



**EXCELSIOR**

VILLAGE ACADEMIES

# **Grievance and Whistleblower Policies**

# Excelsior Village Academies

## Grievance and Whistleblower Policies

### Table of Contents

<b>1. GRIEVANCE POLICIES .....</b>	<b>3</b>
FAMILY GRIEVANCES .....	3
<i>Scope of Complaint Procedure .....</i>	<i>3</i>
<i>Family Grievance Procedure.....</i>	<i>3</i>
SECTION 504 PROCEDURAL SAFEGUARDS .....	5
<i>Overview.....</i>	<i>5</i>
<i>Hearing Request .....</i>	<i>5</i>
<i>Hearing Procedures .....</i>	<i>5</i>
<i>Decision .....</i>	<i>6</i>
<i>Review .....</i>	<i>6</i>
EMPLOYEE GRIEVANCES.....	7
<i>Scope of Complaint Procedure .....</i>	<i>7</i>
<i>Employee Grievance Procedure.....</i>	<i>7</i>
<b>2. WHISTLEBLOWER POLICY .....</b>	<b>8</b>



# 1. GRIEVANCE POLICIES

## Family Grievances

Excelsior Village Academies will make every effort possible to resolve any concerns from scholars, families, and teachers at the management level through collaborative meetings to review data, consider scholar, family, and educator perspectives, and to make the best decision for our scholars. In any case, where families remain unsatisfied, they can engage in our grievance policy.

### Scope of Complaint Procedure

Any grievance EVA with fall into one of three primary categories:

- 1) Complaints about a scholar, the classroom experience, or a teacher;
- 2) Complaints or concerns about school-wide practices such as communication, facility, policy, or administration; or
- 3) Complaints or concerns about a parent/guardian or community member involved at EVA.

The procedure for filing a complaint requires that the complaint should be in writing, and every attempt should have been made to settle the issue with individual conversations before bringing a formal grievance. Please note that the grievance procedure is separate from the right to file an OCR complaint and the right to an impartial Section 504 due process hearing.

### Family Grievance Procedure

- 1) **Step One: Informal Discussion.** A family having a grievance hereunder shall make a good-faith effort to resolve the matter through informal discussions with the individual(s) involved in the matter and/or with the employee's direct supervisor, within five (5) working days of the occurrence or cause of such matter.
- 2) **Step Two: Administrative Review.**
  - a) If the matter cannot be resolved through informal discussion, the aggrieved family may submit their complaint, in writing, to the Head of School within ten (10) working days after the most recent event upon which the complaint is based.
  - b) The written complaint should include identification of the problem, a description of the efforts undertaken to informally resolve the dispute, and a proposed resolution.
  - c) The Head of School will respond to the complainant with confirmation of receipt and explanation of grievance process and timeline (which will include notifying families of their rights to engage in due process or file a complaint with the EVA Board of Directors when appropriate).
  - d) The Head of School will investigate the concern and respond with his/her findings in writing five (5) working days of receipt, or as soon thereafter as is reasonably practicable.
  - e) The Head of School will make every reasonable effort to schedule a meeting to occur within five (5) working days of receipt (or as soon thereafter as is reasonably practicable) of the complaint with the Head of School and any other person(s) whose actions or decisions give rise to the matter. At such meeting, each party will have the opportunity to be heard and to request relief.
  - f) Within three (3) working days or as soon thereafter as is reasonably practicable, the Head of School will issue a written recommendation as to how the matter should be resolved. All parties present at the meeting shall receive copies of the written recommendation.
- 3) **Step Three: Review by the Board or a Committee Thereof.** If the aggrieved family remains dissatisfied after review by the Head of School of a Category 2 or 3 complaint, the family may appeal the Board of Directors for a full review decision by filing within ten (10) working days of the decision, with the Chairperson of the Board of Directors, the original complaint, and a written explanation of why he or she disagrees with the decision of the Head of School. A written decision

will be issued by the Board, or his/her designee as soon as is reasonably practicable, but no later than five (5) working days after the next meeting of the Board. Board members who are interested parties shall excuse themselves from the hearing if such members have a conflict of interest in the subject of the appeal.

- 4) **Step Four: Appeal to the State Board of Education.** If the aggrieved family remains dissatisfied after review by the Governing Board, he/she may appeal to the State Board of Education in accordance with O.C.G.A § 20-2-1160.

Generally, the Board will not address a grievance where resolution has not been exhausted through the appropriate steps above. Further, the Board generally will not address a grievance that is made anonymously, based on hearsay, or made on behalf of another family.

For any grievance presented to the Board, the Board may delegate review of the grievance to a member or members of the Board, legal counsel, or another designee at its discretion.

EVA may, at its discretion, notify individual school employees about grievances brought against them. Parents/guardians may, however, request that they not be personally identified as the party bringing the grievance.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights.



## **Section 504 Procedural Safeguards**

### **Overview**

Any scholar or parent or guardian (“grievant”) may request an impartial hearing due to the school system’s actions or inactions regarding their child’s identification, evaluation, or educational placement under Section 504. Requests for an impartial hearing must be in writing to the school system’s Section 504 Coordinator-at EVA, this is the Student Services Coordinator; however, a grievant’s failure to request a hearing in writing does not alleviate EVA’s obligation to provide an impartial hearing if the grievant orally requests an impartial hearing through the school system’s Section 504 Coordinator. The school system’s Section 504 Coordinator will assist the grievant in completing the written Request for Hearing.

### **Hearing Request**

The Request for the Hearing must include the following:

- 1) The name of the scholar.
- 2) The address of the residence of the scholar.
- 3) The name of the school the scholar is attending.
- 4) The decision that is the subject of the hearing.
- 5) The requested reasons for review.
- 6) The proposed remedy sought by the grievant.
- 7) The name and contact information of the grievant.

Within 10 business days from receiving the grievant’s Request for Hearing, the Section 504 Coordinator will acknowledge the Request for Hearing in writing and schedule a time and place for a hearing. If the written Request for Hearing does not contain the necessary information noted above, the Section 504 Coordinator will inform the grievant of the specific information needed to complete the request. All timelines and processes will be stayed until the Request for Hearing contains the necessary information noted above.

Mediation: The school system may offer mediation to resolve the issues detailed by the grievant in his or her Request for Hearing. Mediation is voluntary and both the grievant and school system must agree to participate. The grievant may terminate the mediation at any time.

If the mediation is terminated without an agreement, the school system will follow the procedures for conducting an impartial hearing without an additional Request for Hearing.

### **Hearing Procedures**

1. The Section 504 Coordinator will obtain an impartial review official who will conduct a hearing within 45 calendar days from the receipt of the grievant’s Request for Hearing unless agreed to otherwise by the grievant or a continuance is granted by the impartial review official.
2. Upon a showing of good cause by the grievant or school system, the impartial review official, at his or her discretion, may grant a continuance and set a new hearing date. The request for a continuance must be in writing and copied to the other party.
3. The grievant will have an opportunity to examine the child’s educational records prior to the hearing.
4. The grievant will have the opportunity to be represented by legal counsel at his or her own expense at the hearing and participate, speak, examine witnesses, and present information at the hearing. If the grievant is to be represented by legal counsel at the hearing, he or she must inform the Section 504 Coordinator of that fact in writing at least 10 calendar days prior to the hearing. Failure to notify the Section 504 Coordinator in writing of representation by legal counsel shall constitute good cause for continuance of the hearing.
5. The grievant will have the burden of proving any claims he or she may assert. When warranted by circumstances or law, the impartial hearing officer may require the LEA to defend its position/decision regarding the claims (i.e. An LEA shall place a disabled scholar in the general



educational environment operated by the LEA unless it is demonstrated by the LEA that the education of the scholar in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. (34 C.F.R. §104.34). One or more representatives of the school system, who may be an attorney, will attend the hearing to present the evidence and witnesses, respond to the grievant testimony and answer questions posed by the review official.

6. The impartial review official shall not have the power to subpoena witnesses, and the strict rules of evidence shall not apply to hearings. The impartial review official shall have the authority to issue prehearing instructions, which may include requiring the parties to exchange documents and names of witnesses to be present.
7. The impartial review official shall determine the weight to be given any evidence based on its reliability and probative value.
8. The hearing shall be closed to the public.
9. The issues of the hearing will be limited to those raised in the written or oral request for the hearing.
10. Witnesses will be questioned directly by the party who calls them. Cross-examination of witnesses will be allowed. The impartial review official, at his or her discretion, may allow further examination of witnesses or ask questions of the witnesses.
11. Testimony shall be recorded by court reporting or audio recording at the expense of the LEA. All documentation related to the hearing shall be retained by the LEA.
12. Unless otherwise required by law, the impartial review official shall uphold the action of school system unless the grievant can prove that a preponderance of the evidence supports his or her claim.
13. Failure of the grievant to appear at a scheduled hearing unless prior notification of absence was provided and approved by the impartial review official or just cause is shown shall constitute a waiver of the right to a personal appearance before the impartial review official.

## **Decision**

The impartial review official shall issue a written determination within 20 calendar days of the date the hearing concluded. The determination of the impartial review official shall not include any monetary damages or the award of any attorney's fees.

## **Review**

If not satisfied with the decision of the impartial review official, any party may pursue any right of review, appeal, cause of action or claim available to them under the law or existing state or federal rules or regulations.

For complaints that fall under 504 safeguards please contact addressed to Excelsior Village Academies' Student Services Coordinator.



## Employee Grievances

As is natural, there are times when disputes arise between employees or between an employee and the school administration. Consistent with the philosophy behind the Charter, it is expected that during any dispute, all employees will model the conflict resolution skills that they advance to Excelsior Village Academies scholars. Should it become necessary, this procedure is intended to provide a simple, expeditious, and fair process for resolving employee complaints at the lowest possible level and with a minimum of conflict and formal proceedings.

No employee will be subject to reprisal as a result of filing a complaint under this procedure.

### Scope of Complaint Procedure

Any current employee may file a complaint concerning his/her/their employment or the implementation of personnel policies. The complaint should be in writing, and every attempt should have been made to settle the issue with individual conversations before bringing a formal grievance.

### Employee Grievance Procedure

- 1) **Step One: Informal Discussion.** An employee having a grievance hereunder shall make a good-faith effort to resolve the matter through informal discussions with the individual(s) involved in the matter and/or with the employee's direct supervisor, within five (5) working days of the occurrence or cause of such matter.
- 2) **Step Two: Administrative Review.**
  - a. If the matter cannot be resolved through informal discussion, the aggrieved employee may submit their complaint, in writing, to the Head of School within ten (10) working days after the most recent event upon which the complaint is based.
  - b. The written complaint should include identification of the problem, a description of the efforts undertaken to informally resolve the dispute, and a proposed resolution.
  - c. The Head of School will respond to the complainant with confirmation of receipt and explanation of grievance process and timeline.
  - d. The Head of School will investigate the concern and respond with his/her findings in writing five (5) working days of receipt, or as soon thereafter as is reasonably practicable.
  - e. The Head of School will make every reasonable effort to schedule a meeting to occur within five (5) working days of receipt (or as soon thereafter as is reasonably practicable) of the complaint with the Head of School and any other person(s) whose actions or decisions give rise to the matter. At such meeting, each party will have the opportunity to be heard and to request relief.
  - f. Within three (3) working days or as soon thereafter as is reasonably practicable, the Head of School will issue a written recommendation as to how the matter should be resolved. All parties present at the meeting shall receive copies of the written recommendation.
3. **Step Three: Review by the Board or a Committee Thereof.** If the aggrieved employee remains dissatisfied after review by the Head of School, the employee may appeal the Head of School's decision by filing within ten (10) working days of the decision, with the Chairperson of the Board of Directors, the original complaint, and a written explanation of why he or she disagrees with the decision of the Head of School. A written decision will be issued by the Board or his/her designee as soon as is reasonably practicable, but no later than five (5) working days after the next meeting of the Board. In its discretion, the Board may delegate any such review to a Committee of the Board and hold a hearing where appropriate. If a hearing is held, it will be in closed session to the extent permitted by law. Board members who are interested parties shall excuse themselves from the hearing if such members have a conflict of interest in the subject of the appeal.

## 2. WHISTLEBLOWER POLICY

Excelsior Village Academies requires employees to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. Employees of EVA are expected to practice honesty and integrity in fulfilling their responsibilities and are expected to comply with all applicable laws and regulations.

All employees of EVA are required to report any suspected violation of any law or regulation that applies to EVA. No employee who in good faith reports a violation shall suffer harassment, retaliation, or any adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This policy is intended to encourage and enable employees to raise serious concerns within EVA prior to seeking resolution outside of EVA.

Anyone who reports a suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. It is a serious disciplinary offense to knowingly or maliciously make a report that is false and such conduct may result in disciplinary action up to and including termination.

Reports may be made to the Chair of the Board of Directors who will, when applicable, notify the sender and acknowledge receipt of the suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

Suspected violations may be submitted anonymously. Reports of suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.