

SECTION: ADMINISTRATIVE
EMPLOYEES

TITLE: COMPLAINT PROCESS

ADOPTED: December 18, 2006

REVISED: March 21, 2011

EPHRATA AREA SCHOOL DISTRICT

326. COMPLAINT PROCESS	
1. Purpose	Effective management of district operations requires reasonable and effective means of resolving conflicts among management level employees. This policy is established to reduce potential areas of disagreement, and to establish and maintain recognized two-way channels of communication between the Board and management.
2. Authority	<p>The Board adopts this policy to facilitate proper and equitable solutions to complaints at the lowest appropriate level, and to establish an orderly procedure for pursuing solutions. Complaints of harassment are not covered by this policy, and should be addressed in accordance with Policy No. 348, Harassment.</p> <p>There shall be no reprisals of any kind taken against any employee because of participation in or support of a complaint. However, an employee who knowingly presents false information in regard to a complaint or investigation shall be subject to disciplinary action, up to and including termination of employment.</p>
3. Definition	Complaint - any unresolved problem concerning application or interpretation of federal or state laws and regulations; policies and rules of the Board; and written administrative procedures. A complaint under this policy shall not include a complaint of harassment. Employees with a complaint of harassment should refer to Policy No. 348, Harassment.
4. Guidelines	<p>Complaints should be discussed in a private, informal conference between the parties involved. At least one (1) private meeting should take place between the parties before the complaint is taken to the next higher level of authority.</p> <p>The time limit provided in this policy may be extended by mutual agreement of the parties. Any decision not pursued within the time limits from one level to the next level shall be considered settled on the basis of the last decision and not subject to further appeal.</p>

Level One – Immediate Supervisor

Within ten (10) school days after the occurrence giving rise to the complaint and following an informal discussion as outlined, the complainant must present the written complaint to the immediate supervisor. If the immediate supervisor is the subject of the complaint, the complainant may present the written complaint to the next appropriate supervisor or the Superintendent.

The complaint shall include:

1. A clear, concise expression of the complaint.
2. The rule, policy or law of which there is an alleged violation.
3. Circumstances on which the complaint is based.
4. Person(s) involved.
5. Decision rendered at the private conference.
6. Remedy sought.

Copies of this statement may be sent to any individuals who were present at the meeting.

Within ten (10) school days the immediate supervisor shall communicate a written decision to the complainant. If the supervisor does not respond within the time limit, the complainant may appeal to the next level.

Either party to the complaint shall have the right to request a personal conference in order to resolve the complaint. Either party may request the presence of one (1) conferee.

Level Two - Superintendent/Designee

Within ten (10) school days after receiving the decision of the administrator in Level One, the complainant may appeal the decision to the Superintendent or designee. The written appeal shall be accompanied by a copy of the decision at Level One.

Within ten (10) school days after delivery of the appeal, the Superintendent or designee shall investigate the complaint, giving all persons who participated in Level One a reasonable opportunity to be heard.

Within ten (10) school days after delivery of the appeal, the Superintendent or designee shall submit a written decision, together with the supporting reasons, to the complainant and the administrator involved.

Level Three - Discussion with the Board

Within ten (10) school days after receiving the decision of the Superintendent or designee, the complainant may appeal the decision in writing to the Board. Also, if the Superintendent is the subject of the complaint, complainant may submit the initial written complaint directly to the Board.

The Board shall schedule the matter for a hearing to be held at the next regularly scheduled Board meeting.

The complainant and his/her conferee may be present at the hearing.

Within twenty (20) school days the Board will submit its written decision, together with supporting reasons, to the complainant. A copy shall be furnished to the administrator(s) involved.

The decision of the Board is final.

Miscellaneous Provisions

All documents, communications and records relevant to a complaint shall be filed in a separate file and not be kept in the personnel file of any of the participants.

In the event a complaint is filed late in the school year, both parties shall endeavor to expedite procedures so that the process may be completed as soon after the school term as practicable.