

# Lincoln County School District

Code: GBM-AR(1)  
Revised/Reviewed: 7/09/02; 6/14/16 (Effective  
7/01/16); 5/31/18;; 5/03/19  
Orig. Code: GBM-AR

## Staff Complaint Procedures

1. Definitions
  - 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” means the person who may speak for and/or advise the complainant.
  - d. “Immediate supervisor” means 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 Step 1. 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 Step 2 of this complaint 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 Step 3 and the complainant and the Board at Step 4.
  - d. Complaint Forms – Complaints may 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. Complaint Procedure

##### **Initiating a Complaint: Step One**

Any employee of the district who wishes to express a concern should discuss the matter with the district employee involved. The district employee will in writing respond within five working days.

##### **The Building Principal/Site Supervisor: Step Two**

If the employee is unable to resolve a problem or concern at Step 1, the complainant may file a written, signed complaint with the principal. The principal shall evaluate the complaint and render a decision within ten working days after receiving the complaint.

##### **The Superintendent: Step Three**

If Step 2 does not resolve the complaint, within five working days of the decision from the district director or administrator, the employee, if he/she wishes to pursue the action, shall file a signed, written complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy. A form is available, but is not required.

The superintendent or designee shall investigate the complaint, confer with the employee and the parties involved and prepare a written report of his/her findings and his/her conclusion and provide the written report to the employee within 10 working days after receiving the written complaint.

##### **The Board: Step Four**

If the employee is dissatisfied with the superintendent's or designee findings and conclusion, in Step 3 complainant may appeal the decision to the Board within five working days of receiving the superintendent's or designee's decision. The Board may hold a hearing to review findings and conclusion of the superintendent or designee, to hear the complaint and to hear and evaluate any other evidence as it deems appropriate. Generally, all parties involved, including school administration, may be asked to attend such meeting for the purposes of presenting additional facts, making further explanations and clarifying the issues.

The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statutes.

The employee shall be informed of the Board's decision within 20 working days from the hearing of the appeal by the Board. The Board's decision will be final.

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the principal. The timelines may be extended upon written agreement between both parties. This also applies to complaints filed against the superintendent or any Board member.

Complaints against the principal may be filed with the district director or administrator. Complaints against a district director or administrator may be filed with the superintendent. Complaints against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in open session what action, if any, is warranted.

Complaints against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide in an open session what action, if any, is warranted.

Complaints against the Board chair may be made directly to the Board vice chair, on behalf of the Board, and may be referred to district counsel. The Board vice chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the board shall decide in an open session, what action, if any, is warranted.

## 5. Anonymous Communications

- a. Supervisors will review anonymous complaints. 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 employees or students, or any other form of illegal activity on the part of an employee or individual associated with the students, the supervisor may retain the letter and document that it was investigated.
- 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 an employee, 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.