

SECTION: PROFESSIONAL EMPLOYEES

TITLE: COMPLAINT PROCESS

ADOPTED: December 18, 2006

REVISED: June 18, 2012

EPHRATA AREA SCHOOL DISTRICT

426. COMPLAINT PROCESS	
1. Purpose	<p>It is the Board's intent to establish reasonable and effective means of resolving conflicts among employees, to reduce potential areas of complaints, and to establish and maintain recognized two-way channels of communication between supervisory personnel and professional employees for situations not covered by the terms of a collective bargaining agreement or meet and discuss agreements.</p> <p>As a condition of employment, all personnel shall agree to abide by district policies mandated by law or adopted by the Board. Any disagreement with the rules, regulations, or policies of the district by employees shall be voiced in accordance with approved administrative procedures, but shall not constitute a grievance.</p>
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.</p> <p>Personnel shall utilize the complaints procedure outlined in Policy No. 448 entitled "Unlawful Harassment Policy" when reporting allegations of unlawful harassment and Policy 453 entitled "Whistleblower" when reporting allegations of fraudulent activities or grave employee misconduct.</p> <p>There shall be no reprisals of any kind taken against any employees or their representatives because of support of or participation in a complaint.</p>
3. Definition	<p>Complaint - any unresolved problem or interpretation of federal or state laws and regulations; policies and rules of the Board; and written administrative procedures.</p>
4. Guidelines	<p>If the same, or substantially the same, complaint is made by more than one employee against one respondent, only one employee, on behalf of self and the other complainants, may process the complaint through the prescribed procedure. Names of all complainants shall appear on all documents related to settlement of the complaint.</p> <p>The time limits provided in this policy may be extended by the administration in order to thoroughly investigate or properly respond to allegations made in</p>

complaints. Absent an extension of time being granted, any determination not appealed within the time limits from one level to the next level shall be considered settled on the basis of the last determination and not subject to further appeal.

Level One - Immediate Supervisor

Within ten (10) 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 supervising administrator.

This statement shall include:

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

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

Within ten (10) days the administrator shall communicate a written determination to the employee, unless additional time is necessary to review the complaint. If the administrator does not respond within the time limit (or extend time limit), the complainant may appeal to the next level.

Level Two – Superintendent/Designee

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

Within ten (10) 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. The Superintendent or designee may elect, but is not required to, meet with the parties or individuals identified in the appeal as part of his/her review.

Within ten (10) days after delivery of the appeal, the Superintendent or designee shall submit a written determination, together with the supporting reasons for his/her conclusions, to the complainant and the administrators involved, unless additional time is necessary to review the matter.

Level Three - The Board

Within ten (10) days after receiving the determination of the Superintendent or designee the complainant may appeal the determination in writing to the Board.

The Board may elect, but is not required, to meet with the complainant or other interested parties to review any appeal.

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

The determination of the Board shall be deemed to be 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.