

**Complaints**

The Solano County Office of Education (SCOE) recognizes the need to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The County Superintendent expects that employees and supervisors will make every effort to resolve complaints and disagreements informally before filing a formal complaint.

SCOE prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file.

Except as specified below, the following procedure shall be used for any complaint by an employee alleging misapplication of SCOE's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper SCOE activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety.

Complaints alleging unlawful discrimination on any basis specified in SCOE's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with SCOE's procedure for complaints regarding discrimination in employment.

Complaints regarding unlawful discrimination in SCOE programs or SCOE's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with SCOE's Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy, or misassignment, an urgent or emergency facility condition, or the failure to provide intensive instruction to students who did not pass the high school exit examination by the end of grade 12 shall be resolved in accordance with SCOE's Williams Uniform Complaint Procedures. (5 CCR 4621)

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

Any of the time limits specified in this procedure may be extended by written agreement between SCOE and complainant.

1. Informal Complaints

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

2. Site Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process, the complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered settled on the basis of the answer given at the preceding step.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within 10 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. Within five working days after the meeting, s/he shall prepare and send a written response to the complainant.

3. Program Level Formal Complaint Procedure

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file the written complaint with the appropriate program director within 5 working days of receiving the answer at Step 2. All information presented at Step 2 shall be included with the complaint, and the immediate supervisor or principal shall submit to the program director a report describing attempts to resolve the complaint at Steps 1 and 2.

Within 10 working days of receiving the complaint, the program director shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint.

Within 5 working days after the meeting, the program director shall prepare and send a written response to the complainant and all concerned parties.

4. Appeal to County Superintendent or Designee

If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the County Superintendent or designee within 5 working days of receiving the program director's answer. All information presented at Steps 1, 2, and 3 shall be included with the appeal along with a written report describing attempts to resolve the complaint at each Step.

Within 5 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The Superintendent or designee shall prepare and send a written response to the complainant and all concerned parties within 5 working days. The County Superintendent's/designee's decision shall be final

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35186 Williams uniform complaint procedures

44110-44114 Reporting by school employees of improper governmental activity

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

53296 Definitions

53296-53299 Disclosure of confidential information; whistleblower

LABOR CODE

1102.5-1106 Whistleblower protections

Legal Reference: (Continued)

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in district programs and activities

Policy Cross-Reference:

0410 Nondiscrimination in District Programs and Activities

4031 Complaints Concerning Discrimination in Employment

1312.1 Complaints Concerning Employees

1312.3 Uniform Complaint Procedures

1312.4 Williams Uniform Complaint Procedures

3320 Receipt of Claims, Actions, Summons, Complaints Against SCOE

4031 Complaints Concerning Discrimination in Employment

4112.6 Personnel Records

4119.1 Civil and Legal Rights

4119.11 Sexual Harassment

4119.23 Unauthorized Release of Confidential/Privileged Information