Should any professional employee believe that a specific HCDE Board Policy has been violated, and that such violation resulted in a personal loss, he may file a grievance using the following protocols.

The term “days” shall mean any day, Monday through Friday, on which schools are open during the normal school year. The first day to be counted shall begin at 8:00 a.m. the day following the day on which the time limits are based. After the last day of the normal school year, a “day” shall be any day Central Office is open.

Should any employee feel that a Tennessee or Federal Law has been violated, or that they have been harassed, sexually harassed, or discriminated against in any way, please refer to Board Policy 5.502 for reporting procedures.

The following procedures do not apply to evaluation grievances. Please see Board Policy 5.504.

**PROCEDURES**

An employee who has a grievance will first meet with and discuss the issue with his immediate supervisor, in an attempt to resolve the matter informally.

When the employee requests such a meeting, the employee shall inform his immediate supervisor in writing that the meeting constitutes the Informal Level of the grievance procedures. This meeting will include only the employee and immediately-involved supervisor. At the conclusion of this meeting, the employee and immediate supervisor will complete the Informal Level Grievance Form (available online), with the employee receiving a copy of the completed form.

If the matter is not resolved to the satisfaction of the employee at the informal level, the employee may file a Formal Grievance with his immediate supervisor. This grievance must be submitted in writing on the Employee Grievance Form (EGF available online), within five days of the informal meeting. The immediate supervisor shall arrange for a meeting with the grievant to take place and that meeting will be within five days of receipt of the EGF.

The immediate supervisor shall communicate his decision, with reasons, to the grievant in writing with five days of the grievance hearing.

If the matter is not resolved, at the formal level, the employee may appeal the decision to the Superintendent. Such an appeal must be submitted in writing on the EGF, no later than five days after receipt of the immediate supervisor’s decision. The Superintendent or his designee will arrange for a meeting with the grievant to take place and that meeting will be within ten days of receipt of the EGF.

The Superintendent’s decision will be communicated, with reasons, in writing to the employee and the immediate supervisor within seven days of the grievance meeting.

All formal grievances involving employees from two or more locations will first be heard at the Superintendent’s level.
If the matter is not resolved at the Superintendent’s level, or if the time limit expires without the issuance of the Superintendent’s written reply, then the employee may, within ten days thereafter, give written notice to the Superintendent’s Office of the employee’s desire to submit the matter to advisory arbitration, whereupon the parties shall jointly request the Federal Mediation and Conciliation Service to supply a list of seven names from which to select an Arbitrator. Within ten days of receipt of such list, an authorized representative of each party shall meet in person or by telephone, and alternately strike names in rotation until one name remains. The parties shall determine by random selection who shall strike the first name, and then the other party shall strike the second name, and so on until the selection process is completed. The person chosen shall be commissioned to hear the dispute and shall operate under the following guidelines:

1. The Arbitrator’s consideration shall be limited to the terms of this Board Policy.

2. The Arbitrator shall have no jurisdiction over any dispute not deriving from the specific terms of this Board Policy.

3. Neither the Board nor the Employee shall be permitted to assert any grounds or evidence before the Arbitrator which was not previously disclosed to the other party, at least seven days prior arbitration hearing.

4. The Arbitrator shall have not power to alter the terms of this Board Policy.

5. At least ten days prior to the arbitration hearing, each party shall submit to the Arbitrator and to the other party a written submission which shall include:
   - A statement of the issue(s)
   - A summary of the relevant facts.
   - Position of the party on the grievance.
   - A list of witnesses.

6. The fees and expenses of the Arbitrator will be shared by the two parties equally.

7. If an advisory arbitration decision is contested then the issue may be brought to collaborative conferencing for further discussion.

8. The Arbitrator’s decision shall be advisory only, and shall be submitted to the School Board to assist it in making a final determination. The Board’s decision shall be given within thirty days of the receipt of the Arbitrator’s findings.

If the dispute is not settled at the Superintendent’s level and if the employee does not ask for arbitration, the grievance may be advanced directly to the Board of Education. Within ten days after the employee receives the written decision from the Superintendent, the employee may request a review by the Board of Education. The Board shall review the case at its next regularly scheduled monthly meeting provided, however, that if the request for a review is not received earlier than ten days before the next regularly scheduled monthly meeting, the Board of Education shall review the case at its following regularly scheduled monthly meeting. The Board of Education shall issue a written decision with ten days of its review, with copies to the aggrieved and the Superintendent.
GENERAL GUIDELINES FOR THE GRIEVANCE PROCEDURE

A. All documents pertaining to an employee grievance shall be maintained confidentially and filed separately from the personnel file.

B. A grievance may be withdrawn at any level without establishing precedent.

C. Failure at any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the grievant to proceed to the next level. Failure at any level of this procedure to appeal a grievance to the next level within the specified time limits shall result in the grievance being considered void.

D. A grievance, to be considered under this procedure, must be properly initiated by the employee within twenty days from the time the employee knew of the incident which caused the grievance.

E. The time limits prescribed in this procedure may be extended by written mutual consent.

F. Upon request, a professional employee is entitled to have assistance of another professional employee or an organization at all formal grievance levels.

G. Notices of hearing dates, acknowledgements of the date of receipt of grievances, and decisions rendered must be in writing.

H. For all formal grievances heard by the immediate supervisor or Superintendent, grievance notices, or decisions shall be sent by certified mail.

I. Withdrawal of a grievance at any level shall not indicate acceptance of the decision at that level.

Cross Reference:
Board Policy 5.600 Staff Rights and Responsibilities