

All Personnel

BP 4144

4244

**COMPLAINTS**

4344

The Governing Board recognizes the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 3320 - Claims and Actions Against the District)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)*

The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*Legal Reference:*

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35186 Williams uniform complaint procedures

44110-44114 Reporting by school employees of improper governmental activity

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296-53299 Disclosure of confidential information; whistleblower

54957 Closed session; personnel matters

LABOR CODE

1102.5-1106 Whistleblower protections

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in district programs and activities

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>

Policy  
adopted:

**WHEATLAND SCHOOL DISTRICT**  
Wheatland, California

**All Personnel**

AR 4144(a)

4244

**COMPLAINTS**

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Note: The following administrative regulation is **optional**. Government Code 53296-53299 grant district employees and job applicants the right to file a "whistleblower" complaint regarding issues specified below. Pursuant to Education Code 44112-44113, the district is prohibited from retaliating against, or otherwise interfering with, an employee for exercising his/her right to file such a complaint. See BP 4119.1/4219.1/4319.1 - Civil and Legal Rights.

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.

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

Note: Any of the timelines in the following procedure may be modified to reflect district practice.

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**

Note: Pursuant to Government Code 53297, an employee has the right to file a "whistleblower" complaint within 60 days of the date of the act or event that is the subject of the complaint. The following paragraph establishes a 60-day limit for all complaints filed pursuant to this procedure. Districts that choose to create a separate timeline for complaints not covered by Government Code 53297 (non-whistleblower complaints) should modify the following section accordingly.

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.

## **COMPLAINTS (continued)**

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.

<p>Note: Government Code 54957 authorizes the Board to meet in closed session regarding certain personnel matters. However, when the Board is discussing specific "complaints or charges" against an employee, that employee must be given at least 24-hour written notice of the meeting and he/she may request the matter be heard in open session. See BB 9321 - Closed Session Purposes and Agendas.</p>
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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.

## COMPLAINTS (continued)

### 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.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 4030 - Nondiscrimination 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 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)

*(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.