

Morrow County School District

Code: **GBM**
Revised: 4/13/15; 6/13/16
Readopted: 5/11/15; 8/15/16
Orig. Code(s): 8900

Staff Complaints

~~It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information in a manner as to disclose employer violations of any federal or state law, rule or regulation, mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.~~

~~Realizing that there should be some organized procedure to facilitate the resolution of complaints~~ **Morrow County School district will use complaint procedures in this policy** for all employees who ~~contend they have been subject to~~ believe there is evidence of, and wishes to report a violation, misinterpretation or inappropriate application of district policies and/or administrative regulations; a mismanagement, gross waste of funds or abuse of authority, or believe there is evidence that the district created a substantial and specific danger to public health and safety by its actions. ~~T~~the Board hereby establishes a policy to outline the approved steps. It is expected that a large majority of complaints will be settled by a conference of the employee and his/her immediate supervisor. However, it is recognized that a structural procedure for handling problems is sometimes necessary.

The complaint procedure will not be used to resolve disputes and disagreements related to the provisions of any collective bargaining agreement, nor will it be used in any instance where a collective bargaining agreement provides a dispute resolution procedure. Disputes concerning an employee's dismissal, contract non-renewal or contract non-extension will not be processed under this procedure.

The purpose of this procedure is to promote good human relations on the job and to provide a procedure for settling differences on a local basis. The district will use the complaint process in this policy to address any alleged violations of this policy. However, nothing in the complaint procedure can preclude the right of either party to have access to the judicial process.

General Provisions

1. Any step in the procedure may resolve the problem. If the complainant fails to appeal a complaint to the next level within the specified time limits, he/she shall be deemed to have accepted the decision at that level.
2. Complaints will be heard at times agreeable to the parties concerned.
3. The time limits specified may be modified by mutual agreement of the employee and the supervisor.
4. Complaints carried beyond the immediate supervisor shall be presented in writing and written records shall be kept on all proceedings beyond that point.

Steps of Procedure

- First Step** Employee presents his/her complaint either orally or in writing to his/her immediate supervisor¹ or makes a report to any member of the Collective Risk Management Team, or makes a report via the Employee Protection Line which activates the CRM team. A decision or response to the complainant is given within two working days after the interview or report. If the matter is settled or explained to the employee's satisfaction it ends here.
- Second Step** If the employee wishes to proceed beyond step one, he/she must, within five days, file an appeal in writing to the superintendent's office. The written appeal must be presented through the immediate supervisor in order that it may include the supervisor's disposition of the case. The superintendent shall arrange for a conference with the employee and supervisor within two days of the receipt of the appeal. The superintendent shall attempt to resolve the differences to the mutual satisfaction of both parties. A reply to the appeal shall be made within three working days of the conference.
- Third Step** If the complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within ten (10) working days after receipt of the Step II decision. The superintendent or designee will arrange such meetings with the complainant or other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within ten (10) working days.
- Fourth Step** If the decision recommended by the superintendent after review of the complaint committee report, does not solve the problem, the employee has the right of appeal to the Board. The appeal must be made in writing to the Board, through the superintendent's office, at least discussed informally in an executive session of the Board with the employee and the superintendent, unless an open meeting is requested, as provided by law. The decision of the Board shall be final.

The above procedure will be used in all matters not expressly covered in the collective bargaining agreement between the local employee associations and the district. In matters covered by the collective bargaining agreement, the grievance procedure contained in the agreement shall apply.

END OF POLICY

Legal Reference(s):

[OAR 581-022-1720](#)

Anderson v. Central Point School District No. 6, 554 F. Supp. 600 (D. Oregon 1982); aff'd in part, 746 F. 2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

¹In all cases not involving district office staff, the immediate supervisor shall be the building principal.