

VENTURA COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 4245**

ADOPTED: 02/14/96

CLASSIFICATION: Personnel

REVISED: 05/04/00

SUBJECT: Complaint Procedure

PHILOSOPHY

The Ventura County Office of Education (VCOE) continuously seeks to employ and retain the best personnel. Employment is a voluntary contract between VCOE and the employee. This contract places responsibilities on both VCOE and the employee.

Each employee has an obligation to maintain a positive, cooperative attitude and to perform his/her assigned duties to the best of his/her ability. VCOE assumes responsibilities by making it possible for each staff member to serve VCOE most effectively.

PURPOSE

One of the major purposes of a complaint procedure is to discover and practice reasonable and effective means of resolving difficulties which may arise among personnel. Other purposes are to reduce potential causes of complaints and to maintain recognized two-way channels of communication between staff and administration.

A complaint procedure is established in order to afford an equitable adjustment of differences at the most immediate level of supervision. The following procedures therefore assume that employees have attempted to resolve all complaints with the immediate supervisor and then the department head/site administrator before a formal complaint is filed. It is essential that full cooperation be given by all personnel to achieve these goals.

The procedures afford personnel an opportunity for orderly presentation and review of concerns and complaints. A clear and objective consideration of complaints should improve the effectiveness of an individual in his/her contribution to the educational services and goals of VCOE.

This complaint procedure shall not be utilized for alleged discrimination or harassment on the basis of sex or national origin. A separate Harassment Complaint Procedure has been adopted for resolution of discrimination/harassment complaints. For further information on the Harassment Complaint Procedure, contact the Director of Human Resources.

DEFINITIONS

An employee complaint shall be defined as a spoken or written dissatisfaction brought to the attention of his/her department head/site administrator.

A complaint is a written claim on the part of an employee that there has been a violation of a VCOE policy, rule or regulation, administrative order or procedure, or existing law, which was not settled to the satisfaction of the employee at the department head/site administrator level.

GENERAL PROVISIONS

No employee shall suffer reprisals or reduction in status as a result of having presented a complaint or having represented an employee concerning a complaint.

The Director of Human Resources shall be responsible to the Superintendent for the enforcement of VCOE rules and regulations and for the administration of complaint procedures for Certificated Personnel.

The Director of Human Resources shall be responsible to the Superintendent for the enforcement of VCOE rules and regulations and for the administration of complaint procedures for Classified Personnel.

Forms for filing complaints, appeals and other necessary documents shall be prepared and given appropriate distribution by the Director of Human Resources so as to facilitate operation of the procedures set forth herein.

Pending any proceedings, and until a final determination has been reached, all proceedings shall be private. Any preliminary disposition will not be made public by either party until and unless such communication is agreed upon.

Since it is important that complaints be processed as rapidly as possible, the number of days indicated at each level shall be considered as a maximum and every effort shall be made to expedite the process. The time limits specified may, however, be extended by mutual agreement.

A decision/response rendered at any step in these procedures becomes final, unless appealed within the time limit specified or at a time agreed to by both parties. If a decision is not given within the time limit, an appeal may be taken directly to the next level, within the specified time frame.

Any employee of VCOE required to be absent from his/her duties pursuant to these procedures shall not suffer any loss of pay.

If an administrator with the authority and responsibility to resolve/adjust a complaint is absent from his/her position during the specified time stipulated for meeting his/her responsibility and no mutual agreement has been reached for a time extension, that administrator shall designate a representative to assume his/her responsibility.

The employee shall have access to any VCOE documents and/or records concerning that very employee which are relevant to resolving/adjusting the complaint.

All VCOE records (including documents and communications related to the processing of the complaint) shall be filed with the Director of Human Resources and shall be kept separate from the personnel files of the participating parties. A brief statement of the decision made concerning a complaint shall be forwarded to the County Superintendent by the Director of Human Resources upon the resolution of the complaint.

In the event a complaint is filed at such time that it cannot be processed through all the levels in this complaint procedure by the end of the school year, the time limits set forth herein may be reduced so that the complaint procedure may be completed prior to the end of the school year, or as soon thereafter as is practicable.

REPRESENTATION

An employee has the right to represent himself/herself, or be represented by a person of his/her own choosing, including any employee of VCOE. In the following rules, all meetings afforded to the employee shall be deemed to include his/her authorized representative; and information provided the employee shall also be provided to his/her representative. The authorized representative, if any, must be designated on the Complaint Form.

PROCEDURE FOR SUBMISSION OF COMPLAINTS

Within twenty work days after the occurrence of the act or omission giving rise to the complaint or twenty work days after the complainant knew or reasonably should have known about the act or omission, whichever is later, the complainant shall discuss the problem informally with his/her department head/site administrator.

The person registering the complaint shall request and be provided a copy of this Complaint Procedure in order that he/she may be fully informed of his/her rights.

Within five working days from the date of the informal conference concerning the employee's complaint, the department head/site administrator shall communicate a decision/response to the complainant and/or the complainant's representative.

PROCEDURE FOR SUBMISSION OF COMPLAINTS

If the complaint is not adjusted by the informal method in a manner considered to be fair and equitable by the complainant, he/she may file a complaint if the employee believes there has been a violation of a policy, rule or regulation, administrative order or procedure, or existing law.

The Complainant may file a complaint with:

1. An administrator who has the authority to resolve the problem, if there is such an administrator under the appropriate Associate Superintendent, or if no administrator has been so designated,
2. The appropriate Associate Superintendent.

The following provisions shall apply to the complaint:

1. The complaint must be filed within five working days after receipt of the previous decision/response, or within five working days of when the response should have been provided. (If a decision/response is not provided by the end of the fifth day or alternate agreed upon date, complainant may, within five working days, proceed to the next step of the appeal process.)
2. The complaint must be in writing and a copy of the attached Complaint Form must be completely filled out. The following information must be included in the complaint:
 - a. The name of the employee submitting the complaint.
 - b. The name of the employee's representative, if any.
 - c. A description of the problem stating specifically the act or condition and the grounds on which the complaint is based, including the specific rule or regulation, administrative order or procedure, and/or existing law believed to have been violated.
 - d. The requested remedy.
 - e. The person(s) who have been contacted or involved and the date(s).
 - f. The department head's/site administrator's decision response.
3. The administrator to whom the complaint is submitted shall hold a conference concerning the complaint with the complainant and/or the complainant's representative. The conference shall be held within five working days after receiving the complaint.
4. The administrator may request such additional information from any of the parties as will enable him/her to establish specifically the issues that remain in dispute.
5. The administrator shall communicate his/her decision/response in writing, together with supporting reasons, to the complainant and his/her representative, if any, within five working days after the conference is held with the complainant.

APPEAL TO THE SUPERINTENDENT

If the complainant is not satisfied with the decision/response reached at the first level, he/she may appeal the decision/response to the Superintendent. The appeal must be made within five working days after the receipt of the decision or within five working days of when the decision should have been provided. The appeal shall be in writing. A copy of the attached "Appeal of Complaint" must be completely filled out. Either party may also request, in writing, to meet with the Superintendent. Prior to this meeting the Superintendent shall be provided with all written reports and data pertinent to the problem.

The Superintendent shall render a decision/response within twenty working days after receipt of the appeal. The Superintendent's decision/response shall be final.