

**Regulation 4144: Complaints**

Status: DRAFT

Original Adopted Date: 09/20/2001

The following guidelines shall prescribe the manner in which complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the district's policies, regulations, rules or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the Governing Board, if necessary. If the complaint is related to discrimination, the district's procedure for complaints concerning discrimination should be used.

(cf. 4031 – Complaints Concerning Discrimination in Employment)

2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.

3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.

4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.

5. All documents, communications and records dealing with the complaint shall be placed in a district complaint file. No such material shall be placed in an employee's personnel file.

6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.

7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.

8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

**Informal Complaints**

Employees are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

**Formal Complaint Procedure – Step 1**

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within five 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.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

**Formal Complaint Procedure – Step 2**

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Superintendent or designee within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Superintendent or designee a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall present all concerned parties with a written answer to the complaint within 10 working days after the meeting.

### Formal Complaint Procedure – Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the Board within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a report describing attempts to resolve the complaint at Step 2.

An appeal hearing shall be held at the next regularly scheduled Board meeting which falls at least 12 days after the appeal is filed. This hearing shall be held in closed session if the complaint relates to matters properly addressed in closed session.

(cf. 9321 – Closed Session Purposes and Agendas)

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

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

5 CCR 4900-4965

Ed. Code 200-270

Ed. Code 35186

Ed. Code 44110-44114

Gov. Code 3543

Gov. Code 3543.1

Gov. Code 53296-53299

Gov. Code 54957

Lab. Code 1102.5-1106

#### Description

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

[Prohibition of discrimination](#)

[Complaints related to instructional materials, teacher vacancy or misassignment, and facility conditions that pose emergency or urgent threat](#)

[Reporting by school employees of improper governmental activity](#)

[Public school employees' rights](#)

[Rights of employee organizations](#)

[Disclosure of confidential information; whistleblower](#)

[Complaints against employees; right to open session](#)

[Whistleblower protections](#)

#### Management Resources References

Website

#### Description

[CSBA District and County Office of Education Legal Services](#)

Website

[CSBA](#)

#### Cross References

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#### Description

[Nondiscrimination In District Programs And Activities](#)

1312.1

[Complaints Concerning District Employees](#)

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[Complaints Concerning District Employees](#)

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[Complaints Concerning District Employees - Cde Legal Advisory Lo: 4-93 Procedures For Parents Or Guardians Of Students To Identify And Report Child Abuse Committed At A School Site By A School District Employee Or Other Person](#)

1312.4

[Williams Uniform Complaint Procedures](#)

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[Claims And Actions Against The District](#)

**Cross References**

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