

### **Staff Complaints**

1. “Complaint” shall mean a complaint by an employee or group of employees arising out of a purported violation, misinterpretation or inappropriate application of ESD policies or administrative regulations.
2. “Complainant” is the person or persons who has the complaint and is presenting the complaint.
3. “Party in interest” is either the person or persons making the complaint, or the person or persons against whom the complaint is made.
4. “Consultant” is the one who advises either party in interest.
5. “Representative” is the one who may speak for and/or advise a party in interest.
6. “Immediate supervisor” is the one who has direct administrative or supervisory responsibilities over the complainant.
7. “Days,” when used in this article shall, unless otherwise indicated, mean working days.
8. “Persons officially involved” means the superintendent, his/her representative and/or consultant, the complainant, his/her representative and/or consultant and witnesses.

#### **Section II - General Procedures**

1. These procedures should be processed as rapidly as possible, the number of days indicated for settlement or appeal at each level should be considered a maximum. The time limits can be extended by written mutual consent of the parties involved at any level of the procedures.
2. All parties should attempt to complete the procedures by the end of the school year. The parties shall make good faith effort to shorten the number of days provided at the various steps in order to finish by the end of school year and avoid, if possible, carrying the process into the summer vacation period or the following school year.
3. All parties in interest have a right to consultants or representatives of their own choosing at each level of these complaint procedures.
4. There shall be no restraint, interference, discrimination or reprisal exerted on any employee choosing to use these procedures for resolution of complaints.

5. Failure at any level of this procedure by the complainant to appeal to the next level within the specified time limits shall be deemed to be acceptance of the decision rendered at that level. Failure at any level of this procedure to communicate the decision in writing on a complaint within the specified time limits shall permit the complainant to proceed to the next level.
6. All documents, communications and records of a complaint will be filed in the ESD office separately from the personnel files. References to the records, such as a summary, shall be placed in the appropriate personnel file(s).
7. Every effort will be made by all parties to avoid the unnecessary involvement of students in the complaint procedure.
8. All parties in interest will process complaints after the regular workday or at other times which do not interfere with assigned duties.
9. Each complaint shall have to be initiated within 10 days after the occurrence or the cause for the complaint. If the complainant did not become aware of the occurrence until a later date, then he/she must initiate action within the 10 days following his/her first knowledge of cause, said knowledge shall be documented and dated. Failing to thus initiate action he/she may be considered to have no reasonable complaint.
10. Financial Responsibility: Each party shall pay any and all costs incurred by said party.
11. The complaint procedure will not be used while a complainant is under the jurisdiction of the courts or has resorted to the judicial process.

### **Section III - Levels**

#### **Level One - Informal and Formal Grievance Level**

The complainant will first discuss his/her complaint with his/her immediate supervisor, either individually, through or accompanied by a representative, with the objective of resolving the matter informally.

If the complainant is not satisfied with the disposition of his/her complaint, he/she may file a written complaint with his/her immediate superior (who has administrative authority to act) within 10 days following the act or condition which is the basis of his/her complaint, or, if the complainant had no knowledge of said occurrence at the time of its happening, then within 10 days of the first such knowledge, said knowledge shall be documented and dated. This complaint shall set forth the grounds upon which the complaint is based and the reasons why the complainant considers the decision rendered is unacceptable.

The immediate supervisor shall communicate his/her decision in writing within five days to the complainant.

Within five days of receipt of the decision rendered by the immediate supervisor, the complainant, if he/she is not satisfied with the decision of the immediate supervisor, may appeal in writing to the superintendent.

## **Level Two**

Appeals to the superintendent shall be heard by the superintendent within 10 days of his/her receipt of the appeal. Written notice of the time and place of the hearing shall be given five days prior to the complainant.

Attendance at this hearing of appeal shall be limited to persons officially involved. Parties in interest may elect to call witnesses who shall appear individually at the hearing.

Within five days of hearing the appeal, the superintendent shall communicate to the complainant his/her written decision which shall include supporting reasons therefore.

If the complainant is not satisfied with the decision of the superintendent, he/she may file a written appeal with the superintendent within five days from the receipt of the superintendent's decision. The appeal shall state the complainant's reasons for appealing the decision of the superintendent and request appeal to Level Three, the Board.

## **Level Three**

Within 5 days of the receipt of the appeal, the Board will notify all official parties of a hearing to be held within 10 days of the receipt of the appeal. The Board shall hear arguments of the superintendent and the complainant. At the request of the complainant, the hearing before the Board shall be a public hearing. Within five days following the hearing, the Board shall render a decision in writing to all official parties. The Board's decision shall be final.