

<b>POLICY DESCRIPTION:</b> Community Relations: Settlement of Disputes/Grievances	<b>ISSUE DATE:</b> 08/15/92	<b>SERIES:</b> 1614
	<b>AMENDED DATE:</b> 01/05/01	<b>DELETION DATE:</b>

The Office of Catholic Education shall provide a set of guidelines which make it possible to deal with any problem, complaint, suggestion, grievance or question that might arise. This is in keeping with the principles inherent in the faith community that characterizes relationships of administrators, faculties, parents and students of Catholic educational institutions.

These guidelines attempt to ensure a just resolution of disputes which occasionally arise in areas connected to the management of Diocesan educational institutions.

For dispute resolution procedures for employees, see Policy #4601, Regulation #4601R.

For dispute resolution procedures for student discipline, see Policy 5401, Regulation 5401R(c)

<b>DIOCESAN REGULATION:</b> 1614R	
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**DESCRIPTION:**

Community Relations: Procedures for Dispute Resolution – Grievance Process

The Diocese appoints the Superintendent of Education of the Catholic Diocese of Jackson (237 East Amite Street, Jackson, MS, 39201, 601-969-2742) as the employee charged with coordinating the dispute resolution process. The Superintendent may delegate this responsibility to others on a case-by-case basis or appoint a Grievance Committee to aid in the processing of the grievance.

The following dispute resolution procedure shall provide a process for filing, processing and resolving any student/parent disputes or grievances (excluding discipline).

Students are protected from discrimination by federal and state laws granting them equal opportunity without regard to race, color, national origin, disability or sex. Students are also protected from sexual discrimination, including sexual harassment, by Title IX of the Education Amendment Act of 1972. In summary, it is the policy of the Diocese to comply with all laws prohibiting discrimination on the basis of race, color, national origin, disability or sex.

**I. DEFINITIONS**

**Grievance:** 1) a claim that there has been a violation, misinterpretation, or misapplication of any provision of any policy, rule or regulation with the exception of disciplinary matters ;2) a complaint by any student or parent/guardian which alleges that any Diocesan or school/center policy, procedure or practice discriminates on the basis of race, color, national origin, disability or sex, including sexual harassment; 3) a complaint that any employee or student has subjected another to such discrimination.

**Grievant:** any student, parent, legal guardian or custodian of a student who submits a grievance.

**Respondent:** the person alleged to be responsible for the actions or inactions set forth in the grievance; the term may be used to designate persons with responsibility for a particular action or inaction, or persons with supervisory responsibility for procedures and policies in those areas covered in the grievance.

**Day:** a working day not including holidays and/or weekends

## II. GENERAL PROCEDURES

- A. Since this dispute resolution procedure is administrative in nature, no attorneys or legal representatives shall be allowed to participate in an active manner.
- B. It is important that grievances be filed and processed as rapidly as possible. The time periods set forth in Section III for the responses and decisions to be communicated to the Grievant or Respondent should be considered goals with each situation taken on a case-by-case basis. At any level in the grievance procedure the time limits may be extended when necessary.
- C. If during any step there is a reasonable basis to believe that an employee or student has engaged in any sexual misconduct or involvement with any student under the age of 18 in violation of "Protection of Children – Catholic Diocese of Jackson", the administrator should follow procedures designated by Diocesan policy and Mississippi law. Referral to "Protection of Children – Catholic Diocese of Jackson" shall terminate the original grievance process initiated under this procedure. The Superintendent must be informed of such action.
- D. Facts elicited during the grievance procedure are confidential. A copy of documents, communications and records dealing with the processing of a grievance will be filed in a separate file in the Superintendent's office.
- E. Facts elicited during the grievance procedure that result in adverse disciplinary action against an employee become part of that employee's personnel file and are confidential.
- F. The failure of Grievant or Respondent to proceed from one level to the next within the set time limits, without being granted an extension of time shall be deemed to be an acceptance of the decision previously rendered and shall eliminate any future review concerning that particular grievance.
- G. The failure of the reviewing parties to communicate their decision to Grievant or Respondent within the time limits shall permit Grievant or Respondent to proceed to the next level of appeal.
- H. Grievant may withdraw his/her grievance at any step without reprisal. However, a grievant shall not be permitted to resubmit the same grievance once withdrawn.
- I. There shall be no retaliation against a grievant for filing a grievance or against any person for participation in any way in the grievance process.

### **III. PROCEDURES FOR PROCESSING A DISPUTE/GRIEVANCE**

#### **Level One**

Prior to filing a formal written grievance, and within three (3) days of the action or inaction resulting in the grievance, Grievant should visit with the student's principal/director. The parties should make a reasonable effort to resolve the grievance.

NOTE: At any point during the process, if Respondent is the principal/director or any other person designated to handle the grievance or issue a decision, Grievant should consult with the Superintendent of Education who may refer the Grievant to his/her designee for proper appeal submission procedures.

#### **Level Two**

Grievant shall file with the principal/director of the school [no later than five (5) days after the action/inaction resulting in the complaint,] a written explanation with specific detail including all procedures, policies, and actions or inactions as well as any proposed remedies for the specific concern. Within three (3) days, Respondent shall tender a written response to the grievance to the principal/director. The principal/director shall investigate the charges and tender a written decision and resolution to Grievant and Respondent within five (5) days of receipt of the response.

#### **Level Three**

If unsatisfied with the decision and resolution proposed by the principal/director in Level Two, within five (5) days of receipt of the written decision, Grievant or Respondent shall submit the written grievance, the written response of the Respondent and written decision of the principal/director to the pastor/canonical administrator for his/her review. Within ten (10) days, the pastor/canonical administrator will review the documents, talk with the Grievant, Respondent and principal/director in an effort to resolve the grievance.

#### **Level Four**

If unsatisfied with the resolution proposed by the pastor/canonical administrator in Level Three, Grievant or Respondent has five (5) days from the date of the decision to submit a written appeal to the Superintendent of Education.

Within ten (10) days of receipt of the appeal, the Superintendent has the option to appoint a Grievance Committee or respond to the appeal. The Superintendent shall receive copies of the grievance, the responses from Respondent, principal/director, and pastor/canonical administrator. The Superintendent shall review the grievance, the responses, the written decision of the principal/administrator, and/or pastor/canonical administrator, the documents presented, and the written decision of the Committee (If a Committee was appointed). The Superintendent may at her/his discretion conduct an independent investigation and request additional evidence or information from the parties. Within fourteen (14) days of receipt of the appeal, the Superintendent shall issue a written decision and resolution.

The decision of the Superintendent is final.