

PROPOSED REVISIONS

Note: [This local policy has been revised in accordance with the District's innovation plan. \[See AF\(LOCAL\)\]](#)

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 DIA.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with DIA.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with DIA.
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.

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 subject matter of the complaint requires a Board decision, is a complaint about a Board member, or is a complaint about the Superintendent, the complaint shall be initiated at the Board level. A preliminary hearing to develop a record or recommendation for the Board may be conducted by an appropriate 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.
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 beginning at Level 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]
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.
Complaints Against Supervisors	Complaints alleging a violation of law by a supervisor may be made to the Superintendent. 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.

<p><u>Response</u> <u>At Levels One and Two,</u> <u>“response</u></p>	<p>A “decision” shall mean a written communication to the employee from the appropriate administrator. <u>Responses</u> 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.</p> <p>The decision shall also include information regarding the filing of an appeal in accordance with this policy. After a hearing at Level Three, the decision shall include information on submitting an appeal to the commissioner.</p> <p>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 <u>responses</u>decisions shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
<p><u>Days</u></p> <p>Representative</p>	<p><u>“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.”</u></p> <p>“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 <u>him or her</u>the employee in the complaint process.</p> <p>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 <u>conference or hearing</u>, the District may reschedule the <u>conference or hearing</u> 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.</p>
<p>Consolidating Complaints</p>	<p><u>Complaints arising out of an event or a series of related events shall be addressed</u>To promote efficiency in one complaint. Employees shall not file<u>addressing complaints, the appropriate administrator shall determine if</u> separate or serial complaints arising from <u>an</u>an event or series of related events <u>that have been or could have been addressed in a previous complaint.</u></p>
<p><u>Untimely Filings</u></p>	<p><u>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.</u></p> <p><u>All time limits shall be strictly followed unless modified by mutual written consent.</u></p>

	<p><u>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 10 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 consolidated.</u></p>
Costs Incurred	<p>Each party shall pay its own costs incurred in the course of the complaint.</p>
Complaint and Appeal Forms	<p>Complaints and appeals under this policy shall be submitted <u>in writing</u> on a form provided by the District.</p> <p>Copies of any documents that support the complaint should be <u>attached to</u> included with 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 conference, no new <u>hearing, the employee may supplement the record with additional</u> documents may or include additional claims.</p>
Record	<p>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 complaint, documents determined relevant by District personnel, and the decision.</p>
Remand	<p>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 the required information if other levels in order to develop an adequate record of the <u>refiling is within</u> complaint.</p> <p>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 complaint to a lower level if at the Board level of review an adequate record has not been developed.</p>
Assignment of Hearing Officer	<p>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.</p>
Investigation	<p>The District may conduct an investigation at any level in the complaint process. If the District and the employee mutually agree, all deadlines shall be suspended during an investigation.</p>

Audio Recording

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which 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, the complaint may begin at Level Two 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 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 10 20 calendar days following the conference. 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 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 ~~1020 calendar~~ days of the date of the written Level One response~~decision~~ or, if no response was received~~decision has been communicated to the employee~~, within ~~1020 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 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.~~
- ~~4.3. The decision~~ issued at Level One and any attachments.
- ~~5.4.~~ All other documents relied upon by the Level One administra-~~tor~~hearing officer in reaching the Level One decision.

The Superintendent~~hearing officer~~ shall schedule~~hold~~ a confer-~~ence~~hearing within 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 Su-~~perintendent~~hearing officer may set reasonable time limits for the conference~~hearing~~.

The Superintendent~~hearing officer~~ shall provide the employee a written response~~decision~~ within ~~1020 calendar~~ days following the conference. The written response shall set forth the basis of the decision.~~hearing~~. In reaching a decision, the Superintendent~~hear-~~ing 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 Superinten-~~dent~~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 employee did not receive the relief requested at Level Two 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 ~~1020 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 ~~1020 calendar~~ days of the Level Two response decision deadline.

~~Unless the Board delegates a committee in accordance with law, the Board shall hear the appeal of the Level Two 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 Two decision was made.~~

The Superintendent 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 shall provide the Board the record of the Level Two appeal. The employee may request a copy of the Level Two record.

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 employee at Level Two.~~
- ~~4.~~3. The written response decision issued at Level Two and any attachments.
- ~~5.~~4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level

Two 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 Three presentation. The Level Three 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 Two~~was presented. The employee shall be provided a decision in accordance with this policy and state law.~~