

Concerns/Complaints/Grievances

Purpose

To provide employees an administrative remedy to redress for alleged violations, misinterpretations and inequitable applications of local school district policies and practices. This policy is not intended to be used for Civil Rights or Title IX grievances. Please refer to policy AC for appropriate reporting and response processes.

General Procedures

The number of days indicated at each level shall be made to expedite this process. However, the time limits specified may be extended by mutual agreement of the grievant and the administration.

The grievance procedure is not applicable to situations for which other appeal and adjudication procedures are provided in state laws or in which the Board is without authority to act. Normal channels of communication, from employee to principal to superintendent shall be used whenever feasible, in seeking clarification of question of concern to the employee before the grievance procedure is utilized.

The Board, on its own behalf and on behalf of the electors of Archuleta School District 50 JT shall by law, retain and reserve without limitation, all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the laws and Constitution of the State of Colorado, and of the United States of America.

This Grievance Policy shall not be construed to limit the Board's discretionary authority to enact or revise policies and rules at its own initiative and at such time as it sees fit.

Definitions

1. Grievance: A formal written complaint:
 - a. Setting forth the allegation, that there has been a violation, misinterpretation, inequitable application of any district policy or practice or a violation of rights to due process.
 - b. Specifically identifying the policy or statute violated, misinterpreted or inequitably applied.
 - c. Furnishing sufficient background concerning the alleged violation, misinterpretation or inequitable application to identify persons, actions and/or omissions that led to the allegation.
2. The term "School Board" or "Board" as used in this policy, shall mean School District 50 JT, Pagosa Springs, Colorado, Counties of Archuleta and Hinsdale, State of Colorado.
3. The term "School District", as used in this policy, shall mean Archuleta School District 50 JT with headquarters in the City of Pagosa Springs, County of Archuleta and State of Colorado.
4. The term "Superintendent", as used in this policy, shall mean the Superintendent of Archuleta School District 50 JT, Pagosa Springs, Colorado.
5. The term "Grievant", as used in this policy, shall mean any employee, student or parent, who have filed written grievance with his/her principal or immediate supervisor.

6. The term "Grievance Panel", as used in this policy, shall refer to a group convened to judge the merits of a grievance case. A Grievance Panel is composed of persons selected by the two parties. It is convened at Step 2 when a grievant feel that his/her case was not satisfactorily resolved at Step 1.
7. The term "days" as used in this policy, shall mean, except where otherwise indicated, calendar days.

Miscellaneous provisions

1. A grievance must be filed within 30 calendar days after knowledge or should have known of the act or condition upon which the grievance is based occurred. If not so presented, the right of the grievant is forfeited.
2. No reprisal of any kind shall be taken by or against any part of legitimate interest or any legitimate participant in the grievance procedure by reason of such participation.
3. Whenever possible, hearing should be scheduled during a mutually convenient time that does not conflict with the regularly scheduled school programs.
4. Employees shall be free to testify regarding any grievance filed hereunder and the expense of necessary and approved release time shall be borne by the grievant when hearings must of necessity be scheduled during the school day.
5. Confidentiality will be observed pending resolution of grievance or final decision by the board.
6. Nothing contained herein shall be construed so as to limit in any way the ability of the district and the grievant to resolve any grievance, mutually and informally.
7. In the adoption of this policy and implementation of a grievance procedure, it shall be understood that the Board is not a court of law and that rules or jurisprudence shall not apply.

Adopted: September 10, 2002
Revised: May 11, 2021
Revised: October 14, 2024

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
AC-R-1, Harassment and Discrimination Investigation Procedures for Students
AC-R-2, Harassment and Discrimination Investigation Procedures for Employees, Applicants for Employment, and Members of the Public
GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sex-based Harassment