



PROVISIONS RELATING TO ALL EMPLOYEES

BOARD POLICY – COMPLAINTS

AR 4144

The procedure specified in this administrative regulation shall be used to investigate and resolve any complaint by an employee alleging misapplication of the SBCEO's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper SBCEO activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety. Any of the time limits specified in the following procedure may be extended by written agreement between the SBCEO and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with the employee's supervisor or the SBCEO manager of the program where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

Step 2: Site Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with the employee's immediate supervisor or SBCEO manager within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered resolved on the basis of the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 working days of receiving the complaint, the immediate supervisor or SBCEO manager shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, the investigator shall prepare and send a written response to the complainant.

Step 3: District Level Appeal

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file the written complaint with the division lead within five working days of receiving the written response from the immediate supervisor or the SBCEO manager. The complainant shall include all information presented to the immediate supervisor or SBCEO manager at Step 2.

Within 10 working days of receiving the complaint, the division lead shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or SBCEO manager at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, the division lead shall prepare and send a written response to the complainant.

Step 4: Appeal to the County Superintendent of Schools



If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the County Superintendent of Schools within five working days of receiving the response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the SBCEO manager/s who conducted investigation/s shall submit to the County Superintendent of Schools a written report describing attempts to resolve the complaint and the SBCEO's response.

The County Superintendent of Schools may uphold the findings of the SBCEO manager/s without hearing the complaint or the County Superintendent of Schools may hear the complaint at a formal meeting scheduled with the employee and manager/s.

The County Superintendent of Schools shall make a decision within 30 days of the hearing and shall send its decision to all concerned parties. The County Superintendent of Schools' decision shall be final.

Alternate Procedures

Complaints alleging unlawful discrimination on any basis specified in the SBCEO's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the SBCEO's procedure in BP/AR 4030 - Nondiscrimination in Employment.

Complaints regarding unlawful discrimination in SBCEO programs or the SBCEO's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with AR 1312.4 - Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Website

State

- 5 CCR 4900-4965
- Ed. Code 200-262.4
- Ed. Code 35186
- Ed. Code 44110-44114
- Gov. Code 3543
- Gov. Code 3543.1
- Gov. Code 53296-53299
- Gov. Code 54957
- Lab. Code 1102.5-1106

Description

[CSBA](#)

Description

- Nondiscrimination in elementary and secondary education programs
- [Educational equity; prohibition of discrimination on the basis of sex](#)
- Complaints regarding teacher vacancy or misassignment
- Reporting by school employees of improper governmental activity
- Public school employees' rights
- Rights of employee organizations
- Disclosure of confidential information; whistleblower
- Complaints against employees; right to open session
- Whistleblower protections



ADOPTED BY COUNTY SUPERINTENDENT: September 1, 2022
REVISED: