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It is the intent of the Superintendent/Governing Board that certificated staff complaints or misunderstandings which arise from the application and/or interpretation of Superintendent/Governing Board policies and/or administrative regulations be resolved at the lowest possible administrative level.

This policy does not apply to complaints or misunderstandings which arise from the application and/or interpretation of Superintendent/Governing Board Policies 4111 and 4140 or any Collective Bargaining Agreement.

The Superintendent shall develop administrative regulations and procedures to implement this policy. Such administrative regulations and procedures shall provide for appeal to the Superintendent/Governing Board, whose decision shall be binding to the extent that no rights of the employee to further legal action are abrogated.

References:

Approved as to form:


Deputy County Counsel

Approved by
Marin County Board of Education - 8/8/89

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

COMPLAINTS BY CERTIFICATED PERSONNEL
(Board Policy 4232)

These administrative regulations and procedures shall not apply to a complaint which arises from the application and/or interpretation of Superintendent/Governing Board Policies 4112 and 4140 or any Collective Bargaining Agreement.

DEFINITIONS

Complaint - Any alleged violation of statutes, Superintendent/Governing Board policies or administrative regulations and procedures.

Complainant - A certificated employee alleging that a violation of statutes, policies or regulations and procedures has taken place.

Representative - A certificated employee of the Marin County Office of Education chosen by either party to the problem.

Working Day - A day on which the Marin County Office of Education is open for business.

MISCELLANEOUS PROVISIONS

The primary purpose of these procedures is to inform members of the school community and to secure, at the earliest possible level, an equitable solution to a complaint.

All discussions, notes and other written documents pertaining to a complaint shall be kept confidential by all parties involved in this procedure.

Complainant and accused may appear with a representative, if desired, at all levels.

In the event that the complaint is against the individual responsible for the complaint procedure at any level, the complainant may address the complaint directly to the next level.

There shall be no reprisals of any kind against any complainant or his/her authorized representative(s) because of his/her participation in the complaint procedure.

In the event the complainant fails to exhaust all remedies under complaint procedures provided herewith, or to abide by the time lines with respect to each level, the complaint shall be presumed to be abandoned, and the matter shall be considered settled in accordance with the last answer thereto. In the event any level fails to give its answer within time limits prescribed, the complainant shall have the right to proceed immediately to the next level. Any time limit may be extended by written mutual agreement of parties.

Any settlement of a complaint shall be applicable to the complaint only, and shall not be binding authority for disposition of any other complaint.

Certificated employees are encouraged to ask their immediate supervisor for assistance on any matters that relate to their duties. Nothing in this procedure should be construed as to deny any certificated employee the opportunity to consult with any supervisory or administrative officers of the Marin County Office of Education.

PROCEDURE

Informal

1. Complainants should first discuss the issue with the person to whom they are directly responsible. The complainant may be accompanied by a representative.
2. In the event the matter is not resolved informally within a reasonable time, the complainant may appeal to Level I.

Level I - Immediate Supervisor

1. The complaint shall be submitted in writing to and discussed with the immediate supervisor. It is recommended that complaints be filed within ten (10) working days after the complainant knew or should have known of the circumstances which gave rise to the complaint, however, complaints may be brought at any time by an employee. The employee shall provide written authorization if a representative is to act in the employee's behalf.
2. Within ten (10) working days after receipt of the complaint, the immediate supervisor shall investigate the complaint, including giving the complainant and the person to whom they are directly responsible a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the complaint, the supervisor shall render a decision in writing, together with supporting reasons, and shall furnish a copy to the complainant and the person to whom they are directly responsible.

Level II - Division Deputy/Assistant Superintendent

1. Within ten (10) working days after receiving the decision of the immediate supervisor, the complainant may appeal the decision of Level I to the Division Deputy/Assistant Superintendent. The appeal shall be in writing and shall be accompanied by a copy of the decision at Level I.
2. Within ten (10) working days after receipt of the appeal, the Division Deputy/Assistant Superintendent shall investigate the complaint, including giving all persons who participated in Level I a reasonable opportunity to be heard.
3. Within fifteen (15) working days after receiving the appeal, the Division Deputy/Assistant Superintendent shall submit a decision in writing, together with supporting reasons, to the complainant and the immediate supervisor.

Level III - Superintendent/Governing Board

1. Within ten (10) working days after receiving the decision of the Division Deputy/Assistant Superintendent, the complainant may appeal the decision of Level II to the Superintendent/Governing Board. The appeal shall be in writing, shall be accompanied by a copy of the decision of Level II and shall be delivered to the Superintendent.
2. At its next regularly scheduled meeting, in closed session, the Superintendent/Governing Board shall determine whether or not a hearing will be granted. If a hearing is granted, the date, nature and extent of the hearing shall be determined by the Superintendent/Governing Board. Unless requested otherwise by the complainant, the hearing shall be held in closed session. If a hearing is not granted, the matter shall be considered settled in accordance with the last answer thereto.
3. Within twenty (20) working days after the hearing, if granted, the Superintendent/Governing Board shall render its decision in writing, together with supporting reasons, to the complainant and the Division Deputy/Assistant Superintendent. The decision of the Superintendent/Governing Board shall be final.