

What is a Grievance?

This is the second column written to address questions not asked or addressed in the expose about Richmond High School published on the front page of the February 13, 2018 edition of the *Richmond News*.

One of the television reporters who contacted me following publication of the article, asked what is a grievance and how serious is this? Or, as a couple of patrons have inquired, what is this all about?

According to Board policy, a grievance is an allegation by an individual employee that a specific, written Board-adopted policy has been violated or misinterpreted.

Ray County Memorial Hospital, Henkel, Ford, Cerner, and most organizations and companies with twenty or more employees are likely to have grievance policies and procedures in place which allow employees who feel that the policies and regulations governing their employment have not been followed or applied properly to bring the misapplication or violation of policy to the attention of management.

Grievance policies and procedures are actually fairly common. So, why do we not hear about them more often? There are two main reasons as to why it is unusual to hear about a grievance being filed.

The first and primary reason is that the process is an internal process intended to be confidential, in large part to protect the reputation of all parties involved, including the employee who filed the grievance as well as the individual or individuals who are alleged to have not followed policy in some matter.

Once a grievance is filed, an investigation takes place. The grievance policy typically spells out who does the investigation. Once the individual conducting the investigation has concluded his or her work and written his or her report, the grievant and persons investigated are provided a written statement on the findings of the investigation. Board policy states that none of the persons involved, including the grievant, are entitled to view or receive copies of the investigation report or notes taken during the investigation. All of which reflects the intent to maintain the confidentiality of the process.

After the investigation is completed and the findings communicated to the parties involved, if the grievant is dissatisfied with the findings, he or she may appeal the decision to the next level. In the case of the school district, there are several possible layers of appeal.

An appeal does not require that a new investigation be conducted. Rather, the person(s) to whom the finding is appealed will review the investigation report as well as the decision made at the previous level and will then determine whether or not to uphold the decision made at the previous level. The grievant may continue to appeal at each level until the appeal reaches the Board of Education. Under Board policy, the Board of Education is the final level of appeal.

As with the previous levels of appeal, the Board will review the investigation report and the decisions made at each of the previous levels and then will determine whether or not the decision made at the previous level should be upheld. Once the Board has made its determination, all parties involved will be notified of the Board's decision.

Any presentations made to the Board or any materials submitted to the Board as part of this process are done in closed session, and all of the restrictions regarding release of information discussed during closed session are in place. Likewise, Board review of the investigation report and notes taken during the investigation, plus the deliberations of the Board and the vote of the Board are done in closed session and subject to all of the rules regarding closed session.

The Board's ruling will be done in closed session and the results communicated only to the parties involved. Any votes taken by the Board and any minutes made will be kept confidential and are not subject to open records requests.

According to Board policy, employees of the district are honor bound not to disclose any details or discussion of closed meetings. District employees who fail to keep closed information or closed meetings confidential are subject to discipline up to and including termination.

A second reason as to why many readers may not be familiar with the grievance process is that the consequences and remedies are usually somewhat mundane.

Some larger school districts and large companies may deal with grievances on a fairly routine basis. Most often the findings are that no policies or regulations were violated. While the grievant may be unhappy about a particular administrative decision that was made, that does not necessarily mean that the decision made or action taken violated a policy or regulation.

Even when there is a finding that a policy or regulation was incorrectly applied or violated, the consequences and remedies often involve requiring the supervisor to receive more training, attend a personnel workshop, or to remove a disciplinary write-up from a personnel folder. Occasionally, the policy itself may be revised.

Dr. Robert Shoop, my major advisor, would frequently tell his classes that anyone with \$85 and directions to the courthouse could file a lawsuit. That did not mean there was any substance to the lawsuit.

Likewise, any teacher in the case of a school district or any employee of a large corporation who is unhappy about a particular decision or action taken can file a grievance, but that does not mean that the grievance has merit.

Before the mob starts to warm up the tar and gather the feathers, or before the media decides to make it the top story or lead article, it would be well to remember that peoples' reputations are at stake and the presumption of innocence is still exists in this great country of ours.

Anyone interested in knowing more about the grievance process and closed meetings can access district Board policies through the district website, <http://www.richmond.k12.mo.us> .

The three most applicable policies are Policy GBM Staff Grievances, Policy AC Prohibition Against Discrimination, Harassment and Retaliation, and Policy BDC Closed Meetings, Records and Votes.