Grievances and Complaints: A Mental Model

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The Birth of a Grievance or Complaint

• Every interaction can lead to a grievance or complaint
• Attempt to solve issues at the lowest level
• TEAM vs. TEAM
• Develop good mental models.
• Don’t rely on what you already know.
• It’s always a process.
Do Not Rely On What You Know

- Investigatory process
  - Consequences of action
  - Challenge ones beliefs
  - Form conclusions
  - Apply Meaning to target data
  - Select target data
  - Observe data

Begin With The End In Mind

- Investigate the Facts
- What are the details and big idea at issue?
- What is the right forum for the issue?
  - Collected Bargaining Agreement Grievance?
  - Board Policy Complaint Process?
  - Special Education Due Process?
  - Professional Teaching Practices Commission?
  - Other? Court?
- Timing issues? **NEXUS** (Even the denial of a grievance that is untimely will have a process.)

Research Source Documents

Negotiated Agreements
Board Policy
PTPC Code of Ethics
Personnel Law
Special Education Law
See Legal Counsel
Develop a Strong OODA Loop

• Orient
• Observe
• Decide
• Act

Bad News Early is Good News!

The Complexity of The Words

• What is “Just Cause”?
• What is “Cause”?

Just Cause

1. Was the employee forewarned of the consequences?
2. Are the employers rules reasonably related to business efficiency and performance the employer might reasonably expect from an employee?
3. Was an effort made before discipline or discharge to determine whether the employee was guilty as charged?
4. Was the investigation conducted fairly and objectively?
5. Did the employer obtain substantial evidence of the employee’s guilt?
6. Were the rules applied fairly and without discrimination?
7. Was the degree of discipline reasonably related to the seriousness of the employee’s offense and the employee’s past record?
Cause = Reasonable Facts

- Under Alaska law, discipline for cause “is one which is not for any arbitrary, capricious, or illegal reason; and
- which is one based on facts;
- (1) supported by substantial evidence; and
- (2) reasonably believed by the employer to be true.

It’s Always A Process

- Build timelines.
- Sort available documents in the timeline.
- Do the research.
- Consider alternative meanings and conclusions.
- Organize the “story” in context of the applicable rules.
- Prepare as if ever step of the process will go to the end.

Questions?