

1 ARTICLE XX

2 PUBLIC COMPLAINTS

3 This article shall not be applicable in any circumstance where the alleged conduct of the unit
4 member involves violations of state or federal law, alleged misconduct or is subject to
5 investigation by a law enforcement agency.

6 I. Public Complaints

7 A. Definition: Public complaints are defined as verbal or written complaints received
8 from parents/guardians, community members which allege violation,
9 misrepresentation, or inequitable application of the Education code, school or
10 district rules, policies, and/or procedures; or unsatisfactory performance of the
11 professional assignment of an employee.

12 B. Timelines: It is the intent of this article to resolve the complaint as quickly as
13 possible at both the informal and formal levels.

14 C. “Working Day” for an employee is any contracted work day for that employee
15 (see Appendix A). A working day for a parent/guardian/community member is
16 defined as any day the District is open to receive a complaint.

17 D. Questions regarding the appropriate application of this article shall be referred to
18 the Chairperson of the Professional Rights and Responsibilities Committee PR&R
19 and the Superintendent or Designee for resolution.

20 E. No anonymous complaints shall be entertained at either the informal or formal
21 level.

22 II. Informal Procedure

23 A. It is anticipated that the vast majority of problems will be resolved at the informal

1 level.

2 B. Complainants shall be encouraged to present informal oral complaints first with
3 the employee who is the subject of the complaint prior to presenting any formal
4 written complaint (E-mail correspondence shall be considered oral complaints).
5 Should the complainant approach the immediate supervisor, the immediate
6 supervisor may directly approach the subject of the concern to share details and
7 information and attempt to resolve the issue at the lowest level if agreed to by the
8 employee. Otherwise, the immediate supervisor shall advise the complainant to
9 present concerns directly to the employee who is the subject of the complaint. In
10 addition, the immediate supervisor shall inform the employee of the complaint
11 within three (3) working days. The employee shall respond to the complainant's
12 letter or telephone call within three (3) working days and notify the immediate
13 supervisor when he/she has responded.

14 C. If the complainant is unwilling to meet directly with the employee as advised by
15 the immediate supervisor in B, the employee's immediate supervisor must notify
16 the affected employee within three (3) working days of the actual complaint. The
17 immediate supervisor shall attempt to schedule a meeting with the employee,
18 immediate supervisor and complainant within five (5) working days of immediate
19 supervisor's notification of complainant's unwillingness to meet individually with
20 employee.

21 D. For issues unresolved from the employee contact with the complainant (B) or if
22 the complainant is unwilling to meet directly with the employee (C), a meeting
23 with the employee, the immediate supervisor, and the complainant shall be

1 scheduled at a mutually acceptable time during regular school hours. At this
2 meeting, the employee and the complainant shall have up to thirty (30) minutes
3 each to present their positions regarding the specific complaint. The employee
4 has the right to representation.

5 E. If the complainant refuses to attend the meeting, the complaint shall be dropped
6 and not utilized by District in any evaluation or disciplinary action against the
7 employee. No written material relating to the unsubstantiated allegation(s) or
8 unsubstantiated violations(s) of law shall be placed in the employee's personnel
9 file.

10 F. In all cases of complaints, the employee concerned shall be involved. The
11 accused employee shall be provided an opportunity to hear and respond to the
12 complaint before any final resolution is reached.

13 III. Formal Procedure

14 Level 1: (Written Complaint)

15 A. Within ten (10) working days, concerns unresolved at the informal meeting
16 referred to in 2E, shall be reduced to writing, as per directions on Appendix J1.
17 The immediate supervisor receiving the complaint shall sign and date the
18 complaint at the time of its receipt. A procedural checklist will be maintained
19 (Appendix J3) to provide a record of all of the formal complaint process. A copy
20 of the entire complaint shall be given to the employee within five (5) working
21 days of its receipt by the immediate supervisor.

22 B. Within fifteen (15) working days of its receipt, the employee shall respond to the
23 complaint in writing, as per directions on Appendix J2. The response shall be

1 attached to the formal written complaint. The Association president may request,
2 from the superintendent, that the employee be given time during the duty day,
3 without salary deduction, to review and respond to the complaint. Within five (5)
4 working days of receipt of the employee's written response, the immediate
5 supervisor or designee shall forward a copy of the employee's written response to
6 the complainant.

7 Level 2: (Superintendent)

8 A. If there is no satisfactory, resolution at Level 1 and the complainant chooses to
9 move the complaint forward, the complainant shall forward the written complaint
10 and the employee's response to the superintendent or designee within 5 working
11 days of the complainant's receipt of the employee's written response. The
12 employee shall be notified of this action.

13 B. Within fifteen (15) working days of the receipt of the written complaint
14 unresolved at the Level 1 conference, a meeting of the employee, superintendent
15 or designee and the complainant shall be held at the District Office. The
16 superintendent or designee shall chair the meeting. The employee and/or the
17 complainant may bring a representative. The decisions of the superintendent shall
18 be final.

19 IV. Post Procedures:

- 20 ■ If the public charges are not upheld, no documents related to the complaint shall be
21 placed in the employee's files.

- 1 ▪ The employee shall retain the right to pursue appropriate legal recourse in cases of
- 2 unfounded public charges.
- 3 ▪ Failure by employee to file a grievance shall not be construed as an admission by the
- 4 employee that the allegations in the complaint are true.