COMPLAINTS

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

OTHER COMPLAINT PROCESSES

Complaints by members of the public shall be filed in accordance with this policy, except as provided below:

1. Complaints concerning instructional materials shall be filed in accordance with EFA.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.

GUIDING PRINCIPLES

INFORMAL PROCESS

Members of the public having complaints regarding the District’s policies, procedures, or operations may present their complaints or concerns to the Board after following the procedure defined in this policy. The Board intends that, whenever feasible, complaints shall be resolved at the lowest possible administrative level.

Since the vast majority of concerns can be resolved only by those individuals who are closest to the problem, it is important that they be contacted first and be given an opportunity to respond to any issues or concerns. Most problems will be resolved at this level.

The Board encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

The staff member closest to the problem should be contacted. In the case of concerns related to student behavior or performance, the staff member will usually be the classroom teacher or coach. In the case of concerns related to District staff, the appropriate contact person will be the immediate supervisor or administrator.

FORMAL PROCESS

If an informal conference regarding a complaint fails to reach the outcome requested by an individual, he or she may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

FREEDOM FROM RETALIATION

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

GENERAL PROVISIONS

FILING

Complaint forms and appeal notices may be filed by hand-delivery, fax, or U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Fax filings shall be timely filed if they are received on or before the deadline, as indicated by the date/time shown on the fax copy. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

RESPONSE

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

DAYS

"Days" shall mean District business days. In calculating time lines under this policy, the day a document is filed is "day zero." The following business day is "day one."

REPRESENTATIVE

"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.

The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. A representative may not represent the complainant/grievant without the complainant present unless the complainant has designated the representative through written notice to the District. The District may be represented by counsel at any level of the process.

CONSOLIDATING COMPLAINTS

Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

UNTIMELY FILINGS

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the

dismissal by seeking review in writing within five days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

COSTS INCURRED

Each party shall pay its own costs incurred in the course of the complaint.

COMPLAINT FORM

Complaints under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents at the time of filing, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted, unless requested by an administrator hearing the complaint.

A complaint form that is incomplete in any material aspect may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.

LEVEL ONE

If the matter is not resolved satisfactorily at the level closest to the problem, the next level of supervision should be contacted. In the case of student/classroom/teacher issues that have not been resolved satisfactorily, the next step would be to contact the counselor, assistant principal, or principal, depending upon the issue and the remedy being sought. In the case of other staff members, the next step would be to contact the appropriate supervisor or principal, depending on whether or not the staff member is assigned to an individual campus staff or to District-level staff.

Complaint forms must be filed:

1. Within ten days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and hold a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator shall provide the individual a written response within five days following the conference. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

LEVEL TWO

After seeking resolution of issues/concerns at Level One of supervision, individuals who still feel that their concerns or issues have not been appropriately addressed should make an appointment to visit with the appropriate central office administrator, depending on the issues.

The appeal notice must be filed in writing, on a form provided by the District, within five days of the date of the written Level One response or, if no response was received, within five days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The central office administrator shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the individual at Level One and identified in the Level Two appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The central office administrator may set reasonable time limits for the conference. The central office administrator or designee shall not be required to consider documentation not submitted or issues not presented at Level One.

The central office administrator or designee shall provide the individual a written response within five days following the conference. In reaching a decision, the administrator or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the administrator or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

LEVEL THREE

Issues that are not resolved at Level Two should be appealed to the next level. The appeal should be made in writing to the Superintendent's office and must be filed within five days of the date of the written response, or, if no response was received, within five days of the Level Two response deadline. The Level Two administrator shall prepare and forward to the Superintendent or designee the record of the Level Two appeal.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

Depending on the issue, the Superintendent shall determine whether or not the issue should be placed on the agenda before the Board or whether or not it could possibly be productive to pursue resolution of this issue in a meeting with the Superintendent or designee. The Superintendent or designee shall not be required to consider documentation not submitted or issues not presented at Level Two.

Any issue not resolved adequately before the Superintendent or designee may be appealed to the Board for consideration. The request for appeal must be made in writing to the Superintendent and must include the remedy being sought by the complainant. The request must be filed within five days of the date of the written response or, if no response was received, within five days of the response deadline.

If the complaint is presented to the Board, the Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level Two record.

If at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing. The Board shall not be required to consider documentation not previously submitted or issues not previously presented.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The Board may, at its discretion, hear the complaint on an oral presentation or upon written submission. If the complaint is heard on oral presentation, the presiding officer may set reasonable time limits and guidelines for the presentation. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. If the complaint is heard on oral presentation, the Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

If the complaint is heard on oral presentation, the Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

If the complaint is presented on written submission, the Board shall consider the complaint based on written submission at a scheduled Board meeting. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting after the Board considers the complaint. The written submission shall serve as the record of the Level Three proceeding before the Board, except that the Board is not required to consider documentation not previously submitted or issues not previously addressed.