

PERSONNEL FORMAL COMPLAINT PROCEDURE

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For the purpose of this policy, a formal complaint shall be a written statement by a staff member that a disagreement exists over the application of the Mountain View School District Board Policy. All formal complaints shall contain a concise statement of the disagreement and the policy/policies which is/are allegedly violated.

Every effort shall be made to settle the formal complaint at the lowest possible level of the formal complaint procedure.

Formal complaints will be processed in the following manner and within the stated time limits. When school is not in session, "days" shall mean work week days exclusive of federal holidays.

Step 1 - A staff member shall promptly attempt to resolve the complaint informally between the staff member and his/her principal. If the complaint is not resolved informally, it shall be reduced to writing by the staff member who shall submit it to the principal. If a staff member does not submit his/her formal complaint to the principal in writing in accordance with Step 1 within fifteen (15) days after the facts upon which the complaint is based first occurred, the complaint will be deemed waived.

The principal will reply in writing to the staff member within ten (10) school days after receipt of the written formal complaint.

Step 2 - If the formal complaint is not settled in Step 1 and the staff member wishes to appeal the formal complaint to Step 2, the staff member may file the formal complaint in writing to the Superintendent of schools within ten (10) school days after receipt of the principal's written answer. The written formal complaint shall give a clear and concise statement of the alleged complaint including the fact upon which the complaint is based, the issues involved, the policy provisions involved, and the relief sought. The Superintendent or his/her representative shall thoroughly review the formal complaint, arrange for necessary discussions, and give a written answer to the staff member no later than twenty (20) school days after receipt of the written formal complaint.

Step 3 - If the formal complaint is not settled at Step 2, the staff member may within five (5) days after a decision by the Superintendent, refer the formal complaint to the Board of Trustees through the Superintendent. The Board will then at their next available meeting, hear the formal complaint. The Step 3 formal complaint shall be on the basis of Step 2. Neither party shall be permitted to assert in the proceedings any evidence which was not submitted to the other party before the completion of Step 2 meetings. The Board may uphold, modify, or overturn the ruling of the Superintendent.

Upon conclusion of the hearing, the Board will have ten (10) days to provide its written decision to the staff member.

The Board will attempt to hear formal complaint(s) outside of school hours. If the Board finds it necessary to hear a formal complaint during school hours, the staff member filing the complaint and necessary witnesses shall suffer no loss of pay for attendance at the Board's hearing.

Each party shall bear all costs of producing their own witnesses, preparation of exhibits and other materials, including the production of a record or transcript of the proceeding unless such record or transcript is desired by both parties.

Procedure By-Pass

Formal Complaints involving more than one employee, formal complaints involving an administrator above the building level or those formal complaints promulgated by the Board may be initially filed at Step 2 or Step 3.

Non-Reprisal Clause

No reprisals of any kind shall be taken by the Board or the administration against any employee because of the employee's participation in this formal complaint procedure.

Formal Complaint Files

All documents, communications, and records dealing with the processing of a formal complaint shall be maintained separately from the personnel files of the participant(s).

Withdrawal of Formal Complaint

A formal complaint may be withdrawn in writing at any level without establishing precedent.

Policy History:

Adopted on: July 18, 2011

Revised on: