

COMPLAINT PROCEDURES FOR POSSIBLE POLICY VIOLATIONS

Purpose

The policies contained in this manual represent the official position of the Indian River School Board and the Indian River School District. Noncompliance with these policies could be considered an act of insubordination which could lead to disciplinary action up to and including termination.

It is the intent of the School Board and the School District to ensure compliance with all District policies. Any District employee, guardian, parent, student, or resident of the District who believes that a District policy has been violated is encouraged to raise his or her concern with appropriate District personnel in order to resolve such complaint. It is preferable for complaints concerning policy violations to be resolved at the lowest administrative level and in the most informal manner possible. However, because it may not always be possible or desirable to attempt to resolve complaints on an informal basis, the School Board adopts the formal complaint process contained herein.

Formal Complaint Procedure

1. Formal Complaint

When a District employee, guardian, parent, student, or resident of the District (the "Complainant") believes that a District policy has been violated, he or she may file a Formal Complaint with the Superintendent's designee. The Complainant may obtain a copy of a Formal Complaint form from any District school's main office, the District's central office or the District's webpage.

The Formal Complaint must identify the policy the Complainant believes has been violated. Failure to identify the policy may result in dismissal of the Complaint. General complaints should be directed to the employees direct supervisor or building administration, and are not subject to the appeals set forth herein.

2. Investigation and Corrective Action

Upon receipt of the Formal Complaint, the Superintendent's designee will promptly initiate an investigation into the allegations. Following the investigation, every effort will be made to issue a written response ("Written Response") to the Complainant within thirty (30) calendar days. If the investigation requires more than thirty (30) days, all parties involved in the Formal Complaint will receive written notification regarding the extension. The Written Response will address the allegations and may include, in accordance with the parties' rights under applicable laws and contracts, a description of the alleged misconduct, details of the investigative process, the identity of the investigating administrator, the determination of whether the complaint was substantiated, and information regarding any corrective actions taken.

Corrective action, where appropriate, may include the imposition of a sanction against the Subject. Sanctions will be imposed in a manner to deter future violations. Subject to the rights of the Subject under law or contract, sanctions may include, but are not limited to, formal or informal reprimand, suspension, or termination. Factors to be considered in determining an appropriate sanction may include whether the violation was intentional or accidental, whether there is a history of warnings for previous policy violations, and whether the violation has resulted in harm to others.

3. First Level Appeal

If either the Complainant or the Subject of the complaint is dissatisfied with any aspect of the Written Response, either may appeal to the Superintendent for further review of the Written Response. The Complainant or Subject may present any facts that he or she believes are necessary for the Superintendent's review. If permitted by law and contract, the Superintendent will draft his or her own response which will briefly describe his or her own review of the Written Response. The Superintendent's Response will be completed within thirty (30) calendar days of receiving the request for review, and forwarded to the Complainant and the Subject of the Complaint.

4. Second Level Appeal

If either the Complainant or the Subject is dissatisfied with the results of the Superintendent's response, either may request a review by the Board of Education. The Board of Education shall conduct a hearing within forty-five (45) calendar days of the receipt of a request for School Board review, unless it is mutually agreed upon to extend the time of the hearing. The Board of Education will conduct its investigation in executive session. The Complainant and the Subject

will each have the right to present their case to the Board of Education in person and to be represented by legal counsel if desired. The Board of Education may establish rules for the presentation of evidence during the Board of Education hearing. However, the Complainant and the Subject will each receive at least five (5) minutes to speak before the Board of Education.

After conducting its review, the Board of Education will make a final determination and, if permitted by law and contract, provide its own response ("Board of Education Response") to the Complainant and the Subject. The Board of Education will prepare its Response within thirty (30) calendar days of the completion of the Board hearing. If permitted by law and contract, the Board will provide the Complainant and the Subject copies of the Board Response. The decision of the Board will be final.

Other Rights Under Law or Contract

Nothing in this policy is intended to abrogate the rights under law or contract of any Complainant or Subject. To the extent that anything set forth in these procedures is inconsistent with any parties' rights under applicable law or contract, it is the intent of this policy for the parties' rights under law or contract to be controlling.

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