Appendix I: Grievance Process and Appeals of Administrative Decisions

A. Introduction and Objectives. The School seeks to provide a process by which students, Parents, and staff can resolve concerns in a timely and effective manner while balancing this with the need for efficient and effective School operations. Toward this end, this policy establishes mechanisms by which grievances should be addressed through informal and, if appropriate, formal means. All references herein to the Principal include any person assigned as the Principal's designee.

B. Informal Grievance Procedure. All concerns should first be addressed directly and informally with the persons involved. This includes reasonably notifying those causing and involved in the grievance, allowing them to reasonably respond, and an opportunity to make good faith efforts toward resolution. If necessary, individuals involved are encouraged to seek the assistance of an objective party to assist with informal resolution.

C. Formal Grievance Procedure. Persons must seek informal, timely resolution before filing a formal grievance, unless doing so is not reasonably feasible, would be futile, or if formal grievance procedures are legally required. The grievant may then file a formal grievance with the Principal within ten school days after the last informal attempt at resolution; if informal resolution is not required, the employee shall file the grievance within ten school days of the last instance causing the grievance.

The formal procedure shall be initiated by submitting to the Principal a written request for redress that succinctly states the specific grievance(s), the supporting facts, the basis in Board policy or law (citing specific policies or laws), the requested relief, and the efforts made to resolve the matter informally. The Principal may require submission of an approved form for such grievance filing.

The Principal shall determine whether informal resolution requirements have been satisfied or are not required. If the Principal determines that the grievant is entitled to a formal grievance process, he shall provide a copy of the formal grievance to all other persons implicated by the grievance. The Principal shall reasonably investigate and consider the matter (which may include meeting with the parties involved and holding an informal hearing) and issue a decision within ten school days from the date of the grievance is filed; additional time for the Principal's decision shall be allowed when reasonably required by circumstances. All deliberations shall be held in confidence where feasible and involve only persons in a need-to-know position. A decision by the Principal under these grievance procedures shall be considered a "final administrative decision."

D. Appeals of Right to the School Board. A person has the right to appeal any final administrative decision affecting a constitutional or other legal interest, and/or an interest of the type listed below:

a. Suspension or expulsion of a student for more than 10 days (per School suspension and expulsion procedures required by Chapter 115C, Article 27 of the North Carolina General Statutes);

b. An alleged violation of a specified federal or state law, State Board of Education rule, or local Board policy;

c. The loss or reduction of salary of a school employee under a specific-term contract who is not employed at will; or

d. Any other decision that, by law, provides for a right of appeal to the school Board and for which there is no other statutory appeal procedure.

Any person seeking a hearing under this section, within 10 school days after the final administrative decision by the Principal, may request a Board hearing, by submitting to the Board Chairperson a request in writing by certified mail or personal delivery. The person making such request shall also promptly deliver a copy of the hearing request to the Principal.

E. Discretionary Appeals to the Board. Any person aggrieved by a decision not involving a matter addressed in Section D above may, within 10 school days after the final administrative decision by the Principal, request a Board hearing, by submitting to the Board Chairperson a request in writing by certified mail or personal delivery. The person making such request shall also promptly deliver a copy of the hearing request to the Principal. In such cases, the Board has the discretion to deny or grant a hearing. The Board shall notify the person making the request and the Principal of its decision, and if a hearing is granted, the time, place, and manner of such hearing.

F. Board Hearing Procedures. In all appeals to the Board, the Board shall provide adequate notice of hearing rights and procedures to all parties concerned and keep a record of any hearing conducted. In the case of hearings required by right under Section D, all parties have the right to appear before the entire Board, to be represented by counsel or other representatives, to submit documentation, and to reasonably examine and cross-examine witnesses. In the case of an employee grievance concerning a loss or reduction of salary, the employee may request and shall be entitled to receive written notice as to the reasons for the final administrative decision; the notice shall be provided to the employee at a time reasonably in advance of any Board hearing.

For all discretionary hearings allowed under Section E above, the hearing may be based on the written record or, instead, by personal appearance of the parties. The Board may designate a hearing officer or panel comprised of one or more Board members to act upon such hearing requests on behalf of the Board. The Board reserves the discretion to determine the manner by which it shall conduct such hearing. Board hearings (by right and by discretion under sections D and E, respectively) shall be conducted within ten school days from the date the hearing is requested, unless circumstances reasonably require additional time. A final Board decision shall be rendered and delivered in writing to the respective parties within five school days of concluding the hearing. The decision of the Board shall be final.