

Policy 401.18

CERTIFICATED STAFF

401.18

**COMPLAINTS CONCERNING SCHOOL PERSONNEL OR THE DISTRICT
PROCEDURES AND FORMS**

Definition:

A complaint shall mean a claim based upon an event(s), action(s), or condition(s), which causes grief, pain, or resentment for an individual against school personnel or the district.

Procedure:

An individual having a complaint against school personnel or the district shall follow the following outlined procedure in an effort to resolve the complaint. The procedures outlined here and the forms used shall be the district's standard procedures/forms in all matters of district/employee jurisdiction with the exception of challenges of instructional/media materials, which uses another procedure.

Timelines:

Any formal complaint procedures, which begin at Level II, must be initiated within 60 calendar days of when the alleged incident(s) or event(s) occurred. The administrator in an unusual circumstance may waive this.

Level I

The initial step of the complaint procedure shall be for the complainant to meet informally with the school employee involved. The school employee's immediate supervisor shall arrange such informal meeting, though the supervisor may or may not be present at this meeting.

Level II

If the complaint is not resolved at the Level I informal step, the complainant may initiate formal complaint procedures which begin at Level II. The complainant shall complete the School Complaint Form -- Level II and return it to the employee's direct supervisor or designated school official as in the case of an ADA, Title IX, etc. situation. The receiving school official for the specified complaint shall initiate a complaint file. Within five (5) school days of receipt of this form, the supervisor/designated person shall meet privately with the school employee and provide him/her a copy of the complaint, discuss it, and also provide a Response Form to the employee. The employee shall within five (5) days return the Response Form to his/her supervisor. A copy of the complaint and response shall be placed in the file.

Level III

At Level III, the employee's supervisor shall, upon receipt of the response form, determine the next appropriate action. Further investigation may be needed. Further investigation may include third

parties as in the case of possible violation of statutes or case laws. If turned over to a third party for investigation by either the complainant or the school district, further actions will be delayed until the third party investigation is completed, though there could be exceptions to this depending on the nature of the complaint.

If a third party is not involved in the investigative process, the school district's employee supervisor shall study, analyze, and respond to the formal complaint. This response shall be in writing on an Action Form, a copy of which shall be forwarded to both the complainant and the employee, referred to as the respondent. A copy of the Action Form shall be placed in the complaint file.

Level IV

The complainant upon receipt of the Action Form will have these options available. He/She may agree with the supervisor's determination and sign and return the form within five (5) days of receipt of the form. He/She may disagree with the response and indicate disagreement but with no further action requested. The complainant may request the response be appealed to the Superintendent of Schools. Such Appeal Form will be given to the complainant or respondent upon request, and returned to the Superintendent's office by the complainant.

The Superintendent, upon receipt of the "Appeal Form" shall within ten (10) days respond to the complainant or respondent with Action Form II. In making his/her decision, the superintendent shall request the Complaint File established for the given complaint, and shall conduct his/her investigation, as he/she deems necessary.

Level V

When the complainant or respondent has received the Superintendent's response on Action Form II, the complaint procedure is concluded except that the complainant or respondent can make a formal request for placement on the Board agenda at a regularly scheduled meeting. If this complaint involves school personnel, the Board shall hear the parties to this complaint in a closed session of the board. Any action the Board might deem necessary to take would only be taken within the parameters of board policy and due process proceedings that might be applicable.

Adopted: February 8, 1993 as part of 4135.7/5145/5 on Sexual Harassment
Reviewed: February 8, 1999
Revised: September 9, 2013

**KIMBALL PUBLIC SCHOOLS
COMPLAINT FORM -- LEVEL II**

The Level II written complaint procedure must be initiated within 60 calendar days of the alleged incident(s) or event(s) unless the administrator waives the 60-calendar day limitation. The Level II process initiates a formal complaint procedure for unresolved complaints at Level I to an individual(s) by the Kimball Public Schools and/or any of its employees. The allegations set forth in this complaint form will serve as the basis for implementing the district's formal complaint procedure. The person who files this complaint has certain rights of privacy, but in order to carry out this procedure and any possible formal investigations, the person must authorize the disclosure of the facts contained in this form. If the person places limitations upon the information, it may hinder, or in some cases prevent, necessary formalized investigative procedures to occur. In certain instances, allegations by their nature may require that third parties, re: law enforcement, be notified by the district.

The complaining party's signature on this form will be deemed to an acknowledgement that the individual has read this form and will indicate that the information on the form was voluntarily given to school officials.

If some of the information is requested to be withheld, it must be specified, and the person or persons from which the information should not be shared. It should be understood that there are instances and information in some situations that by law must be reported by school authorities as in the case of child abuse suspicions.

Name of the Complaining Party

Date(s) of the Alleged Event(s) complained of
Nature of the complaint. Please set forth in the space provided as much of the event(s) as possible in specific detail. Attach extra page(s) if necessary.

Name(s) of any witnesses who observed or have first hand knowledge surrounding the event(s).

Do you have a specific request on action you want taken?

Y N

If so, what action do you propose:

GENERAL AUTHORITY PARAGRAPH

I understand that the Kimball Schools will be conducting a review and possible formal investigation of my complaint. By signing this paragraph I have authorized the Kimball Schools to disclose such portions of the information I have set forth in my complaint and which I may provide in the future with respect to this complaint. I hereby hold harmless the Kimball Schools and its duly authorized investigator for any claim I may have resulting from the disclosure of the facts set forth in this complaint. I acknowledge I have read and understand the contents of this paragraph and the complaint procedure.

Signature _____

Address _____

Date complaint filed _____ Time

LIMITATIONS

I have provided certain information in the complaint that I do not wish to be disclosed to parties other than the complaine. The information and persons not to receive it are as follow:

I specifically acknowledge by signing below this paragraph, rather than the general authority paragraph, that I may have placed limitations on the investigation, which may make it difficult or impossible for the Kimball Schools to fully resolve my complaint.

Signature _____

COMPLAINT RESPONSE FORM

_____ has filed a complaint against you for the following acts, which are outlined on the Complaint Form -- Level II.

Please give your response to these allegations:

Name(s) of first hand witnesses that are aware of any of the events that are a part of this complaint:

I understand that Kimball Schools will be conducting a review and possible formal investigation of this complaint. By signing this page I have authorized the Kimball Schools to disclose such portions of the information I have set forth in my response and which I may provide in the future with respect to this response. I hereby hold harmless the Kimball Schools and its duly authorized investigator for any claim I may have resulting from the disclosure of the facts set forth in this response. I acknowledge I have read and understand the contents of this paragraph and the complaint procedure.

Signature _____

Address _____

Date response filed _____ Time _____

APPEAL FORM

Given to _____ on
(date)

Name of Complainant

I wish to appeal to the Superintendent of Schools the determination by
in response to the determination of the complaint concerning

My reason(s) for appealing this determination are:

Signature

Date

ACTION FORM I

Upon review and/or formal investigation of the complaint filed on _____ concerning the following action(s) have been taken by me:

Signature _____

Date _____

Forward to: Complainant
Respondent

To both the complainant and respondent:

Please check one of the below and return this to the person who signed Action Form I.

I agree with the disposition of this complaint.

I disagree with the disposition of this complaint but seek no further action.

I wish to appeal the disposition of this complaint, and request an appeal form.

Signature _____

Date _____

ACTION FORM II

Date _____

I have received all information filed regarding your complaint, have reviewed the complaint and the Action Form I, and have recorded the following determination:

Signature

Date

This ends the formal complaint process concerning this matter, except that if you wish to pursue the complaint/response further, you would need to formally request from the Superintendent's office to be placed on the Board of Education's agenda at a regular meeting.

This matter if involving school personnel would be discussed in a closed session of the board with your presence and that of the party being complained against to be present.