



Ideal Development of Education Academy

## **Student Grievance Procedure**

The purpose of this policy is to set out the guidelines standards for the filing of a grievance by a student or the student's legal guardian. This policy is intended to reflect the IDEA's commitment to the principles, goals, and ideals described in the our Mission statement and to its core values.

Information about grievance procedures and a copy of this regulation shall be available to Grievant (s) and/or Respondent (s) upon request.

Grievants will be provided a copy of this regulation by the Grievance Officer when the Grievance Officer is first contacted regarding a grievance matter. Respondents shall be provided a copy of this regulation when Respondents are notified by the Grievance Officer that a grievance has been filed.

The purpose of this Administrative Procedure is to provide a prompt and equitable means for resolving student(s) grievances. In the pursuit of academic goals, the student should be free of unfair or improper action by any member of the academic community.

A grievance is a formal complaint by a student arising out of an alleged action of the school, administrative units, or staff of IDEA . Such action is alleged by the student to be:

1. An unauthorized, unjustified or unethical action(s), which adversely affects the status, rights, or privileges of the student.
2. In violation of official school policies or procedures.
3. The arbitrary, capricious, or unequal application of official policies or procedures.

No person shall be penalized for submitting or proceeding with a grievance. No restraining, coercive, discriminatory, or retaliatory action shall be taken against a person because of initiating or participating in a grievance.

A grievance shall be filed no more than one hundred eighty (180) days after the occurrence of the action on which it is based, regardless of the date of the discovery of the action.

### **Confidentiality of grievances**

All grievances shall be considered confidential and shall not be divulged to individuals or organizations not party to the grievance, unless required by law. All materials developed in the course of the grievance investigation and hearing shall be placed in a confidential, non-personnel file.

None of these materials shall be removed from the file or copied unless needed for compliance with appropriate administrative or legal requirements.

The following shall be determined after grievances are received:

1. Standing to file a grievance;
2. Timeliness;
3. That the grievance is not a resubmission of a previously submitted or decided grievance;
4. That the grievance does not seek disciplinary action;
5. That the grievance is not an academic assessment or grade appeal;
6. That the grievance does not relate to discrimination, harassment, and/or retaliation based on any protected status;
7. That it is not a financial appeal;
8. That it is not a FERPA issue.

## **Informal process:**

Prior to initiating formal Grievance Procedures, the student(s) is required to make a good faith effort to resolve the dispute with the Respondent. If the student(s) is not satisfied, the student is then required to attempt to formally resolve the grievance.

Many grievances can be dealt with satisfactorily at an informal level, with the result more likely to be accepted and committed to by both Parties.

The President of IDEA has appointed an employee who shall assist students in seeking resolution by informal means. This person shall be called the Grievance Officer.

## **Formal grievance process**

To initiate the formal grievance procedure, the student is required to submit a written "statement of grievance" – a clear, concise, signed, and dated statement of events from the student's perspective. The statement should provide enough information to present a complete understanding of the situation and of the remedy sought by the student.

A student initiates the formal procedures by submitting the statement of grievance to the appropriate office. The Grievance Officer will then submit a copy of the statement of grievance to the next appropriate higher administrative level and to the respondent. The respondent is required to submit a written response within ten instructional days.

The Grievance Officer will then provide a copy of the respondent's reply to the grievant and to the next appropriate higher administrative level.

The Appropriate administrator has a period of ten instructional days to review the case, during which he or she may opt to seek additional information from the parties involved or from witnesses.

By the end of that ten-day period, administrator will either

- (1) render a decision or
- (2) convene a Hearing Committee to investigate further. The student shall have the right to request that a Grievance Hearing Committee be convened.

## **Grievance Hearing Committee.**

The Program Director or his/her Designee shall at the beginning of each year, including any summer session, establish a standing panel of members of the community,

including school members and administrators, from which one or more Grievance Hearing Committees may be appointed.

The standing Panel will consist of :

- 2 Youth Coordinators
- 2 PTA Members
- Compliance Coordinator

The committee will consist of at least one Youth Coordinator, one PTA Member and one Compliance Coordinator

### **Request for Grievance Hearing.**

Any request for a grievance hearing shall be filed on a Request for a Grievance Hearing form in writing within thirty (30) calendar days after discovery of the grievable action and after following steps of the informal process above. Within ten (10) work days following receipt of the Request for Grievance Hearing, the Grievance Officer shall convene a Grievance Hearing Committee as described above, and the Grievance Hearing Committee shall meet in private and without the parties present to determine on the basis of the Statement of Grievance whether it presents sufficient grounds for a hearing.

The determination that the Statement of Grievance presents sufficient grounds for a hearing shall be made if the following are found to be true:

1. The statement contains facts which, if true, would constitute a grievance under these procedures;
2. The grievant is a student as defined in these procedures, which include applicants and former students;
3. The grievant is personally and directly affected by the alleged grievance;
4. The grievance was filed in a timely manner;
5. The grievance is not clearly frivolous, clearly without foundation, or clearly filed for purposes of harassment. If the grievance does not meet each of the requirements, the Hearing Committee chair shall notify the student in writing of the rejection of the Request for a Grievance Hearing, together with the specific reasons for the rejection and the procedures for appeal.

This notice will be provided within seven (7) work days of the date the decision is made by the Grievance Hearing Committee. If the Request for Grievance Hearing satisfies each of the requirements, the School Grievance Officer shall schedule a grievance hearing. The hearing will begin within thirty (30) calendar days following the decision to grant a Grievance Hearing.

All parties to the grievance shall be given not less than ten (10) work days notice of the date, time and place of the hearing.

**Hearing Procedure.** The Grievance Hearing Committee chair is responsible for making sure that Administrative Procedures are followed and for maintaining decorum at the hearing. The members of the Grievance Hearing Committee shall be provided with a copy of the grievance and any written response provided by the respondent before the hearing begins. Each party to the grievance may call witnesses and introduce oral and written testimony relevant to the issues of the matter.

Any and all relevant evidence shall be admitted at least 5 school days before the hearing in good faith. Any recently discovered evidence may be used at the time of the Grievance Hearing if found justifiable by the Grievance Hearing Committee. Unless the Grievance Hearing Committee determines to proceed otherwise, each party to the grievance shall be permitted to make an opening statement. Thereafter, the grievant or grievants shall make the first presentation, followed by the respondent or respondents. The grievant(s) may present rebuttal evidence after the respondent(s)' evidence. The burden shall be on the grievant or grievants to prove by substantial evidence that the facts alleged are true and that a grievance has been established as specified above.

Each party to the grievance may represent himself or herself, and may also have the right to be represented by a person of his or her choice; except that a party shall not be represented by an attorney unless, in the judgment of the Grievance Hearing Committee, complex legal issues are involved.

If a party wishes to be represented by an attorney, a request must be presented not less than ten (10) work days prior to the date of the hearing. If one party is permitted to be represented by an attorney, any other party shall have the right to be represented by an attorney. The hearing committee may also request legal assistance; any legal advisor provided to the hearing committee may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it. Hearings shall be closed and confidential unless all parties request that it be open to the public. Any such request must be made no less than ten (10) work days prior to the date of the hearing. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the committee agree to the contrary. The hearing shall be recorded by the Grievance Officer either by tape recording or stenographic recording, and shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the Grievance Hearing Committee Chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves

by name. The tape recording shall remain in the custody of the District, either at the school, at all times, unless released to a professional transcribing service. Any party may request a copy of the tape recording. All testimony shall be taken under oath; the oath shall be administered by the Grievance Hearing Committee Chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape recorded shall be considered to be unavailable. The Grievance Hearing Committee shall prepare and send a decision to the Grievance Officer. The decision will be forwarded by the Grievance Officer to the Grievant within fourteen (14) work days. The decision shall include specific factual findings regarding the grievance, and shall include specific conclusions regarding whether a grievance has been established as defined above. The decision shall also include a specific recommendation regarding the relief to be afforded the Grievant, if any. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original grievance, any written response, and the oral and written evidence produced at the hearing.

**Findings.** Policies should require that the school determine whether the alleged acts of harassment occurred and whether unlawful harassment occurred is critical whenever a formal complaint is filed. In this way, the complainant and the district are assured that the matter was fully investigated and that careful deliberations occurred.

If the conduct at issue is not found to be sufficiently severe, pervasive, or persistent to violate the district's policy, the school should still consider action geared to address the complainant's concerns. This will reassure the student that concerns related to perceived harassment are taken seriously and will help prevent repetition or escalation of any offensive behavior.

**CORRECTIVE ACTION.** Remedial action should be tailored to fully address the specific problems experienced at the institution as a result of the harassment. Remedial action should take into account the severity of the incident and the age of the parties and should be calculated to stop the specific harassment and prevent recurrence.

Remedial action should be taken after a decision is forwarded by the Grievance Officer to the Grievant.

**Appeal a Decision.** A student prejudiced by a decision of the Grievance Hearing Committee shall be entitled to appeal that decision to the President of the School. The appeal shall be made in writing within thirty (30) calendar days of receipt of the Grievance Hearing Committee's decision. The Grievance Officer shall review the appeal and the Grievance Hearing Committee's findings and conclusions and render a

decision. Within seven (7) work days following the receipt of the request for appeal, the Grievance Officer shall prepare and send a decision to the Grievant. The decision shall be final.

**Time Limits.** Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

**Policy Violations.**

If a student is found to have violated the grievance procedure policy, they will be subject to disciplinary action, up to and including termination. The severity of each case will determine the type of disciplinary action, which may include a verbal or written warning, suspension, and/or termination.

**Christopher Chaidez**  
**5600 Crescent Ave**  
**Cypress, CA 90630**  
**Phone: 714-400-2491**  
**Email: [info@idealnps.org](mailto:info@idealnps.org)**