



# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

## Office of Superintendent

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## M E M O R A N D U M

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**DATE:** January 30, 2007  
**TO:** Members, Board of Education  
**FROM:** Donna Peterson, Ed.D. *Donna Peterson*  
Superintendent of Schools  
**RE:** KPAA Grievance Procedures

Attached are the steps involved in the Kenai Peninsula Administrator Association grievance process. A situation has arisen that may involve the requirement of a hearing officer and I would like to discuss the process for this with the Board.

### **8.3 GRIEVANCE PROCEDURE LEVELS**

#### **8.31 Level One**

- A. An Administrator, with a grievance, may initiate the procedure by filing a written statement of the grievance with the Superintendent. The date of this action shall be the filing date.
- B. The Superintendent shall meet with the grievant and anyone accompanying the grievant within six (6) days of the filing date. This meeting time shall be set by mutual agreement.
- C. The Superintendent shall render the decision in writing, within five (5) days of the Level One meeting.

#### **8.32 Level Two**

- A. If the grievant is not satisfied with the disposition of the grievance at Level One, the grievance may be appealed, in writing, to the Board within six (6) days of receipt of the Level One decision.
- B. Within six (6) days following the receipt of the written appeal of the Level One decision, the Board shall appoint an impartial hearing officer to conduct the hearing and prepare a proposed decision for submission to the Board and the grievant. The grievant may object to the appointed hearing officer by providing a written notice of such objection within five (5) days following receipt of the notification of the appointment in which case the Board shall appoint another hearing officer.
- C. The hearing officer shall schedule the hearing within ten (10) days of his/her appointment. The hearing officer shall submit his/her written decision to the grievant and the Board within ten (10) days of the close of the hearing.
- D. Before acting upon the proposed decision of the impartial hearing officer, the Board shall afford the grievant and the Superintendent an opportunity to file briefs and present oral arguments on the record presented to the hearing officer. Oral arguments before the Board shall be conducted on or before the next regularly scheduled Board Meeting following receipt of the hearing officer's decision. The Board shall render its decision within ten (10) days of the oral argument. This shall be the final step for all grievances alleging a violation, misinterpretation or misapplication of a Board policy. Dismissal and non-retention actions are subject to statutory hearings that afford due process. Therefore, those proceedings shall terminate at Level Two in accordance with AS 14.20.175 and 14.20.180.

#### **8.33 Level Three**

- A. If the grievant and the Association are not satisfied with the disposition of the grievance at Level Two, the grievance may be submitted to final and binding arbitration. If the parties cannot agree as to an arbitrator within five (5) working days from the notification date that arbitration will be pursued, the arbitrator shall be selected by the American Arbitration Association in accordance with its rules which likewise govern the arbitration proceedings. The Superintendent and the grievant shall not be permitted to present to such arbitration proceedings any evidence not previously presented at any other level. The arbitrator shall have no power to alter, add to, or subtract from the terms of this agreement. Both parties agree to be bound by the decision of the arbitrator. The fees and expenses of the arbitrator shall be borne equally by both parties, except when the grievant is not represented by the Association. If the grievant is not represented by the Association, he/she will bear one half (1/2) of said fees.