

Chapter IX

Suspension, Dismissal and Appeal/Grievance Procedure

1. Suspension

1.1 Definition: Suspension is the *temporary* exclusion of a student from the services of the Pharr Oratory of St. Philip Neri School System. During this period, the suspended student remains responsible for all class work covered.

1.2 Purpose: –Suspension is a medicinal sanction for serious disruptive conduct. With reintegration into the student body in mind, the Pharr Oratory of St. Philip Neri School System takes this remedial corrective action:

1.2.1 to make the student aware of the gravity of his/her behavior,

1.2.2 to give the student time to mature while reflecting on his/her misconduct, and

1.2.3 to aid in the development of a well-formed conscience capable of evoking true repentance, determined change, and growth in moral behavior--See Chapter Three, "Christian Lady and Gentleman" and Chapter Four, "Code of Discipline."

1.3 Competency: The Rector, the Director or Assistant Director is competent to apply suspensions.

1.4 Time of execution: The parents of the suspended student will be notified prior to the execution of the suspension.

1.5 Types of Suspension

1.5.1 An in-school suspension may be used for an accumulation of minor infractions. The student completes his daily work in a location separated from his class. This work is turned in to his teacher(s) at the end of the day to be graded.

1.5.2 An out of-school suspension is issued for a major infraction. On day of "out of-school suspension", the student is prohibited from attending classes or any class activity, including athletic or club events. Graded work missed during this suspension period may not be made up. The student will receive a failing grade of "zero" (0) from his teacher(s) for work missed during the suspension period.

2. Dismissal

2.1 Definition: Dismissal is the *permanent* exclusion of a student from the services of the Pharr Oratory of St. Philip Neri School System. It is a punitive sanction for repeated serious disruptive behavior or for any single act of extraordinarily serious misconduct detrimental to the common good and to the purposes of the Oratory family.

2.2 Execution of dismissal: To execute a dismissal

2.2.1 there must be *evidence* that a student's serious misbehavior is detrimental to the Oratory family's common good and general purposes whose *immediate* determination will be made *individually* by either the Rector or the Director *later* reaffirmed or reconsidered *in concert* with the others who hold this competency; and

2.2.2 the Governors of the Pharr Oratory of St. Philip Neri School System must individually or in session, also concur that dismissal is in the best interest of both student and school.

3. Appeal

3.1 Definition: Appeal means *an application on the part of parents or legal guardians made to a competent Pharr Oratory of St. Philip Neri School System authority for a possible change in decision of suspension or dismissal.*

3.2 Competent authority: An appeal for a possible change in a decision of suspension or dismissal may be made to the *Director*, to the *Board of Governors* or, finally, to the *Pharr Oratory Board of Arbitration*.

3.2.1 to the Director.- The first recourse of appeal is to the Director. The parents or legal guardians will contact the office of the Director, asking for an appointment to appeal a decision. At the time, the case will be discussed. If the decision still stands, the parents may appeal to the Board of Governors.

3.2.2 to the Board of Governors.—If parents wish to appeal their case to the Board of Governors, the following steps are required:

3.2.2.1 within five (5) days after the Governance Board has returned a negative decision; the parents will present a written appeal to the school office, directing it specifically to the "Presiding Governor, Board of Governors of the Oratory Schools of St. Philip Neri";

3.2.2.2 the appeal will contain a clear statement of the problem and any information that might exonerate their child of the misbehavior of which she/he is accused;

3.2.2.3 the Board of Governors, in turn, will deliberate the appeal, make their decision and respond within seven (7) working days from the date the Presiding Governor receives the appeal – in the event that the decision still stands, the parents may appeal to the Pharr Oratory Board of Arbitration.

3.3 To the Pharr Oratory Board of Arbitration: The "Board of Arbitration" made up of members of the *Congregation of the Pharr Oratory of St. Philip Neri* and members of the Secular Oratory, is the last recourse of appeal in matters of suspension or dismissal. If parents wish to appeal their case to the *Pharr Oratory Board of Arbitration*, the following steps are required:

3.3.1 within five (5) days after the Governance Board has returned a negative decision, the parents will present a written appeal to the school office, directing it specifically to the “Very Reverend Provost, Congregation of the Pharr Oratory of St. Philip Neri of the Oratory Schools of St. Philip Neri”;

3.3.2 the appeal will contain a clear statement of the problem and any information that might exonerate their child of the misbehavior of which he is accused;

3.3.3 the Board of Arbitration, in turn, will deliberate the appeal, make their decision and respond within seven (7) working days from the date the Very Reverend Provost receives the appeal.

4. Grievance Procedure

4.1 Definition: A grievance is a cause of distress felt to afford reason for complaint. Practically speaking, within the context of the Pharr Oratory of St. Philip Neri School System, it is a formal complaint concerning (1) an unjust application of policy or (2) an unclear interpretation of the contract (see *The Pharr Oratory of St. Philip Neri School System: a Student/Parent Handbook*) which the Pharr Oratory of St. Philip Neri School System have made with parents.

4.2 Purpose: The grievance procedure seeks to resolve at the lowest possible administrative level complaints concerning (1) perceived unjust applications of Pharr Oratory of St. Philip Neri School System policy or (2) perceived erroneous interpretations of the terms of the contract.

4.3 Non-adversarial solution: Since grievance proceedings are not intended to be adversarial in nature, they are to be conducted in a Christian way and without legal representation. All parties, moreover, shall agree beforehand that the proceedings shall be kept appropriately confidential.

4.4 Interpretation of the terms of the contract: All terms found in the “The Pharr Oratory of St. Philip Neri School System: a Student/Parent Handbook” are to be understood according to their ordinary meaning. If certain words or phrases present ambiguity or lack clarity, the *Board of Governors* is competent to determine, within the context in which they are found, their definitive meaning. The Congregation of the Pharr Oratory of St. Philip Neri of Pontifical Right can, at any time, intervene as the final arbiter with reference to the meaning of the terms of the contract.

4.5 Neither discrimination nor reprisal: No one will suffer discrimination or reprisal for having filed or participated in a grievance procedure.

4.6 Persons entitled to execute a grievance procedure: Only parents and legal guardians of children officially and currently registered as students of the Pharr Oratory of St. Philip Neri School System enjoys the right to execute a grievance procedure.

4.7 Informal settlement must be attempted: Mature Catholics should strive to resolve conflicts in a Christian way. Before allowing differences to become formalized into grievances, the complainant and the accountable person being charged must make every effort to come to a fair and honorable informal settlement in a way that is open, humble and honest. Such an informal resolution will contain the following steps:

4.7.1 before attempting to solve the perceived problem, the complainant will spend some time in prayer asking for guidance (i) to be able to evaluate the question correctly, (ii) to be able to express himself as charitably as possible, and (iii) to be able to desire God's will, and not his own, as the result of the engagement;

4.7.2 the complainant will, then, go to the responsible person being charged and present the case as clearly, charitably and objectively as possible.

4.7.3 care will be taken to keep the dialogue or discussion both courteous and Christian;

4.7.4 if the problem is not settled to the complainant's satisfaction, or if the accountable person being charged refuses to discuss the grievance promptly, the complainant will issue a formal grievance according to the procedure outlined below:

4.7.4.1 Procedure

I. Level one: Director.-- Formal grievances on the first level will proceed in the following way:

a. the aggrieved party will put his complaint succinctly into writing;

b. within five (5) working days after the aggrieved happening, the complainant shall submit the abovementioned written report to the Director—oral reports are not accepted in this procedure. Within five (5) working days after having received this report, the Director will arrange a meeting with the aggrieved party in his office;

c. if the aggrieved party is not satisfied with the response or if he does not receive a response within the time frame allotted for this procedure, he shall proceed to the next procedural level, where the complete file of his case will have been forwarded;

d. even though formal grievance proceedings have begun, the parties will not have been denied the opportunity to speak informally with appropriate members of the administration in an attempt to resolve the problem.

II. Level Two: Rector and/or Board of Governors.--If a satisfactory decision has not been reached at level one, the aggrieved party may appeal to level two; i.e., the Rector and/or the Board of Governors. He will proceed as follows:

- a. the grievance will be presented in writing and in a sealed envelope to the Rector and/or Board of Governors within five (5) working days following the decision of the Director or the expiration of the days allotted for coming to a decision;
- b. the Rector and/or Board of Governors will have, upon receipt of the above-mentioned written grievance, thirty (30) days to schedule a conference day and hour agreed upon by all;
- c. the above-mentioned conference will take place in the office of the Rector or in the regular meeting place of the Board of Governors.
- d. within no more than five (5) days after the said conference, the Rector and/or Board of Governors shall communicate in writing their decision.
- e. if the aggrieved party is not satisfied with the response of the Rector and/or the Board of Governors or if he does not receive a response within the time frame allotted for this procedure, he shall proceed to the next procedural level, where the complete file of his case will have been forwarded.

III. Level Three: Pharr Oratory Board of Arbitration.--If a satisfactory decision has not been reached at level two, the aggrieved party may appeal to level three, which is the *Pharr Oratory Board of Arbitration*. He will proceed as follows:

- a. the grievance will be presented in writing and in a sealed envelope to the *Pharr Oratory Board of Arbitration* within five (5) working days following the decision of the Rector and/or Board of Governors or the expiration of the days allotted for coming to a decision;
- b. the "Pharr Oratory Board of Arbitration," made up of members of the *Congregation of the Pharr Oratory of St. Philip Neri* and members of the Secular Oratory, is the last recourse of appeal in grievance matters. If parents wish to appeal their case to this Board of Arbitration, the following steps are required:
 - i. the Pharr Oratory Board of Arbitration will have, upon receipt of the above-mentioned written grievance,

twenty-one (21) days to schedule a conference day and hour mutually agreed upon by both parties;

- ii. the conference place will be determined by the said Board of Arbitration; finally,
- iii. in all cases, the decisions of the Pharr Oratory Board of Arbitration, ratified by the Rector, are final.

5. Right to Amend

The Pharr Oratory of St. Philip Neri School System has the right to amend its handbook ***Pharr Oratory of St. Philip Neri School System: Foundations, Ideological Formation and Regulations***. Notice of any amended text will be sent to all parents or legal guardians via the United States Postal Service, by FAX or by means of a memorandum brought home by students.