

GBM-AR Staff Complaint Procedures

LINCOLN COUNTY SCHOOL
DISTRICT

Code: **GBM-AR**
Adopted: 9/3/96
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Orig. Code(s): R4196

Staff Complaint Procedures

1. Definitions

- a. "Complaint" - A complaint is a claim by an employee that district policies and/or administrative regulations affecting the complainant have been misinterpreted, misapplied or violated.
- b. "Complainant" - The employee(s) making the claim.
- c. "Complaint Representative" - The person who may speak for and/or advise the complainant.
- d. "Immediate Supervisor" - The person having immediate authority to act in regard to the complainant and his/her complaint.
- e. "Days" - Means working days of the complainant unless otherwise indicated. In the event a complaint is filed by an employee whose work year is less than 12 months and in the event the complaint is filed at such a time that it cannot be processed through the steps, "days" shall mean those days which the district is open for and conducts business.

2. Representation and Responsibilities

- a. Representation - The complainant and/or the supervisor may request a third person to act as a facilitator at Level I - Informal. The facilitator shall be a person agreed upon by the complainant and the supervisor.
- b. Group Complaint - If a complaint affects a group or class of employees, the complaint may be submitted by the employees jointly. If a complaint is filed jointly there shall be no more than one designated complainant and one designated representative to represent the complainant. Group complaints may be initiated at Level II of this procedure.
- c. Nonreprisal - No reprisals of any kind shall be taken by the district or a supervisor/administrator against any participant in the complaint procedure.

3. Operating Limits

- a. Time Limits - The number of days indicated at each level shall be considered a maximum, time being of the essence in the resolution of complaints. However, time limits specified may be extended by mutual consent.
- b. Resolution and Appeal - A complaint shall be considered resolved at any level which the complainant fails to request further consideration within the specified time limits. A complaint may be appealed to the next level upon failure of a decision to be communicated in writing to the complainant within the specified time limits.
- c. Meetings - Meetings relating to a complaint shall not be open to the public and shall include only the complainant, his/her designated representative, appropriate district administrative and supervisory personnel and other persons mutually agreed upon by the complainant and the superintendent at Level II and the complainant and the Board at Level III.
- d. Complaint Forms - Complaints shall be filed on the form provided by the district and shall include the following:

- (1) A clear and concise statement of the facts upon which the complaint is based;

- (2) Citation of the district policy and/or administrative regulation allegedly misinterpreted, misapplied or violated;
- (3) The specific relief requested;
- (4) The reasons the complainant considers the decision rendered unacceptable;
- (5) The date of the complaint and its appeal, if appropriate;
- (6) The signature of the complainant.

e. Complaint Files - Documents, communications and records of a complaint shall be kept in a file in the district office, separate from the personnel file of the complainant.

4. Levels of Procedure

a. Level I

(1) Informal - A complainant shall promptly attempt to resolve the complaint informally with his/her immediate supervisor.

(2) Formal - If the complaint is not resolved informally it shall be reduced to writing by the complainant who shall submit it to his/her immediate supervisor. If a complainant does not submit his/her complaint to the immediate supervisor in writing within 10 days after the complainant could have been reasonably expected to know of the facts upon which the complaint is based, the complaint shall be deemed waived and null and void.

The immediate supervisor shall reply in writing to the complainant within five days after receipt of the written complaint.

b. Level II

If the complaint is not settled at Level I and the complainant wishes to appeal the complaint to Level II, the complainant must file the complaint in writing to the superintendent within five days after receipt of the immediate supervisor's written answer. The superintendent and his/her designee shall review the complaint, hold meetings to discuss the complaint, where appropriate, and give a written answer to the complainant no later than 10 days after receipt of the written complaint. If the complainant's immediate supervisor is the superintendent he/she will appeal his/her complaint from Level I to Level III according to the provisions governing Level III.

c. Level III

If a complaint is not settled at Level II and the complainant wishes to appeal the complaint to Level III, the complainant must file the complaint in writing to the Board chairperson within five days after receipt of the superintendent's written answer. The Board shall review the complaint, hold meetings to discuss the complaint, where appropriate, and give a written answer to the complainant no later than 20 days after receipt of the written complaint. The decision of the Board is final.

5. Anonymous Communications

a. Supervisors will treat all anonymous complaints with great skepticism. However, they will review anonymous complaints and, if the supervisor has direct knowledge of the situation and it does not involve sexual harassment, abuse, a direct threat to the safety or the life of staff or students, or any other form of illegal activity on the part of an employee or individual associated with the students, disregard the letter or destroy it.

b. If, on the other hand, the supervisor has no direct knowledge of the situation or if the letter involves any type of sexual harassment, allegations of abuse, a threat to the safety of a student or staff member, or an allegation of illegal activity on the part of an employee, the supervisor shall either report it to the appropriate authority as directed by Oregon Revised Statutes or to his/her supervisor and proceed as directed.

c. In the case of b. above, the supervisor shall also attempt to substantiate anonymous complaints through interviews with involved parties and witnesses, examination of records and other appropriate efforts.

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