

COMPLAINTS

The procedure specified in this administrative regulation shall be used to investigate and resolve 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.

Any of the time limits specified in the following 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 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 principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant. These timelines may be extended for good cause. If an extension is needed, the parties shall be notified.

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 Assistant Superintendent 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 in Step 2.

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

Step 4: Appeal to the Board of Trustees

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 Assistant Superintendent's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or Assistant Superintendent 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 Assistant Superintendent 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.

The Board shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Alternate Procedures

Employee 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 appropriate District's procedure including but not limited to BP/AR 4030 - Nondiscrimination in Employment, or AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures.

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 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 Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Description

5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	<u>Prohibition of discrimination</u>
Ed. Code 35186	<u>Complaints related to instructional materials, teacher vacancy or misassignment, and facility conditions that pose emergency or urgent threat</u>
Ed. Code 44110-44114	<u>Reporting by school employees of improper governmental activity</u>
Gov. Code 3543	<u>Public school employees' rights</u>
Gov. Code 3543.1	<u>Rights of employee organizations</u>
Gov. Code 53296-53299	<u>Disclosure of confidential information; whistleblower</u>
Gov. Code 54957	<u>Complaints against employees; right to open session</u>
Lab. Code 1102.5-1106	<u>Whistleblower protections</u>
Management Resources	Description
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>CSBA</u>

Cross References

Code	Description
0410	<u>Nondiscrimination In District Programs And Activities</u>
1312.1	<u>Complaints Concerning District Employees</u>
1312.1	<u>Complaints Concerning District Employees</u>
1312.4	<u>Williams Uniform Complaint Procedures</u>
1312.4-E(1)	<u>Williams Uniform Complaint Procedures</u>
1312.4-E(2)	<u>Williams Uniform Complaint Procedures</u>
1312.4-E(3)	<u>Williams Uniform Complaint Procedures</u>
3320	<u>Claims And Actions Against The District</u>
3320-E(1)	<u>Claims And Actions Against The District</u>
4000	<u>Concepts And Roles</u>
4030	<u>Nondiscrimination In Employment</u>
4030	<u>Nondiscrimination In Employment</u>

4033	<u>Lactation Accommodation</u>
4112.6	<u>Personnel Files</u>
4119.1	<u>Civil And Legal Rights</u>
4119.11	<u>Sexual Harassment</u>
4119.11	<u>Sexual Harassment</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4136	<u>Nonschool Employment</u>
4212.6	<u>Personnel Files</u>
4219.1	<u>Civil And Legal Rights</u>
4219.11	<u>Sexual Harassment</u>
4219.11	<u>Sexual Harassment</u>
4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4236	<u>Nonschool Employment</u>
4312.6	<u>Personnel Files</u>
4319.1	<u>Civil And Legal Rights</u>
4319.11	<u>Sexual Harassment</u>
4319.11	<u>Sexual Harassment</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4336	<u>Nonschool Employment</u>
9000	<u>Role Of The Board</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>
9321-E(3)	<u>Closed Session</u>
9321-E(4)	<u>Closed Session</u>