

All Personnel

BP 4144(a)

4244

COMPLAINTS

4344

The Governing Board recognizes the need for providing employees with a complaint process. The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.

The Board expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

Subject to the terms of this policy, employee complaints will be processed as set forth in AR 4144. The following matters are not within the purview of this policy and shall be referred to other procedures or agencies as follows:

1. Complaints concerning discrimination in employment shall be addressed in accordance with applicable district policy and regulations. (See: Board Policy 4030.)
2. Complaints concerning allegations of sexual harassment shall be addressed in accordance with applicable district policy and regulations. (See: Board Policy 4119.11.)
3. Allegations of child abuse shall be referred to the County Department of Social Services and/or law enforcement.
4. Health and safety complaints regarding a Child Development program shall be referred to the licensing agency and/or the Department of Social Services.
5. Discrimination in Child Nutrition programs or Title IX shall be referred to the U.S. Office for Civil Rights (AOCR®) for investigation. Title IX complaints will be referred only if there is no state discrimination law or regulation at issue. OCR shall conduct investigations of these matters unless otherwise agreed in writing. The complainant shall be notified in writing if his/her complaint is transferred to OCR.
6. Allegations of fraud shall be referred to the State Department of Education, Legal Division.
7. Complaints concerning instructional or literature materials used in the school shall be directed to the school principal for processing through that procedure. (See: Administrative Regulation 1312.2.)
8. Complaints concerning student discipline shall be processed according to Education Code section 48900 et seq. with appeal to the County Board of Education.
9. Any complaint alleging a district violation of state or federal laws or regulations, or discrimination, in any program shall be addressed in accordance with the Uniform Complaint Procedure. (See: Board Policy 1312.3.)

COMPLAINTS (continued)

(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4141/4241 - Collective Bargaining Agreement)

Legal Reference:

GOVERNMENT CODE

3543 Public school employees' rights
3543.1 Rights of employee organizations
53296 Definitions
53297 Filing complaint
53298 Reprisals
53298.5 Violations; punishment

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The following guidelines shall prescribe the manner in which complaints are handled:

1. Subject to BP 4144, a "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

2. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
3. All matters related to a confidential complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
4. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.
5. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
6. Time limits specified in these procedures may be reduced or extended in any specific instance within the discretion of the district.
7. Any complaint not taken to the next step within a reasonable amount of time shall be considered settled on the basis of the answer given at the preceding step.

Informal Complaints

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within sixty (60) days of the act or event which is the subject of the complaint.

COMPLAINTS (continued)

Upon receipt of the complaint, the immediate supervisor or principal shall promptly conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint.

Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five (5) working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Upon receipt of the complaint, the Superintendent or designee shall promptly conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint.

Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five (5) working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least twelve (12) days after the appeal is filed. The appeal hearing will be an informal process. The Board may decide the appeal on the written information submitted by the interested parties. The Board may, but is not obligated to, permit the complaining party, Superintendent or designee, and other witnesses to address the Board directly. The hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 - Closed Session Purposes and Agendas)

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COMPLAINTS (continued)

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

Regulation
approved: June 24, 1997
Revised: June 22, 1999

VISALIA UNIFIED SCHOOL DISTRICT
Visalia, California