

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.

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

Informal Process

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 shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An individual 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

The Superintendent’s designee shall be the office of the District’s general counsel.

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 on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked 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

"Days" shall mean District business days. In calculating timelines 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 Superintendent's designee 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.

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.

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 15 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. Forms shall be available on the District's website or shall be made available upon request to the Superintendent's designee.

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.

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 Superintendent's designee.

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 Superintendent's designee, the receiving administrator shall immediately contact the Superintendent's designee and forward the complaint form as instructed.

The appropriate administrator shall be assigned and shall investigate as necessary. The administrator shall use reasonable efforts to schedule a mutually agreeable conference time within 15 days after his or her receipt of the complaint and may set reasonable time limits for the conference. The administrator and the individual may agree to hold a conference outside the 15-day time line.

Absent extenuating circumstances, the administrator shall provide the individual a written response within 15 days following the conference. If no conference is held within the 15-day deadline and the parties have not mutually agreed on another conference time, the administrator shall provide the individual with a written response within 15 days from the last business day a conference could have been held (in this case, the administrator may rely on the information provided in the written complaint and any other information maintained by the District that may be relevant to the subject matter of the complaint). The written response may set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administration believes will help resolve the complaint.

The Level One administrator shall prepare and forward a record of the Level One complaint to the Superintendent's designee upon providing his or her decision to the grievant. The individual may request a copy of the Level One record from the Superintendent's designee.

The Level One record shall include:

1. The 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 considered and relied upon by the Level One Administrator in reaching the Level One decision.
5. Any audio recording of the Level One conference, if made by the Level One administrator.

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 file an appeal notice with the Superintendent's designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within 15 days of the date of the written Level One response or, if no response was received, within 15 days of the Level One response deadline.

The Superintendent's designee shall assign an administrator who shall schedule a conference within 15 days after the appeal notice is filed. The Superintendent's designee shall provide the Level One

record to the Level Two administrator for consideration. The conference shall be limited to the issues and documents considered at Level One. The Level Two administrator may also consider the individual's specific disagreements with the Level One response or documents/information relied upon by the Level One administrator. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the individual a written response within 15 days following the conference. If no conference is held within the 15-day deadline and the parties have not mutually agreed on another conference time, the Level Two administrator shall provide the individual with a written response within 15 days from the last business day a conference could have been held (in this case, the administrator may rely on the information provided in the written complaint and any other information maintained by the District that may be relevant to the subject matter of the complaint). The written response may set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

The Level Two administrator shall prepare and forward a record of the Level Two complaint to the Superintendent's designee immediately upon providing his or her decision to the grievant. The individual may request a copy of the Level Two record from the Superintendent's designee.

The Level Two record shall include:

1. The Level Two complaint form and any attachments.
2. All other documents submitted by the Superintendent's designee to the Level Two administrator from the Level One complaint.
3. The written response issued at Level Two and any attachments.
4. All other documents considered and relied upon by the Level Two administrator in reaching the Level Two decision.
5. Any audio recording of the Level Two conference, if made by the Level Two administrator.
6. The Level One record.

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 through the Superintendent's designee.

The appeal notice must be filed in writing, on a form provided by the District, within 15 days of the date of the written Level Two response or, if no response was received, within 15 days of the Level Two response deadline.

The Superintendent's 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's designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level One and Two records from the Superintendent's designee.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.
3. The notice of appeal of the Level Two decision to the Board.

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 include that information in the record packet to the Board along with a written explanation to the Board regarding why the information is relevant to the subject matter of the complaint. The administration shall provide the individual notice of the nature of the evidence at least five days before the hearing. The individual may provide the Board with a written response to the new information, which shall be included in the record packet to the Board.

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 presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels. The Board shall consider only the subject matters and issues present in Levels One and Two or otherwise included in the record packet to the

Board if based upon new information provided by the administration at Level Three.

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, 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.

The Board shall then consider the complaint, the Level Two record and any new information provided by the administration at Level Three, or the individual's written responses to that new information.

The Board may uphold or reverse the administration's decision at Level Two or it may vote to remand the matter back to Level Two with specific instructions. Alternatively, the Board may request that the Level Three hearing be continued until the next regularly scheduled Board meeting if exceptional circumstances arise. 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.