

PERSONNEL

Complaints

Except as specified below, the following procedure shall be used for any complaint by an employee alleging misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district 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.

(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)

Complaints alleging unlawful discrimination on any basis specified in the district's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the district's procedure for complaints regarding discrimination in employment.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Complaints regarding unlawful discrimination in district programs or the district's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with the district's Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, an urgent or emergency facility condition, or the failure to provide intensive instruction to students who did not pass the high school exit examination by the end of grade 12 shall be resolved in accordance with the district's Williams Uniform Complaint Procedures. (Education Code 35186; 5 CCR 4621)

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1312.4 - Williams Uniform Complaint Procedures)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement. If the complaint is against the complainant's immediate supervisor, the complainant may proceed directly to the supervisor of the complainant's supervisor.

Except as otherwise provided herein, any of the time limits specified in this procedure may be extended by written agreement between the district and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school 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 his/her immediate supervisor or principal 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 settled on the basis of the answer given at 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 Superintendent or designee (investigator) shall commence an investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2. As part of the investigation, the complainant shall meet with the investigator (1) in order to provide information and documents deemed necessary by the investigator as part of the investigation, and (2) in an effort to resolve the complaint. This meeting is mandatory and a prerequisite before the complainant is permitted to request an appeal to Step 4. Within 60 working days after receipt of the complaint, the investigator shall prepare and deliver a written response to the complainant. The investigator may, in his/her sole discretion, extend the time to deliver a written response to the complainant by up to an additional 15 working days, due the nature of the charges and/or the complexity of the investigation. If the deadline is extended, the complainant shall receive written notice from the investigator of the extension before the initial 15 days has expired.

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 Superintendent or designee within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.

Within 10 working days of receiving the complaint, the Superintendent or designee (investigator) shall commence an investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2. As part of the investigation, the complainant shall meet with the investigator (1) in order to provide information and documents deemed necessary by the investigator as part of the investigation, and (2) in an effort to resolve the complaint. This meeting is mandatory and a prerequisite before the complainant is permitted to request an appeal to Step 4. Within 60 working days after receipt of the complaint, the investigator shall prepare and deliver a written response to the complainant. The investigator may, in his/her sole discretion, extend the time to deliver a written response to the complainant by up to an additional 15 working days, due the nature of the charges and/or the complexity of the investigation. If the deadline is extended, the complainant shall receive written notice from the investigator of the extension before the initial 15 days has expired.

Step 4: Appeal to the Governing Board

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.

The Board may uphold the findings by the Superintendent or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

(cf. 9321 - Closed Session Purposes and Agendas)

The Board shall make its decision within 60 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Regulation approved: 5/14/02

Regulation revised: 6/5/08; 9/09