

VENTURA COUNTY OFFICE OF EDUCATION

ADMINISTRATIVE

REGULATION NO. 4144 and 4244

ADOPTED: 2/14/96

CLASSIFICATION: Personnel

REVISED: 5/23/02

SUBJECT: Complaints Concerning District Employees

The following guidelines shall prescribe the manner in which Ventura County Office of Education complaints are handled:

1. A "complaint" shall be defined as an alleged misapplication of the policies, regulations, rules, or procedures of the Ventura County Office of Education. Procedures for employee complaints provide a route of appeal through administrative channels to the County Superintendent, if necessary. If the complaint is related to discrimination, the Ventura County Office of Education's procedure for complaints concerning discrimination should be used.
2. If a complaint involves sexual harassment, the initial complaint should be made directly to the offending employee's immediate supervisor. An employee is not required to resolve sexual harassment complaints with the offending person.
3. So as not to interfere with school schedules, meetings related to a complaint shall be held before or after the complainant's regular working hours.
4. All matters related to a complaint shall be kept confidential. Only those individuals directly involved in resolving the complaint shall be informed of the complaint.
5. All documents, communications, and records dealing with the complaint shall be placed in a Ventura County Office of Education complaint file. No such material shall be placed in an employee's personnel file.
6. No reprisals shall be taken against any participant in a complaint procedure by reason of such participation.
7. Time limits specified in these procedures may be reduced or extended in any specific instance by written mutual agreement of the parties involved. If specified or adjusted time limits expire, the complaint may proceed to the next step.
8. Any complaint not taken to the next step within prescribed time limits shall be considered settled on the basis of the answer given at the preceding step.

Informal Complaints

Complainants are encouraged to resolve complaints informally. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

Formal Complaint Procedure - Step 1

NOTE: the 60-day time period below coincides with that provided in government code 53297, which establishes the employee's right to file with the Ventura County Office of Education a written complaint containing evidence regarding gross mismanagement or a significant waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. Reprisal action against an employee for filing such a complaint is prohibited by government code 53298 and subject to penalties established in government code 53298.5.

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint.

Within five working days of receiving the complaint, the immediate supervisor or principal shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor or principal shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the Director of Human Resources within five working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint, and the immediate supervisor or principal shall submit to the Director of Human Resources a report describing attempts to resolve the complaint at Step 1.

Within five working days of receiving the complaint, the Director of Human Resources shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Director of Human Resources shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the County Superintendent within five working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal, and the Director of Human Resources shall submit to the County Superintendent a report describing attempts to resolve the complaint at Step 2.

An appeal hearing before the County Superintendent shall be scheduled within 10 days after the appeal is filed.

The Superintendent shall make a decision within 30 days of the hearing and shall mail the decision to all concerned parties. The Superintendent's decision shall be final.

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Address: _____
(Street) (City) (Zip Code)

[illegible]

(You may use additional pages to describe your complaint if you wish.)

Describe your attempts to discuss and resolve this complaint with the employee and/or employee's supervisor.

How do you propose that your complaint be resolved?

I understand that as a result of filing this complaint management/supervisory staff may request further information from me about this complaint, and if such information is available, I shall present it upon request.

I also understand that a copy of the complaint will be given to the person(s) against whom this complaint is being made, and he/she will be given the opportunity to respond in writing to this complaint.

I certify under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 20_____, in
_____, California

Signature of Complainant