



ACA – Staff Grievances and Complaints

Third Future Schools is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. TFS shall respond to reported concerns and complaints of unlawful discrimination and/or harassment; take action in response when unlawful discrimination and/or harassment is discovered; impose appropriate sanctions on offenders in a case-by-case manner; and protect the privacy of all those involved in unlawful discrimination and/or harassment complaints as required by state and federal law. Under certain circumstances, the complaint may be referred to law enforcement for investigation.

TFS has adopted the following procedures to promptly and fairly address concerns and complaints about unlawful discrimination and/or harassment. Complaints may be submitted informally or formally. Notwithstanding any of the procedures outlined below, the Superintendent or Board President of TFS may refer any incident or complaint to legal counsel should either deem it in the best interest of TFS to do so.

Definitions

The term "compliance officer" means an employee designated to act as such by the Board of Directors. That individual shall be identified by name, address and telephone number. If the designated individual is not qualified or is unable to act as such, the Superintendent shall designate an administrator who shall serve until a successor is appointed by the Board.

The term "aggrieved individual" shall mean a student, the parents or guardians of a student under the age of 18 acting on behalf of a student, a student 18 or over, or an employee of TFS, who is directly affected by an alleged violation of TFS policies prohibiting unlawful discrimination or harassment.

Compliance officer's duties

The compliance officer shall be responsible for conducting a confidential investigation and coordinating all complaint procedures and processes, for any alleged violation of federal or state statute or TFS policy prohibiting unlawful discrimination or harassment. The compliance officer's duties shall include providing notice to students, parents/guardians of students and employees concerning the compliance process available, dissemination upon request of information concerning the forms and procedures for the filing of complaints, investigation of all complaints and coordination of the hearing procedures. The compliance officer may act as the hearing officer.

Complaint procedure

An aggrieved individual who believes he or she has been subject to unlawful discrimination or harassment in violation of law and TFS policy is encouraged to report the incident as provided in TFS policy. All

reports received by teachers, counselors, principals or other TFS employees shall be forwarded to the compliance officer or Superintendent.

Any aggrieved individual may file, with the compliance officer or Superintendent, a complaint charging TFS, another student or any school employee with unlawful discrimination or harassment. The complaint shall be in writing and shall describe with reasonable specificity the nature of the complaint.

Upon receiving a complaint, the compliance officer shall confer with the aggrieved individual as soon as is reasonably possible in order to obtain a clear understanding of the basis of the complaint and to discuss what action the aggrieved individual is seeking. At the initial meeting, the compliance officer shall explain the avenues for informal and formal action, provide a description of the complaint process, and explain that both the victim and the individual alleged to have engaged in prohibited conduct have the right to exit the informal process and request a formal resolution of the matter at any time. The compliance officer shall also explain that whether or not the individual files a formal complaint or otherwise requests action, TFS is required by law to take steps to correct the unlawful discrimination or harassment and to prevent recurring unlawful discrimination, harassment or retaliation against anyone who makes a report or participates in an investigation. The compliance officer shall also explain that any request for confidentiality shall be honored so long as doing so does not preclude TFS from responding effectively to the prohibited conduct and preventing future prohibited conduct.

Following the initial meeting with the aggrieved individual, the compliance officer shall attempt to meet with the individual alleged to have engaged in prohibited conduct and his or her parents/guardians, if the individual alleged to have engaged in prohibited conduct is a student, in order to obtain a response to the reported harassment. Such person(s) shall be informed only of those facts which, in the compliance officer's judgment, are necessary to achieve a full and accurate disclosure of material facts or to obtain an informal resolution.

The compliance officer may consider the following types of information in determining whether unlawful harassment occurred:

1. statements by any witness to the alleged incident,
2. evidence about the relative credibility of the parties involved,
3. evidence relative to whether the individual alleged to have engaged in prohibited conduct has been found to have engaged in prohibited conduct against others,
4. evidence of the aggrieved individual's reaction or change in behavior following the alleged prohibited conduct,
5. evidence about whether the alleged victim and/or aggrieved individual took action to protest the conduct,
6. evidence and witness statements or testimony presented by the parties involved,
7. other contemporaneous evidence, and/or
8. any other evidence deemed relevant by the compliance officer.

In deciding whether conduct is a violation of law or policy, all relevant circumstances shall be considered by the compliance officer, including:

1. the degree to which the conduct affected one or more students' education or one or more employee's work environment,
2. the type, frequency and duration of the conduct,
3. the identity of and relationship between the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim,
4. the number of individuals alleged to have engaged in the prohibited conduct and number of victims of the prohibited conduct,
5. the age of the individual alleged to have engaged in the prohibited conduct and the aggrieved individual and/or alleged victim,
6. the size of the school, location of the incident and context in which it occurred,
7. other incidents at the school.

The compliance officer shall determine whether the matter should proceed formally or informally. At any time, the aggrieved individual may request an end to an informal process and begin the formal compliance process.

On the basis of the compliance officer's investigation and if the aggrieved individual requests that the matter be resolved in an informal manner and the compliance officer agrees that the matter is suitable for such resolution, the compliance officer may attempt to resolve the matter informally.

The compliance officer shall prepare a written report containing findings and recommendations, as appropriate, to the Superintendent. The compliance officer's report shall be advisory and shall not bind the Superintendent or TFS to any particular course of action or remedial measure. However, the report may be used by the Superintendent or other TFS administration officials as a basis for disciplinary or other appropriate action.

Formal complaint process

If the aggrieved individual requests a formal complaint process, the compliance officer shall transfer the record within five school days to the Superintendent or designee for formal resolution and so notify the parties by certified mail.

After reviewing the record made by the compliance officer, the Superintendent or designee may gather additional evidence necessary to decide the case and/or determine that a hearing is necessary. At such time the matter should be referred to an administrative hearing officer for further fact-finding. The hearing officer will be an administrative employee of TFS designated by the Superintendent.

The hearing shall be informal. The hearing officer shall provide the affected person a written statement of charges, evidence and reasons supporting the proposed adverse action. A student shall be entitled to be

represented by his/her parent or by an attorney. An employee shall be entitled to be represented by an attorney or other representative of his/her choice. The complainant shall appear at the hearing and shall be entitled to present testimony and other evidence. Formal rules of evidence shall not apply. The compliance officer or designee may represent TFS at the hearing and shall likewise be entitled to present testimony and other evidence. The hearing shall be closed to the public.

The hearing officer shall make a written recommendation to the Superintendent based upon evidence presented at the administrative hearing. Within 10 school days of receiving the record from the hearing, the Superintendent or designee shall determine any action deemed appropriate.

TFS action

Whether or not a formal complaint is filed, TFS shall take appropriate action to end the prohibited conduct, to make the victim whole by restoring lost educational or employment opportunities, to prevent the prohibited conduct from recurring and to prevent retaliation against anyone that reports unlawful discrimination or harassment or participates in an unlawful discrimination or harassment investigation.

All parties, including the parents/guardians of all students involved, shall be notified by the Superintendent of the final outcome of the investigation, to the extent permitted by law, and all steps taken by TFS. If disciplinary action is recommended for a student or employee, that action shall proceed in accordance with applicable TFS policy and to the extent permitted by law. Remedial and/or disciplinary actions shall include measures designed to stop the prohibited conduct, correct its negative impact on the affected individual, and ensure that the prohibited conduct does not recur.

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of a TFS policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. This process shall apply, unless the context otherwise requires and unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts with this process, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

Staff Grievances

It is TFS's desire that procedures for settling differences provide for prompt and equitable resolution at the lowest possible administrative level and that each employee be assured an opportunity for orderly presentation and review of grievances without fear of reprisal.

If the Supervising Administrator (principal or assistant principal) has initiated a written Letter of Reprimand or Remediation Plan to the employee, the employee may respond with their own written statement or rebuttal within five (5) working days. These documents will become part of the employee record. These documented actions are not grievable. The content of an evaluation and the ratings given shall not be grievable under TFS's grievance process.

A "grievance" is defined as an alleged material violation of TFS Policies or Board of Directors Governing Policies that apply to all employees.

When an employee perceives a violation of TFS Policy, Board Governing Policies and/or statute, the employee is encouraged to bring the issue to their Supervising Administrator or the Superintendent. At Level I of the grievance process, the Supervising Administrator and employee will make every effort to reach resolution in a collaborative fashion. If the Supervising Administrator does not have the authority to resolve the issue, the Supervising Administrator will refer the employee to the next level of the grievance process.

At Level II of the grievance process, the employee may request a hearing with the Superintendent or the Superintendent's designee. The Superintendent or designee will attempt to reach resolution and will make a decision as to how the situation will be resolved or concluded. Should the Superintendent be the subject of the grievance, the Board of Directors will appoint a hearing officer to attempt to reach resolution or to make a decision as to how the situation will be resolved or concluded.

Nothing in this policy shall be construed to imply in any manner the establishment of personal rights not explicitly established by statute or TFS Policy. Neither shall anything in this Policy be construed to establish any condition prerequisite relative to non-renewal of contracts, transfer, assignment, dismissal, or any other employment decision relating to school personnel.

All employment decisions remain within the sole and continuing discretion of the Administration and/or Board, as appropriate, subject only to the conditions and limitations prescribed by Colorado law.

Contact information:

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