

## **AMIGOS POR VIDA-FRIENDS FOR LIFE PUBLIC CHARTER SCHOOL COMPLAINT AND GRIEVANCE PROCEDURE**

Amigos Por Vida-Friends for Life Public Charter School ("Amigos Por Vida" or "School") values its employees and strives to foster a productive, efficient, and collegial work atmosphere. The School recognizes, however, that sometimes a situation may occur that causes an employee concern which he or she wishes to address with the administration. Employees are encouraged to utilize all methods of communication to resolve differences and seek a resolution before filing a formal grievance. When this course of action is not feasible, comfortable, or successful, the matter should be brought to the attention of the Superintendent/CEO. The following procedures apply to formal complaints or grievances:

### A grievance under this procedure includes:

- 1) Complaint concerning an employee's wages, hours, or condition of work.
- 2) Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability.
- 3) Specific allegations of unlawful discrimination or retaliation on the basis of the employee's exercise of constitutional rights.

### Formal Complaint Procedure:

A formal complaint must be in writing, must identify the policy allegedly violated or the action or omission that allegedly occurred, and must be submitted within ten (10) days of the time the employee first knew of or should have known of the event or series of events about which the employee is complaining. The Superintendent/CEO (which term also includes his or her designee for purposes of this complaint and grievance procedure) will hold a conference with the employee within ten (10) days of receipt of the written complaint. If the Superintendent/CEO is unable to schedule the meeting within ten (10) days, he or she will notify the employee of alternative dates for availability but no later than twenty (20) days after receiving the formal written complaint.

The employee is encouraged to use and submit exhibits for the Superintendent/CEO's consideration. The Superintendent/CEO is not required to hear sworn testimony from witnesses, but may choose to do so at his or her discretion. The Superintendent/CEO will determine whether the allegations warrant further investigation and give a written determination to the employee within ten (10) days after the conference as to whether the policy alleged was violated or whether the act or omission did occur unless the facts or initial inquiry indicate the need for further investigation. If further investigation is warranted, the Superintendent/CEO will notify the employee of the estimated date for providing a response.

In the event that an investigation determines that an employee has violated a policy or engaged in other unlawful or improper conduct, the supervisor of the person about whom

the complaint was lodged shall take prompt and appropriate disciplinary action up to and including termination of employment. Employees accused of unlawful harassment or discrimination should be given sufficient information about allegations to provide them a reasonable opportunity to respond before any corrective action or discipline is imposed.

#### Appeal to Board:

If the complainant does not believe the resolution achieved by submission to the Superintendent/CEO is adequate, the complainant may appeal the decision or action to the governing board of Amigos Por Vida ("Board"). The employee has ten (10) days after a written determination by the Superintendent/CEO to appeal to the Board by submitting a written request to the Superintendent/CEO. The Board will act as an appellate body rather than a fact-finding body, reviewing only arguments and documents provided by the employee to the Superintendent/CEO and giving weight to the Superintendent/CEO's findings.

The Board will convene to review the complaint within thirty (30) days. If this time period does not afford the Board adequate time to review all documents and written decisions, the Board will discuss the grievance at its next scheduled board meeting.

At the Board's discretion, both the complainant and the administration may have the opportunity to present oral argument before the Board. During oral argument, the oral argument must be limited to the evidence that was before the administration when it made its decision. The Board may set reasonable limits on the time and manner in which oral arguments are made. Either or both the complainant or the administration may have a representative present the oral argument on their behalf.

The complainant has the opportunity to address the Board under the same conditions as any other member of the public during the hearing of citizens portion of the Board meeting. By law, the Board may not take action on any item brought before the Board during the hearing of citizens portion of the meeting unless the item has been posted with some specificity in accordance with the Texas Open Meetings Act.

Within twenty (20) days after the meeting at which the Board heard the complainant's appeal, the Board will provide a written response to the complainant.

#### Closed Meeting

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it shall be heard by the Board in closed meeting unless the employee who is bringing the grievance requests that it be heard in public. However, if the grievance involves a complaint or charge against another employee or Board member, it shall be heard in a closed meeting unless an open hearing is requested in writing by the employee or Board member against whom the complaint or charge is brought.

### Freedom from Retaliation

The complaining person will not be penalized in any way for reporting any matter in good faith. There will be no retaliation against any person because of his or her participation in the investigation of a complaint.

### Sexual Harassment and Non-Discrimination

The School shall comply with and carry out its responsibility under all applicable federal and state laws and their implementing regulations including, but not limited to, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, the Age Discrimination in Employment Act of 1975, Title VII of the Civil Rights Act; and Section 504 of the Rehabilitation Act of 1973 and will investigate any complaints alleging noncompliance or action prohibited in these provisions.

The School will not tolerate sexual harassment or unlawful discrimination. Sexual harassment includes any welcome or unwelcome sexual advances, requests for sexual favors, and any other physical or visual conduct of a sexual nature. Specific examples of prohibited conduct include, but are not limited to, engaging in sexually oriented conversations for purposes of sexual gratification, telephoning employees at home or elsewhere to solicit inappropriate sexual relationships, visible contact that would reasonably be construed as sexual in nature, and enticing or threatening another employee to engage in sexual behavior in exchange for work or other school-related benefits. The School will not discriminate against any employee on the basis of that person's race, color, religion, sex, national origin, disability, or age in the terms and conditions of employment.

Employees with questions or concerns about any type of harassment or discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the Principal, or the Superintendent/CEO. All employees of the School are responsible for maintaining a workplace free of harassment and/or discrimination.

An employee who believes that he or she has been the target of sexual harassment and/or unlawful discrimination should inform the School Principal immediately. In the event that the Principal is the person about whom the complaint of sexual harassment and/or unlawful discrimination is alleged, the employee is to notify the Superintendent/CEO of the allegations. Any school employee who receives information about or has knowledge concerning sexual harassment or unlawful discrimination or conduct that may be reasonably characterized as known or suspected sexual harassment or unlawful discrimination, must notify the Principal or Superintendent/CEO immediately. In addition to making an oral report or complaint, the complainant or other person with knowledge should reduce the complaint to writing. Do not assume that the School is aware of a problem. It is the responsibility of all employees to bring complaints to the School so that the School can help resolve them. Employees may make complaints about unlawful harassment or discrimination without fear of reprisal.

All reports of sexual harassment will be treated seriously and, to the extent possible, confidentiality will be maintained. In determining whether alleged conduct constitutes sexual harassment, unlawful discriminatory harassment and/or unlawful discrimination, the reviewing person or Board will consider the totality of the circumstances, the nature of the conduct of which the employee complained, and the context in which the alleged conduct or incident occurred. If it is determined that unlawful harassment or discrimination has occurred, prompt and appropriate action will be taken. Anyone found to be engaging in any type of unlawful discrimination and/or harassment will be subject to disciplinary action, up to and including termination of employment.

In addition to the above grievance procedure, if an employee believes he or she has been subjected to sexual harassment or unlawful discrimination under any federal or state nondiscrimination statute, he or she may file a formal complaint with either or both the United States Equal Employment Opportunity Commission ("EEOC") or the Texas Commission on Human Rights. Using the complaint process set forth above does not prohibit an employee from filing a complaint with these agencies.

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