

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 required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be filed in accordance with EF.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with CKE.
3. Complaints by employees related to their RISD employment or by RISD students or parents related to their RISD enrollment shall be filed in accordance with DGBA (employees) or FNG (parent/students), as appropriate.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Guiding Principles

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal Resolution

Informal resolution shall be encouraged but shall not extend any deadlines in this policy or otherwise delay the processing of a complaint, except by mutual written consent.

Formal Process

An eligible individual may initiate the formal process described below by timely filing a written complaint form. Except as otherwise required by law, an individual is eligible to file a formal complaint in accordance with this policy if he/she:

- Resides within the District’s boundaries;
- Owns real property within the District;
- Pays property taxes to the District (real and/or personal property taxes);
- Has a complaint related to the District’s purchasing/procurement or contract process and the individual is a current or a

former vendor or has responded to a procurement process request such as a Request for Proposal or a Request for Qualifications to become a vendor; or

- Is a non-District resident who was ejected from or denied entry to District premises under Chapter 37 of the Texas Education Code.

The District shall dismiss by written notice any complaint filed by an individual who does not meet at least one of the criteria listed above. An individual whose complaint is dismissed on the grounds that the individual is ineligible may, within three business days of the date of the dismissal, provide written documentation to the assistant superintendent for administrative services to establish that the individual is eligible to file a complaint hereunder. The assistant superintendent shall evaluate the documentation and reinstate the complaint if the individual establishes eligibility. An individual whose complaint is not reinstated may appeal the dismissal by seeking review within seven days from the date of the dismissal notice. Such appeal shall be limited to the issue of eligibility.

Even after initiating the formal complaint process, District residents and other eligible 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, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business (4:30 p.m.) on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business (4:30 p.m.) on the deadline, as indicated by the date/time shown on the electronic communication. 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.

Scheduling Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear

at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.

Response	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, 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	For purposes of this policy, "days" shall mean calendar days. In calculating timelines under this policy, the day a document is filed is "day zero," and all deadlines shall be determined by counting the following day as "day one." If a deadline falls on a school holiday or other day on which District administrative offices are closed for business, then the deadline shall be extended to the first business day following the holiday or closure.
Representative	<p>"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.</p> <p>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. The District may be represented by counsel at any level of the process.</p>
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
Complaint Management	The Board authorizes the Superintendent or designee to take such actions as are reasonable and necessary to ensure the effective and efficient operation of the complaint process. Such actions may include, without limitation, combining similar or redundant complaints, beginning the process at Level Two or Three, offering a method of alternative dispute resolution such as a conference with a Board hearing officer, assigning staff to facilitate a grievance or appeal conference, identifying complaints as frivolous or repetitive and altering the grievance process to avoid the unnecessary use of staff resources for such complaints, recommending to the Board's presiding officer that appropriate Level Three appeals be presented

to the Board of Trustees only via written submission, or other actions the Superintendent deems appropriate under the circumstances. The Superintendent's authority hereunder is intended to provide the Superintendent or designee with the flexibility to manage and administer the public complaint process in a reasonable and practical manner to address legitimate concerns without undue exhaustion of staff resources.

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 seven 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 and Appeal Forms

Complaints and appeals 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, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference or the hearing officer allows the introduction of the documents.

A complaint or appeal 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.

Level One

Complaint forms must be filed:

1. Within 15 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 assistant superintendent of administrative services who will assign an appropriate hearing officer to hear the complaint.

If the complaint is not filed with the assistant superintendent of administrative services, the receiving administrator must note the date and time the complaint form was received and immediately

forward the complaint form to the assistant superintendent of administrative services.

The assistant superintendent's office or the administrator assigned to hear the complaint shall contact the grievant to schedule a conference within seven days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Following the conference, the administrator shall conduct such investigation as he or she believes is appropriate to fairly respond to the complaint and shall provide the individual a written response within seven 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.

Absent extenuating circumstances, the administrator shall provide the individual a written response within seven 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

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within seven days of the date of the written Level One response or, if no response was received, within seven days of the Level One response deadline. The Level Two appeal notice must be filed with the assistant superintendent of administrative services.

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 assistant superintendent of administrative services or designee shall contact the grievant to schedule a conference within seven days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall conduct such investigation or review as he or she believes appropriate to fairly respond to the appeal and shall provide the individual a written response within seven days following the conference. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent 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

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing with the assistant superintendent of administrative services, on a form provided by the District, within seven days of the date of the written Level Two response or, if no response was received, within seven days of the Level Two response deadline. If the appeal notice is untimely, not on the District's form, or incomplete in any material way, the Superintendent, in consultation with the Board President, may dismiss the complaint and provide written notice of the dismissal to the complainant.

The assistant superintendent of administrative services or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation 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.

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.

The appeal shall be limited to the issues and documents considered at Level Two, except that 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 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]

At the discretion of the Board President, the Board may consider the complaint based on oral argument or on written submissions. If the complaint is considered on written submissions, the Board will not hear oral argument.

The presiding officer may set reasonable time limits and guidelines for the presentation, whether by oral argument or written submissions, and shall communicate such guidelines to the parties before the hearing or scheduled submission date for written submissions.

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. The Level Three presentation, if via live hearing, 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, at the presiding officer's discretion.

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 Board considers the complaint on written submission, it shall make a determination based on the complaint record. The Board shall then make and communicate its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The written submissions shall serve as the record of the Level Three appeal proceeding before the Board.