

AR 4144 Personnel

Complaints

Except as specified below, the following procedure shall be used for any complaint by an employee alleging misapplication of the Stanislaus County Office of Education's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper County Office 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)

Complaints alleging unlawful discrimination on any basis specified in the County Office's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the County Office's procedure for complaints regarding discrimination in employment.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 4031 - Complaints Concerning Discrimination in Employment) (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Complaints regarding unlawful discrimination in County Office programs or the County Office's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with the County Office's Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, an urgent or emergency facility condition, or the failure to provide intensive instruction to students who did not pass the high school exit examination by the end of grade 12 shall be resolved in accordance with the County Office's 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.

Any of the time limits specified in this procedure may be extended by written agreement between the parties involved.

Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the program administrator 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 1: 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 program administrator 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 settled on the basis of the answer given at 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 program administrator 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 2: Cabinet Level Appeal

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with Cabinet Level Administrator or designee within five working days of receiving the written response from the immediate supervisor or the program administrator. The complainant shall include all information presented to the immediate supervisor or program administrator at Step 2.

Within 10 working days of receiving the complaint, the Cabinet Level Administrator or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or program administrator 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 3: Appeal to the Stanislaus County Superintendent of Schools

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the County Superintendent within five working days of receiving the Cabinet Level Administrator or designee's response. All information presented at Steps 1 and 2 shall be included with the appeal.

The County Superintendent may uphold the findings without hearing the complaint or the County Superintendent may hear the complaint. The hearing shall be held in closed session if the complaint relates to matters properly addressed in closed.

(cf. 9321 - Closed Session Purposes and Agendas)

The County Superintendent shall make its decision within 30 days of the hearing and shall send its decision to all concerned parties. The County Superintendent's decision shall be final.

Regulation STANISLAUS COUNTY OFFICE OF EDUCATION

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