Director of Student Services or designee is not to the employee's satisfaction or the time for a response has expired, the employee may appeal the Level Two decision to the Chief Executive Officer by filing the appeal notice in writing on a form provided by Heritage Academy. The appeal notice must include a copy of the Level One complaint, a copy of the Level Two appeal notice, a copy of the Level One and Level Two decisions being appealed (if applicable), and a copy of any documents presented at the Level One and Level Two conferences.

The appeal notice must be postmarked or received by the HR Department within five days following receipt of a response or, if no response is received, within five days of the response deadline.

The Chief Executive Officer or designee shall hold a conference with the employee within 10 days of the appeal notice. The 10-day timeframe for holding the Level Three conference may be extended if mutually agreed to by both the employee and the Chief Executive Officer or designee. The Level Three conference may be held via telephone or video conference at the discretion of the Chief Executive Officer.

The Chief Executive Officer or designee shall have five days following the Level Three conference within which to respond. The announcement of a decision in the employee's presence shall constitute communication of the decision.

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Level Four

If the outcome of the Level Three conference with the Chief Executive Officer or designee is not to the employee's satisfaction or the time for a response has expired, the employee may appeal the Level Three decision to the Board of Trustees by filing the appeal notice in writing on a form provided by Heritage Academy. The appeal notice must include a copy of the Level One complaint; a copy of the Level Two and Level Three appeal notices; a copy of the Level One, Level Two, and Level Three decisions being appealed (if applicable); and a copy of any documents presented at the Level One, Level Two, and Level Three conferences.

The appeal notice must be postmarked or received by the HR Department within five days following receipt of a response or, if no response is received, within five days of the response deadline.

The appeal will then be placed on the agenda of a future Board meeting. The Chief Executive Officer or designee shall inform the employee of the date, time, and place of the meeting.

The Board of Trustees is not required to consider documentation not previously submitted or issues not previously presented. The presiding officer may set reasonable time limits. The Board of Trustees shall hear the complaint and may request a response from the school. Heritage Academy shall make an audiotape record of the Level Four proceedings before the Board of Trustees. The Board of Trustees shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If for any reason the Board of Trustees fails to reach a decision regarding the complaint by the end of the next regularly scheduled Board meeting, the lack of a response by the Board of Trustees upholds the decision at Level Three.

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or termination of the employee bringing the grievance, it may be heard by the Board of Trustees in closed meeting unless the employee bringing the grievance requests that it be heard in public. However, if the grievance involves a complaint or charge against another employee or a Board member, it shall be heard in closed a meeting unless an open meeting is requested in writing by the employee or Board member against whom the complaint or charge is brought.