

Uplift Education
Employee Grievance
Policy Effective Date: June 20, 2023

The Uplift Education (“Uplift”) Board of Trustees (“Board”) has adopted this grievance policy in order to provide all employees with the opportunity to be heard and in an effort to hear and resolve employee grievances in a timely manner and at the lowest administrative level possible. For purposes of this policy, “grievance” and “complaint” have the same meaning.

Employee grievances shall be filed and addressed in accordance with this policy, except for complaints alleging one or more of the following:

1. Complaints alleging discrimination based on gender, gender identity, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law.
2. Complaints alleging physical, verbal, or nonverbal harassment based on an employee’s gender, gender identity, sex, sexual orientation, race, color, religion, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:
 - a. Has the purpose or effect of unreasonably interfering with the employee’s work performance;
 - b. Creates an intimidating, threatening, hostile, or offensive work environment; or,
 - c. Otherwise adversely affects the employee’s performance, environment, or employment opportunities.
3. Complaints concerning retaliation relating to discrimination and harassment.

Complaints alleging 1-3 shall be filed and addressed pursuant to the “Discrimination, Harassment, and Retaliation” policy.

Informal Process.

Employees are encouraged to discuss their grievances informally with their direct supervisors or other appropriate administrators in their reporting line. Employees may also contact Talent Management (TM) representatives. Grievances should be communicated as soon as possible to allow early resolution at the lowest possible administration level.

Seeking an informal resolution shall not extend any deadline in this policy with respect to filing a formal grievance, except by written mutual consent.

Formal Process.

While informal resolution is encouraged, an employee may initiate the formal grievance process by timely filing the current grievance form. The current grievance form may be obtained from Uplink or the Talent Management Business Partners or other designee, as described below.

The process described in this policy should not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

An employee whose grievance is resolved informally may withdraw a formal grievance at any time.

Freedom from Retaliation

Neither the Board nor any Uplift employee shall unlawfully retaliate against an employee for bringing a grievance, either informally or formally.

Notice to Employees

All employees will be given notice of this policy by the TM Department. Receipt of the Uplift employee handbook constitutes employee notification.

Filing

All grievance forms and appeal notices may be filed by hand-delivery, email, fax, or U.S. Mail. All filings shall be submitted to the Director of Employment Experience, Talent Management Business Partner or other designee.

Hand-delivered filings shall be timely filed if received by the Director of Employment Experience, Talent Management Business Partner or other designee by the close of business on the deadline. Fax or email filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy or on the email receipt notice. Mail filings shall be timely filed if they are postmarked by U.S. Mail on the deadline and received by the Director of Employment Experience, Talent Management Business Partner or other designee no more than three business days after the deadline.

Days

“Days” shall mean Uplift business days, unless otherwise noted. The day a document is filed is “day zero.” The following business day is “day one.”

Representative

“Representative” means any person designated by the employee to represent him or her in the grievance process. The employee may designate a representative through written notice to Uplift at any level of this process. If the employee designates a representative for the first time before a scheduled conference, Uplift may reschedule the conference to a later date, if desired, in order to include Uplift’s counsel or other representative.

Related Grievances

Grievances arising out of an event or series of related events shall be addressed in one grievance. Employees shall not bring separate or serial grievances arising from any event or series of events that have been or could have been addressed in a previous grievance.

When two or more grievances are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, Uplift may consolidate the grievances.

Untimely Filings

All time limits shall be strictly followed unless modified by written consent of both parties.

If a grievance form or appeal notice is not timely filed, the grievance may be dismissed, on written notice to the employee. The employee may appeal the dismissal by seeking review in writing within ten business days of the dismissal date, starting at the level at which the grievance was dismissed. Such appeal shall be limited to the issue of timeliness.

Expenses Incurred

Each party shall pay its own expenses incurred in the course of the grievance process.

Grievance Forms, Appeal Forms and Submission of Documentation

Grievance forms and appeal forms under this policy must be filed in writing on forms provided by Uplift. These forms may be obtained from TM or through Uplink.

Copies of any documents that support the grievance should be attached to the grievance form. If the employee does not have copies of these documents, they may be presented at the Level One conference. No documentation may be submitted by an employee after the Level One conference.

A grievance form that is incomplete in any material aspect may be dismissed, but may be re-filed with all the requested information so long as the re-filing is within the designated time for filing a complaint.

Scheduling Hearing Conferences

Uplift shall make reasonable attempts to schedule hearing conferences at a mutually agreeable time with the employee. If unsuccessful, Uplift will schedule the hearing and notify the employee. If the employee fails to appear at the scheduled conference, Uplift may hold the conference and issue a decision in the employee's absence.

Level One

A grievance form must be filed within 10 business days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the grievance with the Director of Employment Experience or designee.

The Level One administrator assigned to hear the grievance shall be the employee's direct supervisor; however, should the subject of the grievance be the direct supervisor, or should the direct supervisor not have the authority to grant the employee's requested relief, then the Level One administrator shall be the next-level supervisor or other administrator appointed by TM or the CEO.

A grievance pertaining to termination of employment may begin at Level Two.

The Level One administrator shall hold a conference with the employee within ten business days after receipt of the grievance form. The employee shall bring copies of any documents the employee requests to be considered to the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference. An audio recording shall be made of the Level One conference by Uplift, and is considered the official recorded copy of the conference.

The Level One administrator shall have ten business days following the conference to issue the employee a written decision. The Level One administrator may attach any relevant documentation to the Level One decision that supports such decision.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a decision has expired, the employee may file an appeal with the Director of Employment Experience or designee.

The appeal notice must be filed within ten business days after receipt of a decision or, if no decision was received, within ten business days of the Level One decision deadline.

The Level Two administrator assigned to hear the grievance shall be the next-level supervisor; however, should the subject of the grievance be the next-level supervisor, or should the next-level supervisor not have the authority to grant the employee's requested relief, then the Level Two administrator shall be appointed by TM or the CEO.

The Level Two administrator shall hold a conference with the employee within ten business days after receipt of the appeal notice. An audio recording shall be made of the Level Two conference by Uplift and will be considered the official recording of the conference. At the conference, the Level Two administrator shall consider only the issues and documents presented at Level One.

The Level Two administrator shall have ten business days following the conference to provide the employee with a written decision. The Level Two administrator may attach any relevant documentation to the Level Two decision that supports such decision.

Level Three – Final Appeal to the Uplift Board of Governors

If the employee did not receive the relief requested at Level Two or if the time for a decision has expired, the employee may file an appeal with the Director of Employee Relations or designee.

The appeal notice must be filed within ten business days after receipt of a decision or, if no decision was received, within ten business days of the Level Two decision deadline.

The Board of Governors shall hear grievances at Level Three. The employee will be informed of the date, time, and place of the Board meeting at which the grievance will be heard. The date, time, and place of the Board meeting shall only be rescheduled if a quorum of the Board is not present.

The Board shall consider only those issues and documents presented at Level One, except that if at the Level Three hearing the administration intends to rely on documentation not previously submitted, the administration shall provide the employee with notice of the nature of the documentation at least three business days before the Level Three hearing.

The presiding officer of the Board may set reasonable time limits and guidelines for the presentation, which may be in open or closed meeting as determined by the presiding officer in accordance with the Texas Open Meetings Act and other applicable law.

The Board will consider the grievance and may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The Board may attach any relevant documentation to its decision that supports such decision. If for any reason the Board

fails to reach a decision regarding the grievance by the end of the next regularly scheduled meeting, the lack of decision by the Board upholds the decision of the Level Two administrator.

The decision of the Board is final.