



# POLICY

Category	Approval		
Series 700: Personnel	Effective 2/22/10	Administration 12/4/09	Board 2/22/10
	Revised 8/25/25	For Review	2029

## EMPLOYEE GRIEVANCE PROCEDURE

**MTC 713**

The Board will encourage the administration to develop effective means for resolving differences that may arise between employees and administrators, reduce potential areas of legitimate grievances, and establish and maintain recognized channels of communication between the staff, administration, and the Board. The grievance procedure presented in this policy, and stated in SDCL 3-18-1.1, provides for prompt and equitable adjustment of differences at the lowest administrative level possible and to assure each employee the opportunity for an orderly presentation and review of grievances.

### **ARTICLE I DEFINITIONS:**

1. A "grievance" is a complaint by an employee or group of employees of the College based upon an alleged violation, misinterpretation, or inequitable application of any existing contract, policy, rule, or regulation of the College, as they apply to the conditions of employment. A disagreement over a non-existing contract, policy, rule or regulation is not a "grievance" and is, therefore, not subject to this procedure.
2. An "employee" shall be an individual employee or a group of employees who are similarly affected by a grievance.
3. A "complainant" shall be an individual employee or group of employees making the complaint. In the case of a group of employees, all persons in the group shall be named co-complainants.
4. The "Board" is the Board of Education of Mitchell School District 17-2.
5. A "representative" shall be a fellow employee or legal counsel. All representatives shall be duly authorized in writing prior to their involvement in the procedure.
6. In the grievance policy alone, "days" shall be calendar days.
7. A "supervisor" is the administrator directly responsible for the unit in which the employee is assigned.

### **ARTICLE II PURPOSE:**

The purpose of this procedure is to secure fair and equitable solutions to problems which may arise between MTC employees and the MTC administrator. In order to facilitate this purpose, these proceedings will be kept as informal and confidential as may be appropriate at any level.

### **ARTICLE III**

#### **INFORMAL PROCEDURE:**

An employee who has a grievance shall, within twenty (20) days of the alleged violation, discuss the matter with the appropriate administrator who is directly responsible for the matter involved in an effort to resolve the problem informally. If the employee is not satisfied with the disposition of the matter following the informal procedure, the employee shall have the right to submit the grievance under the formal procedures provided.

## **ARTICLE IV**

### **FORMAL PROCEDURE:**

#### **A. Level One (Administrator)**

1. If a complainant is not satisfied with the disposition of the problem through the informal procedure, the complainant may submit the grievance in writing to their administrator notwithstanding that such administrator may not have been the person to whom the grievance was submitted under the informal procedure. The grievance must be filed within ten (10) days of the conference specified in the informal procedure in Article III. Copies of the grievance shall be submitted to the MTC President, Mitchell School District 17-2 Superintendent, and Board President by the complainant.
2. The administrator may hold a hearing with the complainant if the administrator was not involved in the informal procedure. Such hearing, if held, must be within the time requirement for a response to the grievance at Level One.
3. The administrator shall render a decision in writing within ten (10) days after receipt thereof. Failure to render a decision within the time provided shall constitute a denial of the grievance.

#### **B. Level Two (MTC President)**

1. If the complainant is not satisfied with the disposition of the grievance at Level One, the complainant may file a written appeal to the President within ten (10) days of the decision or expiration of time at Level One. A copy must be provided to the district superintendent and board president by the complainant.
2. The President, or designee, may conduct a hearing regarding the grievance within ten (10) days after the receipt of the appeal.
3. The President, or designee, shall render a written decision within ten (10) days after the hearing. Failure to render a decision within the time provided shall constitute a denial of the grievance.
4. If the President, or designee, denies a hearing within the ten (10) days after the receipt of the appeal, the complainant may continue procedures at Level Three.

#### **C. Level Three (Superintendent)**

1. If the complainant is not satisfied with the disposition of the grievance at Level Two, the complainant may file a written appeal to the Superintendent within ten (10) days of the decision or expiration of time at Level Two. A copy must be provided to the board president by the complainant.
2. The Superintendent, or designee, may conduct a hearing regarding the grievance within ten (10) days after the receipt of the appeal.
3. The Superintendent, or designee, shall render a written decision within ten (10) days after the hearing. Failure to render a decision within the time provided shall constitute a denial of the grievance.
4. If the Superintendent, or designee, denies a hearing within the ten (10) days after the receipt of the appeal, the complainant may continue procedures at Level Four.

#### **D. Level Four (Board of Education)**

1. If the complainant is not satisfied with the disposition of the grievance at Level Three, the complainant may file a written appeal with the Board. The written appeal of the decision at Level Three must be filed with the President, Superintendent, and Board President within ten (10) days of the delivery of the decision or expiration of time at Level Three.
2. Upon receipt of a written appeal, the Board shall hold a hearing before the full body at its next regular meeting or a special meeting held for the purpose of considering the grievance. That portion of the meeting dealing with the grievance shall be held in executive session.
3. A decision shall be rendered by the Board within forty (40) days after the appeal was filed. Failure to render a decision within the time period shall constitute a denial of the grievance.

#### **E. Level Five (Department of Labor)**

If the complainant is not satisfied with the disposition of the grievance at Level Four, the complainant may file an appeal with the Department of Labor, as provided in statute, within thirty (30) days after delivery of the board's decision or expiration of time at Level Four. The inclusion of this paragraph in

this grievance procedure shall not constitute a waiver by either party of its rights to dispute the authority of the Department of Labor to hear the appeal and/or render any particular decision.

**ARTICLE V****MISCELLANEOUS:**

1. Employees filing a grievance should include the following information in the written grievance: the contract, ordinance, policy, rule, or regulation under which the alleged violation, misinterpretation, or inequitable application occurred; the nature of the problem; and the desired resolution.
2. The complainant may be represented at any level of the grievance procedure by no more than three representatives. Each representative must be duly authorized in writing, together with their address. Thereafter, formal written notice and decisions given such representative(s) shall be deemed notice of the same to the complainant.
3. Notwithstanding the time limitations stated above, extensions of time may be made by stipulations of both parties.
4. A statement of rationale for any position taken shall be required in the statement of any decision and in the appeal therefrom.
5. Due to the nature of an alleged grievance or the number of persons affected thereby, the President may, at the President's sole discretion, accept the submission of a grievance in writing without the same having been submitted at Level One. In such a case, the processing of such a grievance shall begin at Level Two.
6. At all hearings conducted under this procedure, the complainant and the administrative representative may call witnesses and present evidence that is relevant to the matter under consideration. The Board may request that other witnesses be called for questioning by the parties. Both parties shall attempt to schedule all hearings conducted under this procedure during non-student contact time.
7. No reprisal shall be taken against an employee because of a grievance.

6/26/17 – Removed language pertaining to employee groups, negotiations, and agreements as per SDCL 13-39-65 effective July 1, 2017. Also removed a statement about grievance forms being available, and instead clarified the information that should be included in the written grievance.

5/24/21 – Replaced "District" with "College" and clarified that President is MTC President.

8/25/25 – Removed language that excluded Christmas break from the calendar days referenced in the policy. Replaced all instances of "supervisor" with "administrator."