



Right to Formal Grievance Proceedings, Right to Appeal

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The State of South Carolina requires that state government agencies provide for a procedure for resolving employee grievances. However, local school districts are not a state agency and therefore, the law does not apply to them.

Grievance procedures are a means of dispute resolution that school employees can use to present complaints and it allows the district the opportunity to hear and resolve complaints in a timely and cost effective manner. School employees who file grievances believe they have been mistreated in some way, and they rely on the grievance procedure as a means to address their concern. Without the grievance procedure, school districts are not required to hear or address employee concerns and employees are left with no internal recourse.

The grievance procedure provides a hierarchical structure for presenting and settling grievances. It defines how the grievance must be presented, establishes a succession of steps with time limits for each step, and it protects the employee from retaliation.

Although the school board is the last level of the grievance procedure, some districts limit or deny employees access to the board and in doing so, deny them their last appeal level.

The SCEA supports state legislation and local school district policies that provide teachers with the right to formal grievance proceedings, including the right to appeal. Legislation to provide a formal grievance procedure and the right to appeal should include the following:

1. A grievance is a claim by a teacher(s) of a violation, misinterpretation or misapplication of a provision of school board policies and laws or administrative procedures, rules and regulations as they affect the employment and work of such employee.
2. **Submission of Grievance**
A teacher or his or her designee shall present a grievance in writing to a supervisor within ten (10) business days after the underlying incident or knowledge of the underlying incident. The supervisor must arrange for a meeting to take place within ten (10) business days of receipt of the grievance.
3. **Initial Meeting**
The teacher(s) and/or designee, and the immediately involved supervisor shall hold a meeting to discuss the grievance within ten (10) business days of the initial filing of the grievance. The supervisor shall provide a written answer to the grievance to the

aggrieved teacher within ten (10) business days after the meeting, which must include the reasons for the decision.

4. **Appeal & Hearing**

If the grievance is not resolved to the satisfaction of the employee(s) at the initial meeting, the teacher may appeal to the superintendent within five (5) days after the receipt of the written answer, or within ten (10) business days after the initial meeting, whichever is later.

- a. The superintendent shall set a hearing to take place within ten (10) business days of receipt of the appeal. At this hearing the teacher(s) shall have the right to present evidence and call witnesses. The superintendent shall make all arrangements to ensure called witnesses are present at the hearing.
- b. Each party has the right to present witnesses and facts pertinent to the grievance at this appeals meeting. Upon conclusion of the hearing, the superintendent shall have ten (10) business days in which to provide a written decision with reasons to the teacher.
- c. Should the grievance not be resolved at this level, the teacher(s) may appeal the grievance to the school board. The school board shall hear the matter at its next regularly scheduled meeting. The teacher(s) shall have the right to present evidence and call witnesses at this hearing. The school board will ensure that all witnesses called who are employees of the district will be present for this hearing.

5. **Arbitration or Withdrawal**

Following the hearing before the school board, an employee may take further action by submitting the grievance to final and binding arbitration under the rules of the American Arbitration Association. If a demand for arbitration is not filed within thirty (30) days of the receipt of the hearing decision, the grievance shall be deemed withdrawn.

6. **Representation**

An employee(s) may choose at least one representative to be present and participate in any meeting, hearing, appeal, or other proceeding relating to a formal grievance. No teacher shall be required to discuss any grievance if the teacher's representative is not present

7. **Modification**

Notwithstanding the previous subsections, a teacher maintains the right to discuss a grievance informally with a supervisor.

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