

All Personnel

AR 4144(a)
AR 4244(a)
AR 4244(a)

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.

Any of the time limits specified in this procedure may be extended by written agreement between the District and complainant.

COMPLAINTS (cont.)

STEP 1: Informal Complaints 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 action 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 by 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 ten (10) days of receiving the written complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within ten (10) days after the meeting, the Superintendent or designee 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 Superintendent or designee within five (5) days of receiving the written response from the immediate supervisor or the principal. The complaint shall include all information presented to the immediate supervisor or principal in Step 2.

Within ten (10) days of receiving the complaint, the Superintendent or designee 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 ten (10) days after the meeting, the Superintendent or designee shall prepare and send a written response to the complainant.

COMPLAINTS (cont.)

STEP 4: Appeal to the Board of Education

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five (5) 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 30 days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Chino Valley Unified School District

Regulation approved: November 16, 1995

Revised: August 16, 2012

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Complaint Procedures

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the District and/or an individual employee, and whether it should be resolved by the District's process for complaints concerning personnel, and/or other District procedures, or both.

(cf. 1312.2 - Complaints Concerning Instructional Material)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4144/4244/4344 - Complaints)

The Board of Education shall annually review District policies and regulations related to complaints against school personnel. (Education Code 35160.5)

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against District employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to District personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or District office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board of Education.
4. When a written complaint is received, the employee shall be notified within five (5) days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved.
 - b. A brief but specific summary of the complaint and the supporting facts surrounding it.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (cont.)

- c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.
- 6. Staff responsible for investigating complaints shall attempt to resolve the complaint with the parties involved within 30 days.
- 7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to address the complaint with the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint within ten (10) days of the Superintendent's or designee's decision.
- 8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
 - a. The full name of each employee involved.
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response.
 - c. A copy of the signed original complaint.
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.
- 9. The Board may uphold the Superintendent's decision without hearing the complaint.
- 10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
- 11. A closed session may be held to hear the complaint in accordance with law.
(cf. 9321 - Closed session purposes and agendas)
(cf. 9323 - Meeting conduct)
- 12. The decision of the Board shall be final.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (cont.)

Any complaint of child abuse or neglect alleged against a District employee shall be reported to the appropriate local agencies in accordance with law, Board policy and Administrative regulation.

(cf. 5141.4 - Child abuse prevention and reporting)

1. Authority - Education Code 35160.5 (c) requires District procedure for parents/guardians of students enrolled in the District to use when presenting complaints regarding employees of the District. Said procedure shall provide appropriate mechanisms to respond to, and where possible, to resolve the complaints.
2. Certificated Employees (non-supervisory) - The District shall follow the procedures set forth in the ACT/District Contract, Article 10, Sections 10.1 - 10.10 which states:
 - 10.1 A public charge is a written allegation against an employee by a member of the public (other than another employee or a student) which is deemed by the site administrator to be serious in nature.
 - 10.2 "Serious in nature" means that the allegation, if found to be true, could be placed in an employee's personnel file and used by the District as a basis of disciplinary action against the employee or as documentation for a negative comment on the employee's evaluation.
 - 10.3 The District shall make a good faith effort to notify unit members of public charges within five days of receipt of the complaint or before an investigation is undertaken, whichever is sooner. The employee shall receive a copy of the complaints which relate to conduct which may constitute a criminal act shall be referred to appropriate authorities and no action under this policy need be taken by the District.
 - 10.4 Complaints made by fellow employees or students are considered to be internal matters to be resolved at the work site. However, before any such complaint can result in material being placed in an employee's personnel file, the accused employee shall be afforded the same rights as for public charges.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (cont.)

- 10.5 Site administrators shall make a good faith effort to resolve public charges at the site level. A good faith effort may include but not limited to: (a) discussions with complainant, (b) arranging a meeting between the employee and the complainant, (c) arranging a meeting between the administrator, complainant, the employee, and an association representative if the employee so requests.
 - 10.6 No public complaint shall be placed in an employee's personnel file unless the allegations have been investigated and verified by the site administrator. "Verified," as used herein, means that after investigation it appears more likely that the events alleged did occur than that they did not occur.
 - 10.7 If complainant refuses to sign a written complaint, the matter shall be dismissed unless there is independent information to substantiate the concern, in which case the District may proceed as appropriate based on the independent information.
 - 10.8 If an employee requests, the matter shall be reviewed by the Superintendent or designee prior to the complaint being placed in the personnel file. Further, if the employee requests, the matter may be reviewed by the Board.
 - 10.9 Complaints which are not substantiated upon review by the Superintendent or designee or, where applicable, by the Board, shall neither be placed in the unit member's personnel file nor utilized in an evaluation or disciplinary action against the unit member.
 - 10.10 When a public charge has been resolved or placed in an employee's personnel file, the District may respond to the complainant indicating that the matter has been resolved; however, whether the District does so or not, the District shall protect the confidentiality of any action taken against the employee.
3. Classified Employees (non-supervisory) - When a parent, student, or any other person has a complaint against a classified employee:
- a. The immediate supervisor or said employee shall attempt to set up a meeting between the employee and the complainant(s) seeking to resolve the matter. The employee may have a representative of his/her choice present at the meeting.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (cont.)

- b. If the complaint is not resolved to the satisfaction of the complainant, the complainant shall put said complaint in writing (If the complaint is not put in writing the complaint shall be dismissed).
 - c. The immediate supervisor shall decide if the written complaint is with or without merit. If the immediate supervisor decides the complaint is with merit, said complaint may be referred to the Division of Human Resources for action in accordance with District procedures and CSEA contract.
4. **Certificated and Classified Employees (supervisory)**
- a. When a parent, student or any other person has a complaint against a certificated or classified supervisory employee, the Superintendent or designee shall attempt to set up a meeting between the employee and the complainant(s) seeking a resolution to the matter.
 - b. If the complaint is not resolved to the satisfaction of the complainant, the complainant shall put the complaint in writing (if the complaint is not put in writing, the complaint shall be dismissed).
 - c. The Superintendent or designee shall decide if the written complaint is with or without merit. If the Superintendent or designee decides the complaint is with merit, the Superintendent's or designee's findings may be documented and may be placed in the employee's personnel file. The employee may attach a written response to the complaint.
 - d. The employee may appeal the Superintendent's decision to the Board of Education. The Board's decision shall be final and binding.

Complaints Regarding Child Abuse

When a complaint of child abuse is alleged, the District shall provide parents/guardians procedures for filing a child abuse complaint with the appropriate child protective agencies. Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Superintendent or designee shall provide an interpreter if needed. (Statutes Other than Code, Ch. 1102, Statutes of 1991)

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES (cont.)

(cf. 4112.6 - Personnel Records)

(cf. 4144 - Employee Complaints)

(cf. 5141.4 - Child Abuse Reporting Procedures)

Chino Valley Unified School District

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