

EMPLOYEE GRIEVANCE POLICY AND PROCEDURES`

Vista School believes all employees should have a safe and healthy work environment. A sound grievance policy helps promote this principle by providing a framework for employees to voice their concerns and ensure their rights are protected.

This grievance policy outlines how employees may advise management as to problems or concerns about their work, working conditions or relationships with colleagues. The purpose of this procedure is to enable a grievance to be resolved fairly, consistently, quickly, and as near to its point of origin as possible.

Policy Principles

- Employees are encouraged to report grievances without fear of recrimination. The school will take any reported grievance seriously and treat employees respectfully, fairly, and consistently.
- A grievance should be raised within 30 days of the occurrence of the incident.
- Where appropriate, every effort will be made to address concerns without recourse to formal procedures.
- When an investigation is necessary, the grievance will be investigated by an impartial and independent person with no connection to the complaint.
- All employees have the right to be accompanied by a colleague during any formal proceedings.
- An employee has the right to appeal if they remain unsatisfied with the outcome.
- All grievance matters and investigations will be treated in confidence by all parties involved.

Vista School Director is responsible for:

- Owning the employee grievance process and ensuring employees are aware of Vista Employee Grievance Policy and Procedures.
- Supporting and assisting employees in resolving concerns.
- Taking grievances seriously and dealing with each one fairly, consistently, and sensitively. Ensuring that the grievance proceeds within the timeline detailed in this policy.
- Notifying the relevant employees when any grievance has been raised against them or a decision in a pending grievance process has been made.
- Precluding the formal grievance process by working to immediately resolve any informal complaints.
- Documenting and reporting all grievances to HR.
- Reporting violations of the law to law enforcement and state officials.
- Appointing a suitably trained/experienced investigating officer.

Should circumstances warrant a delay in adhering to the timeline stated under this policy, the Director will notify all relevant employees of said circumstances. The Director will provide assurances the grievance remains a serious priority for Vista and will continue to be dealt with promptly and reasonably.

Vista Employees are responsible for:

- Seeking to resolve issues informally before raising a formal grievance.
- Engaging with their Supervisor or the Director to genuinely seek a resolution to a grievance.
- Cooperating in any investigation that is launched.
- Attending all grievance meetings.

- Maintaining confidentiality.

HR is responsible for:

- Documenting all grievances, investigations, and actions taken.
- Maintaining confidentiality.

The Board Chair is responsible for:

- Ensuring all grievances are taken seriously and dealt with fairly, consistently, and sensitively.
- Owning the grievance procedure (if a grievance is raised against the Director), ensuring that it proceeds within the timeline laid out in this policy.
- Notifying the Director, when an informal or formal grievance has been raised against them or a decision in a pending grievance procedure has been made.
- Ensuring that the grievance procedure is followed correctly.
- Ensuring all records of investigations are sent to HR.

The Governing Board is responsible for:

- Adopting the Grievance Policy and Procedure.
- Hearing appeals against grievance outcomes.

INFORMAL PROCEDURE

If a grievance raised involves employees, the school encourages said employees to seek an amicable resolution. If this is not possible, direct supervisors may be required to assist in informally resolving the issue.

If a grievance is brought against an employee, it may be appropriate for the direct supervisor of the offending employee to discuss their actions/inactions prior to initiating the formal procedure. Informal resolution may involve counselling, training, instruction, coaching or other managerial strategies as deemed appropriate.

Third-party mediation may also be used to rectify the situation informally whereby the final outcome is decided and agreed upon by those in dispute. The mediator does not determine who is right or wrong nor do they influence the final outcome but solely serve to facilitate the decision-making process.

FORMAL PROCEDURE

STEP 1 – Raising a Formal Grievance

When a grievance is not resolved to an employee's satisfaction, the employee can raise a formal grievance.

To raise a formal grievance, employees must complete an 'Employee Grievance' form and submit the form and any relevant evidence/documentation to the Director (or to the Board Chair if the Director is directly implicated by the grievance).

The formal grievance should include the following:

- The nature of the grievance – what is alleged to have occurred.
- Actions taken to resolve the issue informally, and the reason for dissatisfaction with the informal solution (if applicable).

- The outcome the employee is seeking and how this might be achieved.
- Any pertinent witnesses.

Step 2 – Grievance Meeting/Hearing

When an employee raises a formal grievance, the Director/Board Chair must hold a meeting with said employee. A grievance meeting is sometimes called a 'hearing'. The Director must hold the meeting within 5 working days. The employee may bring a colleague to the meeting. The HR Director will attend the grievance meeting to take notes and can serve as a third-party witness. The employee can present any pertinent evidence related to the grievance.

Step 3 – Investigating a Grievance

Following the grievance meeting, if the Director/Board Chair is of the opinion that an investigation is appropriate, then an investigation must be undertaken as soon as possible. The Director will appoint a suitably trained/experienced investigating officer to investigate (e.g., board member, faculty member of third party depending on the need).

The Investigating Officer will be responsible for investigating the grievance, including the events surrounding or leading up to the submission of the grievance. This will require the Investigating Officer to meet with all relevant employees, including any that may have witnessed or have key information about the issue.

Any employee who is the subject of a grievance must be provided details of the complaint beforehand as to be able to properly respond.

A written record of all meetings conducted by the Investigating Officer will be provided to the individuals being interviewed for them to review and sign as an accurate account of the meeting.

The Investigating Officer should prepare a report detailing the results of their investigation. The report will be used by the Director/Board Chair to facilitate an impartial decision on the grievance outcome.

If there are concerns about employees in a grievance case working together while the grievance is being investigated, the Supervisor or Director may consider making short term adjustments to schedules, work location and/or responsibilities, to accommodate employee well-being. The employee shall be made to understand that any readjustments are not considered punishment, but a temporary accommodation during the investigation.

Going through a grievance procedure can be very stressful. It is important for the Director and HR to consider the wellbeing and mental health of all employees involved. Regular communication and sensitivity may help mitigate absence and mental health crises.

Step 4 – Outcome

Following the investigation, the Director/Board Chair will review the investigation report and all evidence, and will reach one of the following conclusions:

- Grievance is upheld fully or partially. Outline what steps or disciplinary action will be taken to resolve the grievance.
- Grievance is determined to be unfounded, and grievance is dismissed.

Step 5 – Follow Up Meeting

A follow up meeting between the Director and the employee that filed the grievance should occur within 15 working days after receipt of the grievance form. If the matter requires an investigation, a follow up meeting should take place within 30 working days. All employees involved in the process are entitled to be accompanied by a colleague.

Where possible, a verbal decision should be provided to the employee at the grievance follow up meeting. This decision should also be subsequently provided in a written grievance outcome letter sent within 5 working days of the date of the meeting. The employee has the right to file an appeal if they are unsatisfied with the final decision.

Step 6 – Formal Grievance Appeal

If an employee feels their grievance was not resolved satisfactorily, they have the right to appeal to the Board Chair within 10 working days of receipt of the grievance outcome letter.

The employee must ensure that a Grievance Appeal Form is completed in full and submitted to the Board Chair. The form must clearly demonstrate why the outcome of the grievance was not appropriate.

The Board Chair must acknowledge receipt of the appeal within 5 working days.

Upon receipt of the written appeal, the Board Chair will arrange to discuss the grievance appeal with the Governing Board. The Governing Board may choose to appoint a Grievance Appeal Committee to review the appeal in lieu of the Board. A five-member committee will be selected by the Board and will include one Board member, other Vista employees, parents, or community members.

Once a Grievance Appeal Committee is formed, a chairperson will be elected by the committee. Members selected should have no previous involvement in the case; if previously involved, said members should recuse themselves to avoid any conflicts of interest. HR will be notified of committee selections.

A grievance appeal meeting will be scheduled within 15 working days of receiving the written appeal notice. The employee who submitted the appeal may or may not be invited to attend the appeal meeting. This meeting will focus on issues delineated in the appeal notification and, therefore, the appeal meeting may not always involve a complete re-hearing/investigation of the concerns. However, all information gathered through the formal investigation may be used by the Governing Board or Grievance Appeal Committee to reach a final decision.

After considering all facts and any new evidence presented, the Governing Board or Grievance Appeal Committee may :

- Uphold the original grievance decision of the Director/Board Chair.
- Partially uphold the appeal.
- Fully uphold the appeal.

If the appeal is fully or partially upheld, the Governing Board or Grievance Appeal Committee would be required to define a new grievance outcome/resolution. The decision made by the Governing Board or Grievance Appeal Committee is considered final. The employee will be notified of the grievance appeal outcome in writing within 5 working days of the date of the appeal meeting.

Director Grievance

If the Director raises a grievance, the Board Chair should seek to resolve the issue personally and informally in consultation with the HR Director. If an informal resolution is not attained, the matter will then be formalized using the Grievance Appeal Committee process as outlined above in Steps 1 – 6. The Director will have the right to be accompanied by a colleague.

Grievance from former employees

Should a grievance be filed by a former employee, Vista School will follow the same informal and/or formal procedure as determined by the available evidence to ensure a quick, fair, and consistent resolution as near to its point of origin as possible.

Employee Grievance Form

The Employee Grievance form, located on the following page, is intended for use by any employee who would like to submit a formal grievance. Please note that a formal grievance will only be accepted if prior actions were taken to resolve the matter informally.

To begin a formal grievance process, this form should be completed and submitted to the Director or HR Manager in an envelope marked CONFIDENTIAL. The form may also be submitted through email with CONFIDENTIAL in the subject line.

Grievance Appeal Form

A Grievance Appeal Form is also located at the end of this policy. If an employee feels their grievance was not resolved satisfactorily, they may appeal the outcome. To begin the appeal process, an employee must ensure that a Grievance Appeal Form is completed in full and submitted to the Board Chair.

EMPLOYEE GRIEVANCE FORM

| GRIEVANT INFORMATION | |
|----------------------|---------------------|
| EMPLOYEE NAME | DATE FORM SUBMITTED |
| | |
| JOB TITLE | |
| | |

| DETAILS OF EVENT LEADING TO GRIEVANCE | |
|---|--|
| DATE, TIME, AND LOCATION OF EVENT | WITNESSES if applicable |
| | |
| ACCOUNT OF EVENT | VIOLATIONS |
| Provide a detailed account of the occurrence. Include the names of any additional persons involved. | Provide a list of any policies, procedures, or guidelines you believe have been violated in the event described. |
| | |

| PROPOSED SOLUTION |
|-------------------|
| |

Please retain a copy of this form for your own records. As the grievant, please provide your signature below, as it indicates that the information you've included on this form is truthful.

| SIGNATURES | |
|--------------------|------|
| EMPLOYEE SIGNATURE | DATE |
| | |

| | |
|--|-------------|
| | |
| DIRECTOR OR BOARD CHAIR SIGNATURE | DATE |
| | |

When investigating a grievance, use this form to collect and record details about what occurred, who was involved or witnessed the event, the type of grievance, and what actions are required to correct the problem. Breaking down the event into specific details provides a clear picture of what happened so you can reach an appropriate resolution.

| | GRIEVANT INFORMATION |
|---|--|
| GRIEVANT NAME | |
| HOME ADDRESS | |
| DEPARTMENT | |
| DATE OF HIRE | |
| WORK LOCATION | |
| | DETAILS OF EVENT LEADING TO GRIEVANCE |
| Who was involved? Provide names and titles. Include witnesses. | |
| When did it occur? Date and time | |
| Where did it occur? Specific locations | |
| What happened? Describe the event in detail. Also, describe any incidents giving rise to the grievance. | |

| | |
|---|--|
| <p>Why is this a grievance? List all policies, procedures, and guidelines violated in the event described.</p> | |
| <p>What adjustment is required? Describe what must be done to correct the situation/problem.</p> | |

WITNESS STATEMENT FORM (to be used by investigating officer)

| WITNESS INFORMATION |
|-------------------------------------|
| <p>WITNESS NAME</p> |
| |
| <p>WITNESS PHONE NUMBER</p> |
| |
| <p>WITNESS EMAIL ADDRESS</p> |
| |
| <p>DATE REPORT SUBMITTED</p> |
| |

| SUBMITTED TO |
|--|
| |
| <p>Incident/violation occurred on or about:</p> |
| |

WITNESS STATEMENT State only the facts.

| | |
|--|--|
| | |
|--|--|

Attach additional sheets as needed. As a witness, your signature below indicates that the information you've provided on this form is truthful.

| SIGNATURES | | |
|---------------|--------------------|------|
| WITNESS NAME | WITNESS SIGNATURE | DATE |
| | | |
| RECEIVER NAME | RECEIVER SIGNATURE | DATE |
| | | |

GRIEVANCE APPEAL FORM

| GRIEVANT INFORMATION | |
|----------------------|-----------------------|
| GRIEVANT NAME | DATE APPEAL SUBMITTED |
| | |
| GRIEVANT PHONE | GRIEVANT EMAIL |
| | |

| | |
|--|---|
| | REASON FOR APPEAL (check all that apply): |
| | New information/evidence is now available that wasn't considered before |
| | The process wasn't followed correctly |

The outcome wasn't fair and reasonable

FURTHER EXPLANATION OF REASONING (use attachments if necessary)

DESIRED OUTCOME (use attachments if necessary)

Please retain a copy of this form for your records. As the grievant, your signature below indicates that the information you've provided on this form is truthful.

| GRIEVANT SIGNATURE | DATE |
|-----------------------|------|
| | |
| BOARD CHAIR SIGNATURE | DATE |
| | |

Board Approved: 3/28/2024