

EMPLOYEE COMPLAINTS POLICY

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Employee Complaints

Purpose

The purpose of this policy is to provide employees an orderly process for the prompt and equitable resolution of complaints. The Board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level. The employee complaints procedure will generally follow a four-step process, beginning with the employee's immediate supervisor at Level One, moving to the appropriate assistant superintendent (or designee) at Level Two, moving to the superintendent at Level Three, and continuing to the Board at Level Four. Generally, the employee will be given the opportunity to present his or her complaint in a verbal presentation at each level but is also required to file a written complaint on the form provided by the District. Additionally, the employee has the opportunity to present documentation in support of his or her complaint.

Notice of Employees

The principal of each campus and other supervisory personnel shall be responsible for informing all employees under their supervision of the district's policy on employee complaints and grievances. Employees requesting such shall be provided with a copy of the policy and instructed in proper procedures for filing complaints and grievances. This information shall be included in the orientation process for all new employees.

Definitions

Complaint A complaint under this policy shall include:

- ❖ Grievances involving an employee's wages, hours, or conditions of work.
- ❖ Specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability.
- ❖ Specific allegations of unlawful discrimination or retaliation on the basis of an employee's constitutional rights.
- ❖ "Whistleblower" complaints.
- ❖ "Days" shall mean working days unless otherwise designated at law.

Other Review Processes

Procedures and information regarding sexual harassment by other employees are found in Board Policy DHC and information regarding federal nondiscrimination is found in Board Policy DAA.

Representation

The employee filing a complaint or any employee who is the subject of a complaint may be represented at his or her own expense by a fellow employee, attorney, or other person or organization that does not claim the right to strike. The district may be assisted in processing complaints as it deems appropriate.

General Requirements

A grievance must specify the individual harm alleged. An employee is prohibited from bringing separate or serial grievances regarding the same event or action. All time limits shall be strictly complied with unless modified by mutual consent. Costs of any grievance shall be paid by the party incurring them.

Complaint Process Level One

An employee who has a grievance shall request a conference with the principal or immediate supervisor by submitting the grievance in writing on the form provided by the District. The form must be filed within ten days of the time the employee first knew or should have known of the event or series of events about which the employee is complaining.

The principal or supervisor shall hold the conference within ten days after receipt of the written request. The principal or supervisor shall have seven days following the conference within which to respond.

Complaint Process Level Two

If the outcome of the conference at Level One is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the appropriate assistant superintendent or designee to discuss the grievance. The request shall be in writing on the form provided by the District and must be filed within seven days following receipt of the written response or, if no written response is received, within seven days of the response deadline. If any relief has been granted at Level One, the employee shall state on the form why such relief is inadequate.

The appropriate assistant superintendent or designee shall hold the conference within ten days after receipt of the written request. The appropriate assistant superintendent or designee shall have seven days following the conference within which to respond.

Complaint Process Level Three

If the outcome of the conference at Level Two is not to the employee's satisfaction or if the time for a response has expired, the employee may request a conference with the Superintendent to discuss the grievance. The request shall be in writing on the form provided by the District and must be filed within seven days following receipt of the written response or, if no written response is received, within seven days of the response deadline. If any relief has been granted at Level Two, the employee shall state on the form why such relief is inadequate.

Complaint Process Level Four

If the outcome of the complaint conference at Level Three is not to the employee's satisfaction or if the time for a response has expired, the employee may request to place the matter on the agenda of a future Board meeting. The request shall be in writing on the form provided by the District and must be filed within seven days following receipt of a written response or, if no written response is received, within seven days of the response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the meeting.

The Superintendent shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented. The presiding officer may set reasonable time limits. The Board shall consider the grievance and may request a response from the administration. The District shall make an audiotape record of the Level Four proceeding before the Board.

The Board shall then make and communicate its decision verbally or in writing at any time up to and including the next regularly scheduled Board meeting.

Hearing Officer

The grievance may be presented to the Board, or at its election, to a designated hearing officer who shall, in turn, make a written recommendation for disposition to the Board. Hearing officers may be district employees who were not involved in the subject matter of the grievance or the grievance process, or they may be persons not employed by the district.

If the Board designates a hearing officer to hear the grievance, it shall review the hearing officer's written recommendations at its first regular meeting following receipt of same. The employee and administration shall be provided a copy of the recommendation before such meeting and shall be given an opportunity at the meeting to respond to the recommendation either verbally or in writing, at the Board's election. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board

meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.

The form of presentation of the grievance shall be determined by the Board or its designated hearing officer. Generally, no witnesses shall be presented and no cross examination of witnesses shall occur unless due process so requires. In each case, the grievant shall be permitted to make a presentation to the Board or its designated hearing officer within the time allocated and shall be able to offer such written evidence as the Board or its designated hearing officer may deem relevant. The administration shall, in turn, be entitled to respond to the grievant with its own presentation and written evidence.

Closed Meeting

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint, it may be heard by the Board in closed meeting unless the employee bringing the grievance requests it to be heard in public. However, if the grievance involves a complaint or charge against another District employee or Board member, it shall be heard in closed meeting unless an open hearing is requested by the employee or Board member against whom the complaint or charge is brought.