

Regulation 4144: Complaints

Status: ADOPTED

Original Adopted Date: 06/01/1990 | **Last Revised Date:**
12/01/2017 | **Last Reviewed Date:** 12/01/2017

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.

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 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 at Step 2.

Within 10 working 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 five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 4: Appeal to the Governing Board

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 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.

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

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 in BP/AR 4030 - Nondiscrimination in Employment.

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.

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 regarding teacher vacancy or misassignment</u>
Ed. Code 44110-44114	<u>Reporting by school employees of improper governmental activity</u>

Gov. Code 3543
Gov. Code 3543.1
Gov. Code 53296-53299
Gov. Code 54957
Lab. Code 1102.5-1106

Management Resources

Website

Website

Public school employees' rights
Rights of employee organizations
Disclosure of confidential information; whistleblower
Complaints against employees; right to open session
Whistleblower protections

Description

CSBA District and County Office of Education Legal Services

CSBA

Code

0410
1312.1
1312.1
1312.4
1312.4-E(1)
1312.4-E(2)
3320
3320
4000
4030
4030
4033
4112.6
4119.1
4119.11
4119.11
4119.23
4136
4212.6
4219.1
4219.11
4219.11
4219.23
4236
4312.6
4319.1
4319.11
4319.11
4319.23
4336
9000
9321
9321-E(1)
9321-E(2)

Description

Nondiscrimination In District Programs And Activities
Complaints Concerning District Employees
Complaints Concerning District Employees
Williams Uniform Complaint Procedures
Williams Uniform Complaint Procedures
Williams Uniform Complaint Procedures
Claims And Actions Against The District
Claims And Actions Against The District
Concepts And Roles
Nondiscrimination In Employment
Nondiscrimination In Employment
Lactation Accommodation
Personnel Files
Civil And Legal Rights
Sex Discrimination and Sex-Based Harassment
Sex Discrimination and Sex-Based Harassment
Unauthorized Release Of Confidential/Privileged Information
Nonschool Employment
Personnel Files
Civil And Legal Rights
Sex Discrimination and Sex-Based Harassment
Sex Discrimination and Sex-Based Harassment
Unauthorized Release Of Confidential/Privileged Information
Nonschool Employment
Personnel Files
Civil And Legal Rights
Sex Discrimination and Sex-Based Harassment
Sex Discrimination and Sex-Based Harassment
Unauthorized Release Of Confidential/Privileged Information
Nonschool Employment
Role Of The Board
Closed Session
Closed Session
Closed Session