

VII. Complaints and Grievances

Northside provides for orderly and equitable procedures for resolving employee complaints. The following steps should be followed carefully, with special attention given to the timelines. A copy of the grievance form may be found in Appendix K.

A. PURPOSE

The purpose of Policy DGBA (Local) is to provide employees an orderly process for the prompt and equitable resolution of complaints. The Board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level.

Additionally, since many employee concerns can be more effectively resolved through direct communication with the immediate supervisor or through channels provided for communication with senior staff than by resorting to this official process for presentation of complaints, the Board expects employees to take full advantage of those less formal processes when they are appropriate.

B. OTHER REVIEW PROCESSES

Some topics are governed by other review processes and are not subject to this policy. Employee termination procedures are found in policy series DF and at DCD(LOCAL). An employee's dismissal or nonrenewal may be the subject of a complaint under this policy only if the District does not otherwise provide for a hearing on the matter. For complaints against peace officers, see CKE(LEGAL).

C. NONDISCRIMINATION

The names of District coordinators for compliance with federal nondiscrimination laws are found at DAA(LOCAL). Issues specific to sexual harassment complaints are found at DHC.

D. NOTICE TO EMPLOYEES

The principal of each campus and other supervisory personnel shall ensure that all employees under their supervision are informed of this policy (DGBA Local). Employees shall be provided a copy of the policy at the time of employment and whenever it is revised.

E. DEFINITION

A complaint under this policy shall include grievances concerning an employee's wages, hours, or conditions of work and specific allegations of unlawful discrimination in employment on the basis of sex (including allegations of sexual harassment), race, religion, national origin, age, or disability, or on the basis of the employee's exercise of constitutional rights. [See DHC(LEGAL)] A complaint must specify the individual harm alleged.

F. CONSOLIDATION

When the administrator hearing a complaint determines that two or more individual complaints are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the complaints.

G. FREEDOM FROM RETALIATION

Neither the Board nor the administration shall unlawfully retaliate against any employee for bringing a complaint under this policy. [See DG (LEGAL)]

H. "WHISTLEBLOWER" COMPLAINTS

Employees who allege adverse employment action in retaliation for reporting a violation of law to an appropriate authority shall initiate a grievance under this policy within fifteen (15) calendar days after the date the alleged employment action occurred or the employee first knew of the alleged adverse employment action. The complaint shall be filed in accordance with LEVEL THREE below. Time lines for the employee and the District set out in this policy may be shortened to ensure that the Board to make a final decision within sixty days of the initiation of the complaint.

I. GENERAL PROVISIONS

Complaints shall be heard in informal administrative conferences. All complaints arising out of an event or related series of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints concerning events about which the employee has previously complained. Costs of any complaint shall be paid by the party incurring them.

In resolving complaints, time is of the essence. All time limits shall be strictly complied with, unless extended by mutual consent. All references are to working days unless otherwise stated.

The appropriate administrator at each level shall respond to the employee within ten working days of a complaint conference. Written complaints shall receive a written response. The employee has five working days after receiving a response to appeal to the next level. The complaint shall be considered concluded if the employee does not appeal within that limit.

Employees shall be entitled to administrative review conferences as outlined in the Level One, Level Two, and Level Three sections below and to an informal presentation of the complaint to the Board as specified in the Level Four section, unless the Board grants a hearing.

If an employee alleges in writing specific facts that, if true, would constitute a violation of the employee's common law, statutory, or constitutional rights, the Superintendent or designee shall investigate the allegations. If the employee does not accept the Superintendent's resolution at Level Three and requests a Board hearing, the Superintendent shall schedule a hearing as specified in the Level Four section below.

J. LEVEL ONE

An employee who has a complaint which he or she is not able to resolve informally shall submit the complaint to the Level One Administrator in writing, on a form provided by the District, within five working days following the informal conference no later than 15 days following the incident/event that precipitated the complaint.

For central staff personnel, the Level One Administrator shall be the department director, or where there is none, the senior staff member to whom the employee reports. When a deputy superintendent hears a com-

plaint at Level One, Level Two of this process is omitted.

For campus personnel, the Level One Administrator normally shall be the principal. However, if during the informal conference the principal determines that the complaint concerns a District policy or practice that should more properly be addressed at the central staff level, he or she may direct the employee to the appropriate department director or other staff member at Level One.

K. LEVEL TWO

If the outcome of the conference at Level One is not acceptable to the employee, he or she may advance the complaint to Level Two, in writing, within five working days after receiving the response.

At Level Two, complaints heard at Level One by central office staff shall be addressed to the appropriate deputy superintendent (or assistant superintendent); those heard by principals shall be addressed to the deputy superintendent for administration, who shall serve as the Level Two Administrator or assign the complaint to another deputy superintendent (or assistant superintendent) who should more logically serve in that role.

The deputy superintendent who serves as Level Two Administrator may either hear the complaint directly or appoint a three-member administrative panel to hear the complaint and recommend a response. The panel shall include any senior staff member who is in a line relationship between the complainant and the deputy superintendent; if no panel is appointed, opportunity shall be provided to such senior staff to have direct input to the deputy superintendent on the matter.

L. LEVEL THREE

If the outcome of the conference at Level Two is not acceptable to the employee, he or she may advance the complaint to the Superintendent at Level Three in writing within five working days after receiving the response.

M. LEVEL FOUR

If the disposition of the complaint by the Superintendent is not acceptable to the employee, he or she may advance the complaint to the Board by submitting a written request to the Superintendent within five working days after receiving the response.

N. PRESENTATION

The Superintendent shall place the matter on the agenda for a future Board meeting and shall inform the employee in writing of the date, time, and place of the meeting. A record of the Level Four proceeding before the Board shall be made by audiotape or certified court reporter. The Board President may set reasonable time limits on complaint presentations.

O. HEARING

Employees who are granted a hearing shall be afforded that hearing in a meeting that includes the hearing as an item on the posted agenda. The hearing before the Board shall be recorded by audiotape. The superintendent or designee shall inform the employee of the date, time, and place of the meeting.

The Superintendent or designee shall provide the Board with copies of the employee's original grievance, all responses, and any written documentation previously submitted by the employee and the administration. The Board is not required to consider documentation not previously submitted or issues not previously presented.

The Board shall hear the grievance and may request a response from the administration. The Board shall then make and communicate its decision orally or in writing at anytime up to and including the next regularly scheduled Board meeting.

P. CLOSED MEETING

If the grievance involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the grievance, it may be heard by the Board in closed meeting, unless the employee bringing the grievance requests it to be heard in public. However, if the grievance involves a complaint or charge against another District employee or a Board member, it shall be heard in closed meeting unless an open hearing is requested in writing by the employee or Board member against whom the complaint or charge is brought.

Q. EXCEPTION

However, if the grievance involves a complaint or charge against another District employee or a Board member, it shall be heard in closed meeting unless an open meeting is requested in writing by the employee or Board member against whom the complaint or charge is brought.