

Butte County Office of Education

SUPERINTENDENT'S POLICY AND ADMINISTRATIVE REGULATIONS

SP 4144

SP 4244

SP 4344

COMPLAINT PROCEDURE

The County Superintendent recognizes the need for providing employees and job applicants the ability to have their concerns heard in an expeditious and unbiased manner. The County Superintendent expects that employees and supervisors will make every effort to resolve employee complaints and disagreements informally before resorting to formal complaint procedures.

A "complaint" shall be defined as an alleged misapplication of the Butte County Office of Education's policies, regulations, rules, or procedures. Procedures for the resolution of employee complaints provide a route of appeal through administrative channels and to the County Superintendent, if necessary.

If the complaint is related to discrimination or sexual harassment, the procedure for complaints concerning discrimination and sexual harassment should be used. If the complaint involves subjects covered by a collective bargaining agreement, the appropriate grievance procedure should be used.

All matters related to a complaint shall be kept confidential and any document, communication, or record regarding the complaint shall be placed in a separate file and shall not be placed in an employee's personnel file. The Superintendent prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

Legal Reference:

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 200-262.4

Prohibition of discrimination

Ed. Code 35186

Complaints regarding teacher vacancy or misassignment

Ed. Code 44110-44114

Reporting by school employees of improper governmental activity

Gov. Code 3543

Public school employees' rights

Gov. Code 3543.1

Rights of employee organizations

Gov. Code 53296-53299

Disclosure of confidential information; whistleblower

Gov. Code 54957

Complaints against employees; right to open session

Lab. Code 1102.5-1106

Whistleblower protections

Approved: July 2004

February 2023

Butte County Office of Education

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AR 4144

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REGULATIONS REGARDING COMPLAINT PROCEDURES

The procedure specified in this administrative regulation shall be used to investigate and resolve any complaint by an employee alleging misapplication of Butte County Office of Education (BCOE) policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper BCOE activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger.

Informal Complaints

Employees are encouraged to resolve complaints informally by first discussing the issue with their supervisor where the alleged act took place. Formal complaint procedures shall not be initiated unless informal efforts to resolve the complaint have been exhausted and the complainant has provided a written description of such efforts.

Formal Complaint Procedure - Step 1

If a complaint has not been satisfactorily resolved by informal procedures, the complainant may file a written complaint with the immediate supervisor or principal within 60 days of the act or event, which is the subject of the complaint.

In the written complaint, the employee shall specify the nature of the problem, including names, dates, locations, witnesses, the remedy sought by the employee, and a description of informal efforts to resolve the issue.

Within five working days of receiving the complaint, the immediate supervisor shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint.

The immediate supervisor shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 2

If a complaint has not been satisfactorily resolved at Step 1, the complainant may file the written complaint with the department Cabinet Member within ten working days of receiving the answer at Step 1. All information presented at Step 1 shall be included with the complaint.

Within ten working days of receiving the complaint, the department Cabinet Member shall conduct any necessary investigation, including reviewing the investigation and written response completed in Step 1, and meet with the complainant in an effort to resolve the complaint.

The department Cabinet Member shall present all concerned parties with a written answer to the complaint within ten working days after the meeting.

Formal Complaint Procedure - Step 3

If a complaint has not been satisfactorily resolved at Step 2, the complainant may file a written appeal to the County Superintendent within ten working days of receiving the answer at Step 2. All information presented at Steps 1 and 2 shall be included with the appeal.

The Superintendent may uphold the findings from the previous steps without hearing the complaint or may hear the complaint.

The County Superintendent shall present a written answer to the appeal within ten working days of receipt of the complaint. The County Superintendent's decision is final.

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Alternate Procedures

Complaints alleging unlawful discrimination shall be resolved in accordance with SP/AR 4030 – Nondiscrimination in Employment.

Complaints regarding sexual harassment shall be resolved in accordance with SP/AR 4119.11 - Sexual Harassment, and AR 4119.12 – Title IX Sexual Harassment Complaint Procedure.

Complaints regarding unlawful discrimination in BCOE programs or BCOE's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with SP/AR 1312.3 – Uniform Complaint Procedures. Complaints regarding sufficiency of textbook materials, teacher vacancy or misassignment, or an urgent or emergency facility condition shall be resolved in accordance with AR 1312.4 – Williams Uniform Complaint Procedures.

For complaints regarding working conditions or other subjects of negotiation, the employee shall use the grievance procedure specified in the applicable collective bargaining agreement.

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 October 2024