

# COMMUNICATION OF CONCERNS POLICIES

Version: March 22, 2022

## INTRODUCTION

The purpose of these policies is to formally adopt and clarify a system for resolving concerns and conflicts within the Cincinnati Waldorf School (“CWS”) community. These policies set forth a format for bringing concerns before the appropriate school body, properly documenting the concerns, and reaching an expeditious and fair resolution. These policies are designed to assist with parent and employee concerns up to the point that the matter becomes one that requires outside professional resolution. Additionally, these policies contain provisions regarding conflicts of interest and confidentiality.

Included within these policies is a description of each level of the Communication of Concerns procedures. These policies have been adopted by the Board of Trustees and the Faculty, and are binding upon the entire CWS community.

## LEVEL 1

When a person has a concern within the CWS community, the concern should first be discussed with the person(s) involved. If no resolution is reached after such discussion, the concern should be taken to the appropriate Leader of CWS, either the Administrative Director, the President of the Board of Trustees, or the Faculty Chair. Concerns involving the facilities, safety and daily operations and business of the school should be brought to the Administrative Director. Concerns involving large scale financial matters and legal issues for the school should be brought to the Board President. Concerns involving pedagogical matters and parent/child/teacher issues should be brought to the Faculty Chair.

When a concern is brought to a CWS Leader (Administrative Director, President of the Board, or Faculty Chair), such Leader must determine a course of action. Most concerns will fall into one of the following four categories:

- **Category A:**  
The concern may be answered on the spot, with no consideration/ consultation required.
- **Category B:**  
The concern may be answered after a period of consideration and/or with consultation from another community member.
- **Category C:**  
The concern is of such a nature that it will require a meeting between the parties involved and the Leader.
- **Category D:**  
The concern is of such a serious nature that it must move immediately to Level 2.

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Regardless of the category of concern, the Leader shall offer the individual the opportunity to commit the concern to writing by email and/or written letter.

### **Category A or B:**

If the concern falls into either of the first two categories, the Leader should reply to the concern within seven days.

### **Category C:**

If the concern falls into the category C, the Leader should respond to the person bringing the concern within seven days, advising the party that a meeting will be arranged between the Leader and the parties involved. The meeting between the Leader and the parties shall be scheduled within ten days (no later than seventeen days from the date of the concern being brought to the Leader). When a meeting between the parties is scheduled, the Leader shall confirm by email the following:

- The substance of the concern
- The date, time and location of the meeting when the concern will be brought forward.
- The names and titles of all who will attend the scheduled meeting.

The Leader will also at this time begin thorough documentation of the concern by starting to fill out the Level 1 form (see addendum to this document).

If a resolution is reached between the parties as a result of the meeting, the Leader shall:

- Document the resolution on the Level 1 form
- All parties involved will provide their signature showing agreement with the resolution.
- A copy of the Level 1 form should be provided to all parties involved.
- The Level 1 form shall then be filed in the location designated by the Administrator for the recording of such forms.

If no resolution is reached between the parties as a result of the meeting, and any of the parties request further review, the Leader will make a referral, within three days, to bring the concern to Leadership Council making this a Level 2 concern. The Leader shall forward all documentation about the situation along with the Level 1 form for LC review along with the following information:

- Why the concern was referred to Level 2.
- The date the concern is referred to LC making it a Level 2 concern.
- Name of the person making the request for LC review.
- Any information that the Leader believes is pertinent to the Level 2 review.
- Any written input from the parties regarding the concern.
- The parties involved should be notified that the concern has been forwarded for review by LC.

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### **Category 4**

If the Leader determines that the concern is of an immediate and very serious nature, or involves matters that have been repeated and that require immediate attention, the Leader may refer the concerns directly LC, bypassing the Level 1 steps, making it a Level 2 concern. The Leader shall forward all documentation about the situation with the Level 1 form along with the following information:

- Why the concern is being directly referred to Level 2, skipping Level 1.
- The date the concern is referred to LC making it a Level 2 concern.
- Name of the person making the request for LC review.
- Any information that the Leader believes is pertinent to the Level 2 review.
- Any written input from the parties regarding the concern.
- The parties should be notified that the concern has been forwarded for review by LC.

### **LEVEL 2**

#### **Development of the Plan of Action**

Upon receiving a Level 1 referral, the Leadership Council shall review the Level 1 form and within three days determine what body will develop a plan of action. The Leadership Council should ordinarily delegate the duty to create a plan of action to an appropriate existing committee of CWS. In certain circumstances, the Leadership Council may determine that no committee exists to develop a plan of action, and the Leadership Council may create an ad hoc committee to deal with the concern. The committee developing a plan of action shall have 14 days to report that plan to the Leadership Council for review. At that time, the Leadership Council may approve of the plan of action or, in exceptional circumstances, return it to the committee with instructions. Developing the plan of action may, but will not necessarily, require a meeting with the parties involved, consultation with a committee from the school community, or consultation with some outside source.

Not later than 30 days from the date of the receipt of the Level 1 form, the Leadership Council shall have approved of a plan of action, which shall be committed to writing in a Level 2 report. If no meeting is scheduled with the parties to develop the plan of action, the Leadership Council shall notify the parties in writing, within 14 days of receiving the referral, of the status of the process and the anticipated date of the completion of the plan. Once the plan of action is completed, the Level 2 report shall indicate and/or include:

- Plan of action and the date approved.
- The actions taken by the Leadership Council in developing the plan.
- Any recommendations from committees or other outside sources, including any written recommendations from such committees or sources.
- Any written notifications which were sent to the parties.
- A copy of the Level 1 form.

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The plan of action shall be shared with the parties in writing. The plan of action and progress will be reported at Leadership Council meetings until there is resolution of the concern initially raised.

After meeting with the parties, the Leadership Council shall document the plan of action in a Level 2 report:

- A timeline for the completion of the plan which may not exceed thirty days.
- A review date for the plan, or periodic review dates.
- The parties shall review the Level 2 form and sign indicating their agreement to the plan of action.

There may be Level 2 concerns which are of such an urgent nature that they require a plan of action to be formed more quickly than the thirty-day period described above. Further, certain situations may require that interim measures be put in place while a plan of action is being considered. (See Immediate Leadership Council Action). The Leadership Council is directed to be sensitive to this possibility.

### **Review of Plan of Action**

Upon the review date set by the Leadership Council, there will either be a satisfactory resolution or not. If progress has been made but no full resolution, upon agreement of the parties, the Leadership Council may extend the review period for an additional thirty days, with a new timeline and review dates. This process may be repeated as many times as needed. No extension should be granted, however, if either party or the Leadership Council believes that no progress is being made and requests further review. If a resolution is reached:

- The resolution should be documented in a Level 2 report.
- All parties involved will provide their signature showing agreement with the resolution.
- A copy of the signed resolution, with all attachments, should be provided to all parties involved.
- The signed resolution, with all attachments, shall then be filed in the location designated by the Administrator for the recording of such forms.

If no resolution has been reached, and further review has been requested, the Leadership Council shall complete the Level 2 report indicating:

- There was no resolution.
- What efforts were made to reach a resolution
- The case is being referred to the Grievance Committee.
- Which party requested the review
- Any information that may be pertinent to the grievance committee review (see below).
- The date that the Level 2 concern is referred and sent to the Grievance Committee.

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When the Level 2 report is sent to the Grievance Committee, the following documents should be attached:

- The Level 1 form
- All correspondence (reports, and recommendations).

All information and documentation shall be sent to the Grievance Committee no later than three days after the Grievance Committee has received the referral for action. A copy of the Level 2 report with attachments will be sent to the parties along with a notification that the concern has been referred to the Grievance Committee. The Grievance Committee shall also be sent copies of any other Level 1, 2, or 3 documentation that are on file with the Administrator involving the same or a similar concern and/or any of the parties.

### **Immediate Leadership Council Action**

In certain situations, the Leadership Council may determine that the nature of the concern or concerns require immediate discipline and/or termination of a contract is necessary. The circumstances under which the Leadership Council would make such a determination should be extremely rare. Instances where the Leadership Council might consider such options would be where the physical safety of any community member has been compromised, serious repeated unethical or improper behavior has occurred, or conduct of an equivalent seriousness. In such a situation, the Leadership Council, in lieu of creating a plan of action, may impose an immediate sanction.

If such a course of action is chosen, the Leadership Council shall:

1. Immediately notify the parties, in writing, of the proposed action
2. Notify the parties, in writing, of the information which the Leadership Council believes supports the proposed action
3. Document the course of action in the Level 2 report
4. Provide a detailed description in the Level report of the reasons for the action, including any reports generated upon the subject matter of the action
5. Schedule a meeting with the parties and the Leadership Council within five business days.

At the meeting, the parties shall be afforded ample opportunity to explain their respective positions regarding the concern to the Leadership Council. Upon the conclusion of the meeting, the Leadership Council shall notify the parties of its decision, and document any changes as a result of the meeting will be included in the Level 2 report.

If any party involved desires a Level 3 review of the Leadership Council decision, such party shall notify the Leadership Council in writing of such request within fourteen days. Once received, the Leadership Council shall refer the concern to Level 3 within three days. Upon the request for Level 3 review, and during the pendency of such review, any disciplinary actions or a

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decision to terminate a contract shall be stayed. The Leadership Council may, however, impose paid administrative leave or temporary suspension. (See Paid Administrative Leave/Temporary Suspension). The Leadership Council shall document in a Level 2 report:

- A review of the Leadership Council decision has been requested.
- Which party requested the review.
- Whether paid administrative leave or temporary suspension was imposed
- Any information which may be pertinent to the Grievance Committee review.
- The date of the referral.

When the Level 2 report is sent to the Grievance Committee, the following documents should be attached:

- The Level 1 form
- All Level 1, 2, or 3 correspondence, reports, and recommendations that are on file with the Administrator involving the same or a similar concern and/or any of the parties.
- All The Level 2 report with attachments shall be sent to the Grievance Committee within three days.
- A copy of the Level 2 report with attachments should be sent to the parties along with a notification that the concern has been referred to the Grievance Committee.

### **Mediation**

Mediation may be used as a part of a plan of action, or as an alternative where the plan of action has failed. Ordinarily, if the parties are willing to mediate a concern, the Leadership Council should initiate mediation as a part of the plan of action. If mediation is initiated by the Leadership Council as part of the plan of action, the name of the mediator shall be included on the Level 2 report. Under such circumstances, the Leadership Council will appoint a neutral mediator to meet with the parties. The mediator will be charged with the duty to attempt to facilitate a discussion with the parties with the goal of reaching a negotiated settlement of the concern. The Leadership Council shall first look to the school community in an effort to find an individual who may mediate the concern from a completely neutral perspective. If no neutral party may be found within the community who may adequately attempt to mediate the concern, the Leadership Council may obtain an outside mediator, through paid contract or otherwise.

If mediation is undertaken, the Leadership Council shall set a strict timetable for mediation, and the progress shall be reviewed not later than every thirty days. If at any point after the first thirty days, the mediator, any party, or the Leadership Council believes that progress is not being made, the mediation process shall be immediately terminated by the Leadership Council.

Whatever the result of the mediation, the mediator shall submit a written report to the Leadership Council outlining:

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- The dates the parties met.
- The process of the mediation.
- The progress made.
- Any continuing areas of disagreement.
- The final resolution, if any.
- Any other information the mediator feels is pertinent to the process.

### **Paid Administrative Leave**

During any Level 2 or Level 3 review, the Leadership Council may place any party or concerned individual on paid administrative leave. Any person placed on paid administrative leave shall continue to receive their salary, but shall not be present at any time on CWS school grounds or at any CWS school function without the express, written consent of the Leadership Council or the Grievance Committee.

The Leadership Council is further empowered to temporarily suspend any volunteer of CWS during any Level 2 or Level 3 review. Any person temporarily suspended shall not be present at any time on CWS school grounds or at any CWS school function without the express, written consent of the Leadership Council or the Grievance Committee.

Any person placed on paid administrative leave or temporary suspension by the Leadership Council shall be notified in writing of such determination, and such person shall not be released from paid administrative leave or temporary suspension until notified of such in writing by the Leadership Council or the Grievance Committee.

### **LEVEL 3**

#### **The Grievance Committee**

The Grievance Committee shall consist of three members, one appointed by each of the following school bodies:

- Board of Trustees
- Faculty
- Administration.

The Grievance Committee members shall not also be members of the Leadership Council. The Grievance Committee shall be appointed at the first meeting of each body at the beginning of each school year, and shall serve for one full year. Grievance Committee members may serve consecutive terms on the Grievance Committee without any limit as to the amount of terms that may be served.

Each school body should be sensitive to use extraordinary caution in choosing members for the Grievance Committee. Grievance Committee members should be selected based upon the following qualities and criteria:

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- Ability to be neutral and fair
- Lacking in substantial biases
- Open-minded
- Appreciative of the fiduciary responsibilities of the Grievance Committee
- Willingness to give substantial time commitment
- Strong ability for reasoning and writing
- Decisiveness
- Integrity
- Strong commitment to values of Waldorf education
- Organized thinker
- Familiarity with standard procedures typically associated with disputed hearings.

The Grievance Committee, once established, shall elect a Chair of the Grievance Committee who will serve in such a position for the entire one-year tenure of the Grievance Committee. The Chair will be responsible for receiving and sending all correspondence for the Grievance Committee, and for presiding at all proceedings held by the Grievance Committee.

### **Process**

Within seven days of receipt of a referral from the Leadership Council, the Grievance Committee shall review the Level 2 documentation and confer to determine an appropriate date and time for which to schedule the Grievance Hearing, and the Chair of the Grievance Committee will contact the parties to schedule the Grievance Hearing. The parties should be prepared when contacted to indicate the amount of time the party expects to take in presenting its position to the Grievance Committee at the Grievance Hearing. The Grievance Hearing shall occur within 30 days of the Grievance Committee receiving the referral for action. The parties shall be given at least seven days advance notice of the hearing date unless the parties consent to an earlier hearing date. The parties shall be formally notified in writing of the hearing date and time. The Grievance Committee shall make reasonable efforts to schedule the hearing at a time that is agreeable to the parties. Parties may submit written statements to the Grievance Committee regarding their perspectives on the conflict prior to the hearing.

### **Grievance Hearing Procedure**

The Grievance Hearing shall be held before the entire Grievance Committee. If a conflict of interest exists (See Conflict of Interest rules), the appropriate school body shall appoint a replacement member to the Grievance Committee for the purpose of the Grievance Hearing. In the event that no replacement may reasonably be appointed in a timely fashion, the Grievance Committee may proceed with two members. The Grievance Committee Chair shall preside at all Grievance Hearings.

The Grievance Hearing shall be conducted in a manner which allows all parties involved in the concern to have adequate opportunity to be heard and to reasonably present their respective positions. The parties may present information orally and through documentation. The parties may also request the attendance of persons possessing personal knowledge of the concern to



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appear at the hearing and provide information to the Grievance Committee. The parties must notify the Grievance Committee in advance of any persons the parties will have attended the Grievance Hearing in support of their position. The Grievance Committee may also request the attendance of persons to provide information to the Grievance Committee. Such a request by the Grievance Committee may request a person's presence at the Grievance Hearing, or at a private meeting with the Grievance Committee at a time separate from the Grievance Hearing.

During the Grievance Hearing, the parties shall be advised and expected to conduct themselves in a manner whereby they do not argue directly with other parties, nor act disrespectfully toward other parties or the Grievance Committee. Parties shall not be permitted to ask questions or make comments directly to other parties; instead, all questions and comments should be directed to the Grievance Committee. The parties shall not interrupt or otherwise harass other parties, and should speak only when recognized to speak by the Chair of the Grievance Committee. The Grievance Committee may ask questions of any party or other person providing information to the Grievance Committee.

### **Decision**

Within 14 days following the Grievance Hearing, the Grievance Committee shall issue a written decision resolving the concern. The majority of the members of the Grievance Committee must vote for an outcome in order for it to be the official decision of the Grievance Committee.

There are many possible resolutions for any particular concern. But some options may include:

- Discipline of an employee or volunteer of CWS
- Termination of a contract, or dismissal of a volunteer
- Placing an employee on paid or unpaid leave
- Some form of resolution of equivalent seriousness.

The Grievance Committee shall not make such a serious determination without seeking consultation with the Leadership Council and receiving a written recommendation from the Leadership Council regarding the proposed action. The Grievance Committee shall give due deference to the opinion of the Leadership Council regarding a proposed resolution, but ultimately, the resolution of the concern is left to the discretion of the Grievance Committee. In an appropriate situation, the Grievance Committee may seek input from other school bodies (i.e., Faculty, Administration, Parent Council) prior to making its decision. (See Confidentiality). Any input received from a school body should be documented in a written report. The Grievance Committee should be diligent to ensure that all information pertaining to a Grievance Hearing is received by the Grievance Committee as a whole, and not solely by individual members. All information received should be received and considered by all members of the Grievance Committee as a group.

It is the intention of these Policies that the Grievance Committee is the final arbiter of concerns within the school. A Grievance Committee decision is final, and will be enforced by the

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Leadership Council. All members of the school bodies and the school community will respect and adhere to decisions of the Grievance Committee.

Grievance Committee decisions shall be attached to all documentation generated throughout the process and filed in the location designated by the Administrator for the recording of such decisions. The record of any disciplinary action taken against an employee of CWS shall also be kept in the employee's personnel file for a period of one year. A copy of the decision, with all attachments, should be provided to all parties involved.

### **Mindfulness**

The Grievance Committee should be mindful of the various structural roles and separation of powers within CWS. The role of the Grievance Committee is to resolve concerns and conflicts. In so doing, the Grievance Committee is not to create new bylaws or amend existing bylaws, for such is the role of the Board of Trustees. Likewise, the Grievance Committee should not be utilized to generally review the CWS financial situation, budget, or salary structure. Further, the responsibility for the general running of the day-to-day business activities of CWS is allocated by the bylaws to the Administrator, and the pedagogical programming at CWS is relegated to the Faculty. The role of the Grievance Committee within these areas is to resolve case-specific concerns and conflicts which may arise between two or more parties, or to assess a concern that an individual or group is not properly discharging their duties.

This is not to say that the Grievance Committee cannot and should not interpret the meaning of the bylaws when applied to a particular concern or conflict, and to render a decision as to whether an individual or group is acting contrary to their structurally delegated responsibilities, or CWS's best interests. In its capacity as arbiter for CWS, the Grievance Committee is a resolver of concerns and conflicts, an interpreter of CWS rules and bylaws, and a body to determine whether disciplinary measures, in whatever form, are appropriate.

### **CONFLICT OF INTEREST RULES**

A conflict of interest exists on the part of any decision maker in the conflict resolution process when that individual has a direct interest, or is directly involved, in the conflict or concern at issue. Obviously, an individual personally involved in the conflict has a conflict of interest if that personal conflict may affect the decision maker's neutrality on the subject. On the other hand, all of the decision makers have some personal interest in any conflict involving CWS as a whole. Decision makers are expected to be able to exercise independent, professional judgment, keeping the best interests of CWS as a whole as the central concern. If any decision maker, after careful consideration of the merits of the conflict or concern, feels that his or her judgment may be unduly influenced by personal considerations, then the decision maker should recuse himself or herself from the process. All decision makers have a fiduciary obligation to CWS and the fairness of the process and, as such, owe the highest duty of loyalty, honesty, and integrity when performing their functions.

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It is predominantly the responsibility of each individual to monitor his or her own neutrality regarding conflicts of interest, and to constantly assess whether or not he or she is an appropriate decision maker in any given conflict. Other members of the community should give due deference to a decision maker's own conclusion regarding his or her neutrality.

Nonetheless, in the event that a party to a conflict, or other decision maker feels strongly, with supporting information, that a decision maker is acting under an actual conflict of interest, then the issue may be reviewed by:

- The Leadership Council at levels 1 and 2, or
- The Grievance Committee at Level 3.

If the conflict of interest pertains to a member of the Leadership Council or Grievance Committee, the remaining members will decide the issue. Instances where an individual's conflict of interest is formally challenged should be extremely rare.

### CONFIDENTIALITY

All Leaders and decision makers involved in the Communication of Concerns process owe a duty of confidentiality to the parties involved in any concern. This duty of confidentiality requires that the Leaders and decision makers not disclose the identities of parties involved in a concern, nor the subject matter or merits of a concern to third parties except to the extent necessary for reasonable consultation in assisting to resolve the concern. The Leaders and decision makers must strike a balance between the need to maintain confidentiality and the need to consult with appropriate individuals or bodies in order to reach a resolution of the concern.

Parties to a concern likewise owe a duty of confidentiality to the other parties involved in the Communication of Concerns process. Any and all records maintained by the Administrator as required by these policies shall not be disclosed except as provided within these policies, by the consent of the party involved, or as otherwise authorized by federal, state, or local law.

### Level 1 Form

Concern:	
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Person Reporting Concern:	
Date Concern Was Communicated:	
CWS Leader Receiving Concern:	
Course of action chosen by the Leader:	
The reasons for the course of action:	
Resolution Reached:	
Signatures of All Who Agree with Resolution	
Documentation:	Please attach all documentation about the concern.