

PROPOSED REVISIONS

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process [has been followed](#):

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with ~~the DIA series~~.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with ~~the DIA series~~.
3. Complaints concerning retaliation ~~relating~~[related](#) to discrimination and harassment shall be submitted in accordance with ~~the DIA series~~.
4. Complaints concerning instructional resources shall be submitted in accordance with the EF series.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice to Employees

The District shall inform employees of this policy through appropriate District publications [and on the District's website](#).

~~Guiding Principles~~ Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate [campus or District](#) administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

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Filing Deadlines

If an employee has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution during the process, the employee must file a complaint within 15 business days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

Deadline Extensions

All deadlines shall be strictly followed unless otherwise required by law or modified by mutual written consent.

~~Direct
Communication with
Board Members~~

~~Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.~~

Formal Process

An employee may initiate the formal process described below by timely filing a written complaint form.

~~Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.~~

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, the employee shall file Level One complaints with the campus principal for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

Option to Continue
Informal Process

Even after initiating the formal complaint process, the employee is encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

Notice of Complaint

A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. The employee shall have sufficient opportunity to

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submit a written response to the complaint that shall be included in the record of the complaint.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

Whistleblower Complaints

Whistleblower complaints shall be filed within the time specified by law and may be made ~~to the Superintendent or designee~~ beginning at Level ~~Three~~Two. Timelines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]

Complaints Against Supervisors

Complaints alleging a violation of law by a supervisor may be made to the Superintendent ~~or designee~~. ~~Complaint forms~~. Complaints alleging a violation of law by the Superintendent may be submitted directly to the Board or Board's designee.

Direct Communication with Board Members

Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, ~~including email and fax~~, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three business days after the deadline.

Scheduling
~~Conferences~~Hearings

The District shall make reasonable attempts to schedule ~~conferences~~hearings at a mutually agreeable time. If the employee fails to appear at a scheduled ~~conference~~hearing, the District may hold the ~~conference~~hearing and issue a decision in the employee's absence.

~~Response~~
~~At Levels One, Two, and Three,~~
~~"response"~~Decision

A "decision" shall mean a written communication to the employee from the appropriate administrator. ~~Responses~~ that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.

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The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Four, the decision shall include information on submitting an appeal to the commissioner.

A decision may be hand-delivered, sent by electronic communication to the employee's email address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed ~~responses~~decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.

~~Days~~

~~"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."~~

~~Representative~~

~~"Representative" shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her~~the employee ~~in the complaint process.~~

The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three business days' notice to the District before a scheduled ~~conference or~~ hearing, the District may reschedule the ~~conference or~~ hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

~~Consolidating
Complaints~~

~~Complaints arising out of an event or a series of related events shall be addressed~~To promote efficiency in one complaint. Employees shall not file addressing complaints, the appropriate administrator shall determine if separate or serial complaints arising from ~~an~~an event or series of related events ~~that have been or could have been addressed in a previous complaint~~shall be consolidated.

~~When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.~~

~~Untimely Filings~~

~~All time limits shall be strictly followed unless modified by mutual written consent.~~

~~If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.~~

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Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. Copies of any documents that support the complaint should be at- tached to <u>included with</u> the complaint form. If the employee does not have copies of these documents, they <u>copies</u> may be presented at the Level One conference <u>hearing</u>. After the Level One confer- ence, no new <u>hearing, the employee may supplement the record with additional</u> documents may or include additional claims.
<u>Record</u>	<u>A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the employee unless the employee did not know the documents existed before who filed the Level One conference com- plaint, documents determined relevant by District personnel, and the decision.</u>
<u>Remand</u>	A complaint or appeal form that is incomplete in any material as- pect may be dismissed but may <u>shall</u> be refiled with, if at Level One, and remanded at all the required information if other levels in order to develop an adequate record of the refiling is within <u>com- plaint.</u> <u>If an adequate record has not been developed, the designated time for filing appropriate administrator may remand the complaint to a lower level. The Board or Board committee may remand a com- plaint to a lower level if at the Board level of review an adequate record has not been developed.</u>
<u>Assignment of Hearing Officer</u>	<u>If the only administrator who has authority to remedy the alleged problem is the Superintendent, the complaint may begin at the ap- propriate level following this policy, including any established dead- lines.</u> <u>When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject of the complaint shall recuse themselves from reviewing the com- plaint at any level in the process.</u>
<u>Investigation</u>	<u>The District may conduct an investigation at any level in the com- plaint process. If the District and the employee mutually agree, all deadlines shall be suspended during an investigation.</u>
Audio Recording	As provided by law, an employee shall be permitted to make an au- dio recording of a conference or hearing under this policy at which

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the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

Complaint Levels

Level One

~~Complaint forms must be filed:~~

- ~~1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and~~
- ~~2. With the lowest level administrator who has the authority to remedy the alleged problem.~~

~~In most circumstances, employees on a school campus shall file At Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.~~

~~If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Three following the procedure, including deadlines, for filing the complaint form at Level One.~~

~~If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.~~

~~The, the appropriate administrator~~hearing officer shall ~~investigate as necessary and schedule~~hold a ~~conference~~hearing with the employee within ~~ten~~10 calendar days after receipt of the written complaint. The ~~administrator~~hearing officer may set reasonable time limits for the ~~conference~~hearing.

~~Absent extenuating circumstances, the administrator~~The hearing officer shall provide the employee a ~~written response~~decision within ~~ten~~20 calendar days following the ~~conference~~hearing. ~~The written response shall set forth the basis of the decision~~hearing. In reaching a decision, the ~~administrator~~hearing officer may consider information provided ~~at~~with the ~~Level One conference~~complaint form and any other relevant documents or information the ~~administrator~~hearing officer believes will help resolve the complaint.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a ~~response~~decision has expired, the employee may request a ~~conference with the appropriate assistant superintendent~~hearing at Level Two to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~

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Level One ~~response~~decision or, if no ~~response was received~~decision has been communicated to the employee, within ~~ten~~20 calendar days of the Level One ~~response~~decision deadline.

After receiving notice of the appeal, the Level One ~~administrator~~hearing officer shall prepare and forward a record of the Level One complaint to the Level Two ~~administrator~~hearing officer. ~~The employee may request~~hearing officer and provide a copy of the Level One record to the employee.

The Level One record shall include:

1. The original complaint form and any attachments.
2. ~~All~~Any other documents submitted by the employee at Level One.
3. ~~The~~If the complaint is against a District employee, the written response of the District employee, if any.
- 3.4. The decision issued at Level One and any attachments.
- 4.5. All other documents relied upon by the Level One ~~administrator~~hearing officer in reaching the Level One decision.

The ~~Level Two administrator~~hearing officer shall ~~schedule~~hold a ~~conference~~hearing within ~~ten~~10 calendar days after the appeal notice is filed. The ~~conference shall be limited to the issues and documents considered at Level One. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator~~hearing officer may set reasonable time limits for the ~~conference~~hearing.

The ~~Level Two administrator~~hearing officer shall provide the employee a ~~written response~~decision within ~~ten~~20 calendar days following the ~~conference~~hearing. ~~The written response shall set forth the basis of the decision.~~hearing. In reaching a decision, the ~~Level Two administrator~~hearing officer may consider the Level One record, any additional information provided at prior to the Level Two ~~conference~~hearing, and any other relevant documents or information the ~~Level Two administrator~~hearing officer believes will help resolve the complaint.

Recordings of the Level One and Level Two ~~conferences~~hearings, if any, shall be maintained with the Level One and Level Two records.

~~At the Superintendent's discretion for any given case, the Level Two conference may be waived, and the Superintendent may hear the appeal at Level Three.~~

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Level Three

If the employee did not receive the relief requested at Level Two or if the time for a ~~response~~decision has expired, the employee may request a ~~conference with the Superintendent or designee~~hearing at Level Three to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level Two ~~response~~decision or, if no ~~response was received~~decision has been communicated to the employee, within ~~ten~~20 calendar days of the Level Two ~~response~~decision deadline.

After receiving notice of the appeal, the Level Two ~~administrator~~hearing officer shall prepare and forward a record of the Level Two ~~appeal~~complaint to the Level Three ~~administrator~~. ~~The employee may request~~hearing officer and provide a copy of the Level Two record to the employee.

The Level Two record shall include:-:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. Any other documents submitted by the complainant at Level Two.
- ~~3.4.~~ The ~~written response~~decision issued at Level Two and any attachments.
- ~~4.5.~~ All other documents relied upon by the Level Two ~~administrator~~hearing officer in reaching the Level Two decision.

The ~~Level Three administrator~~hearing officer shall ~~schedule~~hold a ~~conference~~hearing within ~~ten~~10 calendar days after the appeal notice is filed. The ~~conference shall be limited to the issues and documents considered at Level One and Level Two and identified in the Level Three appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator~~hearing officer may set reasonable time limits for the ~~conference~~hearing.

The ~~Level Three administrator~~hearing officer shall provide the employee a ~~written response~~decision within ~~ten~~20 calendar days following the ~~conference~~. ~~The written response shall set forth the basis of the decision.~~hearing. In reaching a decision, the ~~Level Three administrator~~hearing officer may consider the Level ~~One and Level Two records,~~record, any additional information provided ~~at~~prior to

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Level Four

the Level Three ~~conference~~hearing, and any other relevant documents or information the ~~Level Three administrator~~hearing officer believes will help resolve the complaint.

Recordings of the Level One, Level Two, and Level Three ~~conferences~~hearings, if any, shall be maintained with the Level ~~One, Level Two,~~ and Level Three records.

If the employee did not receive the relief requested at Level Three or if the time for a ~~response~~decision has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level Three ~~response~~decision or, if no ~~response was received~~decision has been communicated to the employee, within ~~ten~~20 calendar days of the Level Three ~~response~~decision deadline.

Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Three decision.

After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Three decision was made.

The Superintendent ~~or designee~~ shall inform the employee whether the Board or a Board committee will hear the appeal and of the date, time, and place of the ~~Board~~meeting at which the complaint will be on the agenda for presentation to the Board or Board committee.

At least five business days before the Board or Board committee meeting, the Superintendent shall provide the employee a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing.

The Superintendent ~~or designee~~ shall provide the Board the record of the Level Three appeal. The employee may request a copy of the Level Three record.

The Level Three record shall include~~:-~~:

1. The Level One record.
2. The Level Two record.
3. The notice of appeal from Level Two to Level Three.
4. Any other documents submitted by the employee at Level Three.

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~~4.5.~~ The ~~written response~~decision issued at Level Three and any attachments.

~~5.6.~~ All other documents relied upon by the administration in reaching the Level Three decision.

~~The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.~~

~~The District shall determine whether~~may request that the complaint ~~will be presented~~heard in open or closed meeting ~~in accordance with~~. The District shall honor that request unless the Texas Open Meetings Act ~~and/or~~ other applicable law: requires otherwise. [See BE]

~~The~~At the meeting, the presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by ~~the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.~~Board members.

In addition to any other record of the ~~Board~~ meeting required by law, the Board or Board committee shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from ~~the Board~~ members with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board or Board committee shall then consider the complaint. It ~~may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not~~shall make a decision regarding no later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint ~~by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.~~

Use of Hearing
Officer

~~The grievance may be~~was presented ~~to the Board or, at its election, to a designated hearing officer who shall, in turn, make a written recommendation for disposition to the Board. Hearing officers may be District employees who were not involved in the subject matter of the grievance or the grievance process, or they may be~~

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~~persons not employed by the District. If the Board designates a hearing officer to hear the grievance, it shall review the hearing officer's written recommendation at its first regular meeting following receipt of same. The employee and the administration shall be provided a copy of the recommendation before such meeting and shall be given an opportunity at the meeting to respond to the recommendation either orally or in writing, at the Board's election. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.~~

Hearing Procedures

~~The form of presentation of the grievance shall be determined by the Board or its designated hearing officer, and all proceedings before the Board or the hearing officer shall be recorded by audio-tape. Generally, no witnesses shall be presented and no cross-examination of witnesses shall occur, unless due process so requires. In each case, the grievant shall be permitted to make a presentation to the Board or its designated hearing officer within the time allotted and shall be able to offer such written evidence as the Board or its designated hearing officer may deem relevant. The administration shall, in turn, be entitled to respond to the grievant~~[decision in accordance](#) ~~with its own presentation and written evidence.~~

~~The Board or its designated hearing officer is not required to consider documentation not previously submitted or issues not previously presented.~~

Closed Meeting

~~If the complaint involves the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the employee bringing the complaint, it shall be heard by the Board or its designated hearing officer in closed meeting, unless the employee bringing the complaint requests it to be heard in public.~~

Exception

~~However, if the complaint constitutes a complaint or charge against another District employee, it shall be heard in closed meeting unless an open hearing is requested in writing by the employee against whom the complaint or charge is brought.~~[this policy and state law.](#)

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PROPOSED REVISIONS

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

**Other Complaint
Processes**

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process has been followed:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with ~~the FFH-series~~.
2. Complaints concerning dating violence shall be submitted in accordance with ~~the FFH-series~~.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with ~~the FFH-series~~.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

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11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.

~~11.~~12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

~~12.~~13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

~~13.~~14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications and on the District's website.

Guiding Principles
Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other appropriate campus or District administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Filing Deadlines

After Informal Process

If a student or parent has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution ~~shall be encouraged but~~ during the process, the student or parent shall have the later of:

- Ninety calendar days to file a complaint from the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint; or
- Thirty calendar days to file a complaint from the date on which the District provided information to the student or parent regarding how to file a grievance.

[See Formal Process, below]

No Prior Informal Process

If the student or parent has not engaged in the informal process, the student or parent shall ~~not extend any~~ have no more than 60 calendar days from the date the student or parent first knew, or

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with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance to file a complaint using the appropriate forms.

Deadline Extensions

All deadlines ~~in this policy, except~~ shall be strictly followed unless otherwise required by law or modified by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

~~Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.~~

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, students and parents shall file Level One complaints with the campus principal for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.

A Board member shall be permitted to file a complaint under this policy, but, if the complaint is considered by the Board or Board committee, the Board member shall be prohibited from voting on the Board’s or Board committee’s decision.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

Option to Continue Informal Process

Even after initiating the formal complaint process, the complainant is encouraged to seek informal resolution of their concerns. A complainant whose concerns are resolved may withdraw a formal complaint at any time.

Notice of Complaint

A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.

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**Freedom from
Retaliation**

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, ~~including email and fax,~~ or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three business days after the deadline.

Scheduling
~~Conferences~~Hearings

The District shall make reasonable attempts to schedule ~~conferences~~hearings at a mutually agreeable time. If a ~~student or parent complainant~~ fails to appear at a scheduled ~~conference~~hearing, the District may hold the ~~conference~~hearing and issue a decision in the ~~student's or parent's~~complainant's absence.

~~Response~~
~~At Levels One, Two, and Three,~~
~~“response”~~Decision

A “decision” shall mean a written communication to the ~~student or parent~~complainant from the appropriate administrator. ~~Responses that provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.~~

The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Four, the decision shall include information on submitting an appeal to the commissioner.

A decision may be hand-delivered, sent by electronic communication to the ~~student's or parent's~~complainant's email address of record, or sent by U.S. Mail to the ~~student's or parent's~~complainant's mailing address of record. Mailed ~~responses~~decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.

~~Days~~

~~“Days” shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”~~

Representative

“Representative” shall mean any person who or organization that is designated by the ~~student or parent~~complainant to represent the

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	student or parent<u>complainant</u> in the complaint process. A student may be represented by an adult at any level of the complaint. The student or parent<u>complainant</u> may designate a representative through written notice to the District at any level of this process. <u>The representative may participate in person or by telephone conference call.</u> If the student or parent<u>complainant</u> designates a representative with fewer than three <u>business</u> days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed<u>To promote efficiency</u> in one complaint. A student or parent shall not file<u>addressing complaints, the appropriate administrator shall determine if</u> separate or serial complaints arising from <u>any</u> event or series of <u>related</u> events that have been or could have been addressed in a previous complaint.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness<u>consolidated.</u>
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. [See FNG(EXHIBITS)] Copies of any documents that support the complaint should be attached to<u>included with</u> the complaint form. If the student or parent<u>complainant</u> does not have copies of these documents, copies may be presented at the Level One conference<u>hearing</u>. After the Level One conference, no new<u>hearing, the complainant may supplement the record with additional</u> documents may or include additional claims.
<u>Record</u>	<u>A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the</u> student or parent unless the student or parent did not know the documents existed before<u>complainant, documents</u>

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determined relevant by District personnel, and the ~~Level One conference~~ decision.

Remand

A complaint or appeal form that is incomplete in any material aspect ~~may be dismissed but may shall~~ be refiled ~~with, if at Level One, and remanded at all other levels in order to develop an adequate record of the required information if complaint.~~

If an adequate record has not been developed, the ~~refiling is with-~~ in appropriate administrator may remand the ~~designated time for filing~~ complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.

Assignment of
Hearing Officer

If the only administrator who has authority to remedy the alleged problem is the Superintendent, the complaint may begin at the appropriate level following this policy, including any established deadlines.

When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

Investigation

The District may conduct an investigation at any level in the complaint process. If the District and the complainant mutually agree, all deadlines shall be suspended during an investigation.

Complaint Levels

Level One

~~Complaint forms must be filed:~~

- ~~1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and~~
- ~~2. With the lowest level administrator who has the authority to remedy the alleged problem.~~

~~In most circumstances, students and parents shall file At Level One complaints with the campus principal.~~

~~If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Three following the procedure, including deadlines, for filing the complaint form at Level One.~~

~~If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.~~

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~~The appropriate administrator~~appropriate hearing officer shall ~~investigate as necessary and schedule~~hold a ~~conference~~hearing with the ~~student or parent~~complainant within ~~ten~~10 calendar days after receipt of the written complaint. The ~~administrator~~hearing officer may set reasonable time limits for the ~~conference~~hearing.

~~Absent extenuating circumstances, the administrator~~The hearing officer shall provide the ~~student or parent~~complainant a ~~written response decision~~written response decision within ~~ten~~20 calendar days following the ~~conference~~hearing. The written response shall set forth the basis of the ~~decision~~hearing. In reaching a decision, the ~~administrator~~hearing officer may consider information provided ~~at~~with the ~~Level One conference complaint form~~Level One conference complaint form and any other relevant documents or information the ~~administrator~~hearing officer believes will help resolve the complaint.

Level Two

If the ~~student or parent~~complainant did not receive the relief requested at Level One or if the time for a ~~response~~decision has expired, the ~~student or parent~~complainant may request a ~~conference with the appropriate assistant superintendent~~hearing at Level Two to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~Level One response decision or, if no ~~response was received~~decision has been communicated to the complainant, within ~~ten~~20 calendar days of the Level One ~~response~~decision deadline.

After receiving notice of the appeal, the Level One ~~administrator~~hearing officer shall prepare and forward a record of the Level One complaint to the Level Two ~~administrator~~hearing officer. ~~The student or parent may request~~hearing officer and provide a copy of the Level One record to the complainant.

The Level One record shall include:

1. The original complaint form and any attachments.
2. ~~All~~Any other documents submitted by the ~~student or parent~~complainant at Level One.
3. ~~The~~If the complaint is against a District employee, the written response of the District employee, if any.
- ~~3-4.~~4. The decision issued at Level One and any attachments.
- ~~4-5.~~5. All other documents relied upon by the Level One ~~administrator~~hearing officer in reaching the Level One decision.

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The ~~Level Two administrator~~ hearing officer shall ~~schedule~~ hold a ~~conference~~ hearing within ~~ten~~ 10 calendar days after the appeal notice is filed. The ~~conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator~~ hearing officer may set reasonable time limits for the ~~conference~~ hearing.

The ~~Level Two administrator~~ hearing officer shall provide the ~~student or parent~~ complainant a ~~written response~~ decision within ~~ten~~ 20 calendar days following the ~~conference~~ hearing. ~~The written response shall set forth the basis of the decision.~~ In reaching a decision, the ~~Level Two administrator~~ hearing officer may consider the Level One record, any additional information provided at prior to the Level Two ~~conference~~ hearing, and any other relevant documents or information the ~~Level Two administrator~~ hearing officer believes will help resolve the complaint.

Recordings of the Level One and Level Two ~~conferences~~ hearings, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the ~~student or parent~~ complainant did not receive the relief requested at Level Two or if the time for a ~~response~~ decision has expired, the ~~student or parent~~ complainant may request a ~~conference with the Superintendent or designee~~ hearing at Level Three to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~ 20 calendar days of the date of the ~~written~~ Level Two ~~response~~ decision or, if no ~~response was received~~ decision has been communicated to the complainant, within ~~ten~~ 20 calendar days of the Level Two ~~response~~ decision deadline.

After receiving notice of the appeal, the Level Two ~~administrator~~ hearing officer shall prepare and forward a record of the Level Two ~~appeal~~ complaint to the Level Three ~~administrator~~. ~~The student or parent may request~~ hearing officer and provide a copy of the Level Two record to the complainant.

The Level Two record shall include ~~the~~:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. Any other documents submitted by the complainant at Level Two.

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~~3.4.~~ The ~~written response~~decision issued at Level Two and any attachments.

~~4.5.~~ All other documents relied upon by the Level Two ~~administrator~~hearing officer in reaching the Level Two decision.

The ~~Level Three administrator~~hearing officer shall ~~schedule~~hold a ~~conference~~hearing within ~~ten~~10 calendar days after the appeal notice is filed. The ~~conference shall be limited to the issues and documents and considered at Level One and Level Two and identified in the Level Three appeal notice. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator~~hearing officer may set reasonable time limits for the ~~conference~~hearing.

~~The Superintendent or designee may appoint~~The hearing officer shall provide the complainant a panel or another administrator to conduct a hearing. ~~If the Superintendent or designee appoints another administrator or panel to conduct a hearing, the administrator or panel shall make a recommendation to the Superintendent.~~

~~The Level Three administrator shall provide the student or parent a written response~~decision within ~~ten~~20 calendar days following the conference. ~~The written response shall set forth the basis of the decision.~~hearing. In reaching a decision, the ~~Level Three administrator~~hearing officer may consider the Level ~~One and Level Two records,~~record, any additional information provided ~~at~~prior to the Level Three ~~conference~~hearing, and any other relevant documents or information the ~~Level Three administrator~~hearing officer believes will help resolve the complaint.

~~If the complaint concerns a disciplinary sanction other than a recommendation for expulsion, the student or parent shall appeal to the Superintendent or designee within two days of the receipt of the assistant superintendent's or designee's decision. Upon receipt of the written appeal, the Superintendent or designee may conduct a hearing, appoint another administrator to conduct a hearing, or appoint a panel of three administrators to conduct a hearing. If the Superintendent or designee appoints another administrator or a panel to conduct a hearing, the administrator or panel shall make a recommendation to the Superintendent or designee. The Superintendent or designee shall render a decision within ten days of receipt of the recommendation from the administrator or panel.~~

Recordings of the Level One, Level Two, and Level Three ~~conferences~~hearings, if any, shall be maintained with the Level ~~One, Level Two,~~ and Level Three records.

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Level Four

If the ~~student or parent~~complainant did not receive the relief requested at Level Three or if the time for a response decision has expired, the ~~student or parent~~complainant may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level Three response decision or, if no ~~response was received~~decision has been communicated to the complainant, within ~~ten~~20 calendar days of the Level Three response decision deadline.

Hearing Officer

~~The Board, at its election, may designate a hearing officer who shall, in turn, make a written recommendation for disposition to the Board. Hearing officers may be District employees who were not involved in the subject matter of the complaint or the complaint process or may be persons not employed by the District.~~

~~If the Board chooses this option, the~~ Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Three decision.

After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Three decision was made.

The Superintendent or designee shall inform the student complainant whether the Board or parent a Board committee will hear the appeal and of the date, time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board or Board committee.

At least five business days before the Board or Board committee meeting, the Superintendent shall provide the complainant a description of any information the Board intends to rely on that is not contained in the record created at the previous hearing levels, including any preliminary hearing at which the complaint will be heard by the hearing officer.

The Superintendent ~~or designee~~ shall provide the ~~hearing officer~~Board the record of the Level Three appeal. The ~~student or parent~~complainant may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.
3. The notice of appeal from Level Two to Level Three.

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4. Any other documents submitted by the complainant at Level Three.

4.5. The ~~written response~~decision issued at Level Three and any attachments.

5.6. All other documents relied upon by the administration in reaching the Level Three decision.

~~The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing, the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.~~

~~The District shall make an audiotape record of the Level Four proceeding before the hearing officer. If the Board designates a hearing officer, the Board shall review the hearing officer's written recommendation at its first regular meeting following receipt of same. The student or parent and the administration shall be provided a copy of the recommendation before such meeting and shall be given an opportunity at the meeting to respond to the recommendation either orally or in writing, at the Board's election. The Board shall then make and communicate its decision at any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.~~

Board

~~If the Board so chooses, it shall listen to the student's or parent's complaint and take whatever action it deems appropriate. If the Board chooses this option, the Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.~~

~~The Superintendent or designee shall provide the Board with the Level Three record. The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing, the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.~~

~~The District shall determine whether the complaint will be presented~~complainant may request that the complaint be heard in open or closed meeting ~~in accordance with~~. The District shall honor that request unless the Texas Open Meetings Act ~~and/or~~ other applicable law. requires otherwise. [See BE]

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~~The~~At the meeting, the presiding officer may set reasonable time limits and guidelines for the presentation. ~~The Board shall hear, including an opportunity for the complaint complainant and may request that the~~ administration to each make a presentation and provide ~~an explanation~~ rebuttal and an opportunity for the decisions at the preceding levels. questioning by Board members.

In addition to any other record of the ~~Board~~ meeting required by law, the Board or Board committee shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the ~~student or parent~~ complainant or the ~~student's complainant's~~ representative, any presentation from the administration, and questions from ~~the Board~~ members with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board or Board committee shall then consider the complaint. It ~~may give notice of its decision orally or in writing at any time up to and including~~ shall make a decision no later than 30 calendar days after the ~~next regularly scheduled Board meeting. If for any reason date of the Board fails to reach a decision regarding~~ or Board committee meeting at which the complaint ~~by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three~~ was presented. The complainant shall be provided a decision in accordance with this policy and state law.

PROPOSED REVISIONS

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be ~~filed~~submitted in accordance with the EF series.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be ~~filed~~submitted in accordance with the CKE series.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

~~Guiding Principles~~ Informal Process

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Filing Deadlines

If a member of the public has engaged in the informal process in an attempt to resolve the complaint with the District and has not reached a resolution during the process, the individual must file a complaint within 15 business days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance.

Deadline Extensions

All deadlines shall be strictly followed unless otherwise required by law or modified by mutual written consent.

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

~~Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.~~

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The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

The complaint form shall be filed with the lowest level administrator who has the authority to remedy the alleged problem. In most circumstances, the individual shall file a Level One complaint with the campus principal for any complaint on a matter related to a campus. For a complaint that arises on a matter that is unrelated to a campus, the complaint shall be filed with the appropriate District-level administrator.

A Board member shall be permitted to file a complaint under this policy, but, if the complaint is considered by the Board or Board committee, the Board member shall be prohibited from voting on the Board’s or Board committee’s decision.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

Option to Continue
Informal Process

Even after initiating the formal complaint process, the complainant is encouraged to seek informal resolution of their concerns. A complainant whose concerns are resolved may withdraw a formal complaint at any time.

Notice of Complaint

A District employee against whom a complaint has been filed shall be provided notice of the complaint in accordance with administrative regulations. The employee shall have sufficient opportunity to submit a written response to the complaint that shall be included in the record of the complaint.

**Freedom from
Retaliation**

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, ~~including email and fax,~~ or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three business days after the deadline.

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Scheduling
~~Conferences~~Hearin
gs

The District shall make reasonable attempts to schedule ~~confer-~~enceshearings at a mutually agreeable time. If the ~~individual~~com-plainant fails to appear at a scheduled ~~conference~~hearing, the District may hold the ~~conference~~hearing and issue a decision in the ~~individual's~~complainant's absence.

~~Response~~
~~At Levels One and~~
~~Two,~~
~~"response~~Decision

A "decision" shall mean a written communication to the ~~individual~~complainant from the appropriate administrator. ~~Responses that~~provides an explanation of the basis of the decision, an indication of each document that supports the decision, and any relief or redress to be provided. A decision shall be issued on the merits of the concern raised in the complaint notwithstanding any procedural errors or the type of relief or redress requested.

The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Four, the decision shall include information on submitting an appeal to the commissioner.

A decision may be hand-delivered, sent by electronic communication to the ~~individual's~~complainant's email address of record, or sent by U.S. Mail to the ~~individual's~~complainant's mailing address of record. Mailed ~~responses~~decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.

~~Days~~

~~"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."~~

Representative

"Representative" shall mean any person who or organization that is designated by ~~an individual~~a complainant to represent the ~~individu-~~al complainant in the complaint process.

The ~~individual~~complainant may designate a representative through written notice to the District at any level of this process. The repre-sentative may participate in person or by telephone conferencecall. If the ~~individual~~complainant designates a representative with fewer than three business days' notice to the District before a scheduled ~~conference or~~ hearing, the District may reschedule the ~~conference or~~ hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating
Complaints

~~Complaints arising out of an event or a series of related events shall be addressed~~To promote efficiency in one complaint. An indi-vidual shall not fileaddressing complaints, the appropriate adminis-trator shall determine if separate or serial complaints arising from any~~an~~ event or series of related events ~~that have been or could have been addressed in a previous complaint.~~

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<u>Untimely Filings</u>	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness<u>consolidated</u>.
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. Copies of any documents that support the complaint should be attached to<u>included with</u> the complaint form. If the individual<u>complainant</u> does not have copies of these documents, they<u>copies</u> may be presented at the Level One conference<u>hearing</u>. After the Level One conference, no new<u>hearing, the complainant may supplement the record with additional</u> documents may or include additional claims.
<u>Record</u>	<u>A record of each complaint hearing shall be created and retained in accordance with this policy. The record shall include documents submitted by the individual unless the individual did not know the complainant, documents existed before determined relevant by District personnel, and the Level One conference decision.</u>
<u>Remand</u>	A complaint or appeal form that is incomplete in any material aspect may be dismissed but may <u>shall</u> be refiled with, if at Level One, and remanded at all other levels in order to develop an adequate record of the required information if <u>complaint</u>. <u>If an adequate record has not been developed, the refiling is with-in appropriate administrator may remand the designated time for filing complaint to a lower level. The Board or Board committee may remand a complaint to a lower level if at the Board level of review an adequate record has not been developed.</u>
<u>Assignment of Hearing Officer</u>	<u>If the only administrator who has authority to remedy the alleged problem is the Superintendent, the complaint may begin at the appropriate level following this policy, including any established deadlines.</u> <u>When a District employee is the subject of a complaint, the hearing shall be conducted by an administrator who is in a supervisory or higher organizational role. The District employee who is the subject</u>

of the complaint shall recuse themselves from reviewing the complaint at any level in the process.

Investigation

The District may conduct an investigation at any level in the complaint process. If the District and the complainant mutually agree, all deadlines shall be suspended during an investigation.

Complaint Levels

Level One

~~Complaint forms must be filed:~~

- ~~1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and~~
- ~~2. With the lowest level administrator who has the authority to remedy the alleged problem.~~

~~If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Three following the procedure, including deadlines, for filing the complaint form at~~ At Level One.

~~If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.~~

~~The, the~~ appropriate ~~administrator~~ hearing officer shall ~~investigate as necessary and schedule~~ hold a ~~conference~~ hearing with the ~~individual complainant~~ within ~~ten~~ 10 calendar days after receipt of the written complaint. The ~~administrator~~ hearing officer may set reasonable time limits for the ~~conference~~ hearing.

~~Absent extenuating circumstances, the administrator~~ The hearing officer shall provide the ~~individual complainant~~ a ~~written response decision~~ within ~~ten~~ 20 calendar days following the ~~conference~~ hearing. ~~The written response shall set forth the basis of the decision~~ hearing. In reaching a decision, the ~~administrator~~ hearing officer may consider information provided ~~at~~ with the ~~Level One conference~~ complaint form and any other relevant documents or information the ~~administrator~~ hearing officer believes will help resolve the complaint.

Level Two

If the ~~individual complainant~~ did not receive the relief requested at Level One or if the time for a ~~response~~ decision has expired, ~~he or she~~ the complainant may request a ~~conference with an administrator~~ hearing at the ~~next higher administrative level~~ Level Two to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~ 20 calendar days of the date of the ~~written~~ Level One ~~response~~ decision or, if no ~~response was~~

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~~received~~ decision has been communicated to the complainant,
within ~~ten~~ 20 calendar days of the Level One ~~response~~ decision
deadline.

After receiving notice of the appeal, the Level One ~~administra-~~
~~tor~~ hearing officer shall prepare and forward a record of the Level
One complaint to the Level Two ~~administrator.~~ The individual may
~~request~~ hearing officer and provide a copy of the Level One record
to the complainant.

The Level One record shall include ~~:-~~:

1. The original complaint form and any attachments.
2. ~~All~~ Any other documents submitted by the ~~individual~~ complain-
ant at Level One.
3. ~~The~~ If the complaint is against a District employee, the written
response of the District employee, if any.
- 3.4. The decision issued at Level One and any attachments.
- 4.5. All other documents relied upon by the Level One ~~administra-~~
~~tor~~ hearing officer in reaching the Level One decision.

The ~~Level Two administrator~~ hearing officer shall ~~schedule~~ hold a
~~conference~~ hearing within ~~ten~~ 10 calendar days after the appeal no-
tice is filed. The ~~conference shall be limited to the issues and docu-~~
~~ments considered at Level One. At the conference, the individual~~
~~may provide information concerning any documents or information~~
~~relied upon by the administration for the Level One decision. The~~
~~Level Two administrator~~ hearing officer may set reasonable time
limits for the ~~conference~~ hearing.

The ~~Level Two administrator~~ hearing officer shall provide the ~~indi-~~
~~vidual~~ complainant a ~~written response~~ decision within ~~ten~~ 20 calen-
dar days following the ~~conference.~~ The written response shall set
~~forth the basis of the decision.~~ hearing. In reaching a decision, the
~~Level Two administrator~~ hearing officer may consider the Level One
record, any additional information provided at prior to the Level Two
~~conference~~ hearing, and any other relevant documents or infor-
mation the ~~Level Two administrator~~ hearing officer believes will help
resolve the complaint.

Recordings of the Level One and Level Two ~~conferences~~ hearings,
if any, shall be maintained with the Level One and Level Two rec-
ords.

Level Three

If the ~~individual~~ complainant did not receive the relief requested at
Level Two or if the time for a ~~response~~ decision has expired, ~~he or~~

~~she~~the complainant may request a ~~conference with the Superintendent or designee~~hearing at Level Three to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the District, within ~~ten~~20 calendar days of the date of the ~~written~~ Level Two ~~response~~decision or, if no ~~response was received~~decision has been communicated to the complainant, within ~~ten~~20 calendar days of the Level Two ~~response~~decision deadline.

After receiving notice of the appeal, the Level Two ~~administrator~~hearing officer shall prepare and forward a record of the Level Two ~~appeal~~complaint to the Level Three ~~administrator~~. ~~The individual may request~~hearing officer and provide a copy of the Level Two record to the complainant.

The Level Two record shall include:-:

1. The Level One record.
2. The notice of appeal from Level One to Level Two
- ~~2.3.~~ Any other documents submitted by the complainant at Level Two.
- ~~3.4.~~ The written response issued at Level Two and any attachments.
- ~~4.5.~~ All other documents relied upon by the Level Two ~~administrator~~hearing officer in reaching the Level Two decision.

The ~~Level Three administrator~~hearing officer shall ~~schedule~~hold a ~~conference~~hearing within ~~ten~~10 calendar days after the appeal notice is filed. The ~~conference shall be limited to the issues and documents considered at Level One and Level Two and identified in the Level Three appeal notice. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One and Level Two decision. The Level Three administrator~~hearing officer may set reasonable time limits for the ~~conference~~hearing.

The ~~Level Three administrator~~hearing officer shall provide the ~~individual~~complainant a ~~written response~~decision within ~~ten~~20 calendar days following the ~~conference~~. ~~The written response shall set forth the basis of the decision.~~hearing. In reaching a decision, the ~~Level Three administrator~~hearing officer may consider the Level ~~One and Level Two records,~~record, any additional information provided at prior to the Level Three ~~conference~~hearing, and any other

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	relevant documents or information the Level Three administrator<u>hearing officer</u> believes will help resolve the complaint. Recordings of the Level One, Level Two, and Level Three conferences<u>hearings</u>, if any, shall be maintained with the Level One, Level Two, and Level Three records.
Level Four	If the individual<u>complainant</u> did not receive the relief requested at Level Three or if the time for a response<u>decision</u> has expired, he or she may appeal the decision to the Board. The appeal notice must be filed in writing, on a form provided by the District, within ten<u>20 calendar</u> days of the date of the written Level Three response<u>decision</u> or, if no response was received<u>decision has been communicated to the complainant</u>, within ten<u>20 calendar</u> days of the Level Three response<u>decision</u> deadline.
Hearing Officer or Board	The Board, at its election, may designate a hearing officer who shall, in turn, make a written recommendation for disposition to the Board. Hearing officers may be District employees who were not involved in the subject matter of the complaint or the complaint process or may be persons not employed by the District. <u>Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Three decision.</u> <u>After receiving notice of the appeal, the Board or Board committee shall hold a meeting to discuss the complaint no later than 60 calendar days after the date on which the Level Three decision was made.</u> The Superintendent or designee shall inform the individual<u>complainant</u> <u>whether the Board or a Board committee will hear the appeal and</u> of the date, time, and place of the meeting at which the complaint will be on the agenda for presentation to the Board or a hearing officer<u>Board committee</u>. The<u>At least five business days before the Board or Board committee meeting, the</u> Superintendent or designee shall provide the Board or an appointed<u>complainant a description of any information the Board intends to rely on that is not contained in the record created at the previous</u> hearing officer with<u>levels, including any preliminary hearing.</u> <u>The Superintendent shall provide the Board</u> the record of the Level Three appeal. The individual<u>complainant</u> may request a copy of the Level Three record. The Level Three record shall include: 1. The Level One record.

2. The Level Two record.
3. The notice of appeal from Level Two to Level Three.
4. All other documents submitted by the complainant at Level Three.
- 4.5. The ~~written response~~decision issued at Level Three and any attachments.
- 5.6. All other documents relied upon by the administration in reaching the Level Three decision.

~~The appeal shall be limited to the issues and documents considered at Level Three, except~~complainant may request that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

~~The District shall determine whether the complaint will be presented~~heard in open or closed meeting ~~in accordance with~~. The District shall honor that request unless the Texas Open Meetings Act ~~and~~or other applicable law ~~requires otherwise~~. [See BE]

~~The~~At the meeting, the presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the ~~individual~~complainant and administration to each make a presentation and provide rebuttal and an opportunity for questioning by ~~the Board or hearing officer~~. ~~The Board or hearing officer shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.~~Board members.

In addition to any other record of the ~~Board~~ meeting required by law, the Board or ~~hearing officer~~Board committee shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the ~~individual~~complainant or ~~his or her~~the complainant's representative, any presentation from the administration, and questions from ~~the Board or hearing officer~~members with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

~~If the Board designates a hearing officer, the Board shall review the hearing officer's written recommendation at its first regular meeting following receipt of same. The individual and the administration shall be provided a copy of the recommendation before such meeting and shall be given an opportunity at the meeting to respond to the recommendation either orally or in writing, at the Board's election. The Board shall then make and communicate its decision at~~

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~~any time up to and including the next regularly scheduled Board meeting. The Board may decide to accept, reject, or modify the recommendation of the hearing officer.~~

~~The Board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.~~
The Board or Board committee shall then consider the complaint. It shall make a decision no later than 30 calendar days after the date of the Board or Board committee meeting at which the complaint was presented. The complainant shall be provided a decision in accordance with this policy and state law.