

## Administrative Regulation

### COMMUNITY RELATIONS

#### Miscellaneous Complaint Procedure

The district will use this procedure to process complaints not covered by other district complaint procedures regarding complaints against district employees.

#### Procedure

##### 1.0 Covered Complaints

1.01 This Miscellaneous Complaint Procedure covers the following complaints:

- a. Complaints against district employees, if the complaint is not covered by another district complaint procedure.
- b. Complaints not covered by any other district complaint procedure.

##### 2.0 The Complaint

2.01 Any individual may file a written complaint under this procedure. If the complaint concerns a district teacher, the district encourages the complainant to try to resolve the complaint personally with the teacher before filing a complaint under this procedure.

2.02 Each complaint must be submitted in writing on a District Complaint Form signed by the complainant. Complaint forms are available from the Superintendent's Office:  
1376 Piedmont Road  
San Jose, California 95132  
(408) 923-1812

2.03 The complainant shall submit a completed complaint form to the Superintendent's Office within fifteen (15) calendar days following the complainant's discovery of the acts or omissions that form the basis of the complaint.

2.04 The Superintendent's Office will first verify that this Miscellaneous Complaint Procedure covers the complaint. If the complaint involves a matter for which district policies provide another complaint process, the Superintendent's Office will process the complaint under the appropriate process. If this Miscellaneous Complaint Procedure covers the complaint, the Superintendent will refer the complaint as follows:

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- a. If the complaint concerns a district employee, to the employee's supervisor.
- b. If the complaint concerns non-personnel matters, to the Assistant Superintendent responsible for the complaint's subject matter.
- c. If the complaint is against the Superintendent or Board of Trustees member, the Superintendent shall notify the Board of Trustees. The Board may choose to designate an independent third party to conduct the investigation.

### 3.0 Local Review

- 3.01 The supervisor or Assistant Superintendent, as appropriate, will investigate the complaint and meet with the complainant, any involved employee(s), and other district personnel as necessary in an attempt to revolve the complaint. If the complaint concerns district employees, the district will follow established procedures in investigating and revolving the complaint.
- 3.02 If the complaint is not resolved within two (2) calendar weeks after the date it was filed, the complainant may ask the Superintendent to resolve the complaint. The Superintendent may ask the complainant to redefine the complaint, in writing, at this stage.

### 4.0 Superintendent Review

- 4.01 The Superintendent will meet with the complainant and with district personnel who have already worked to resolve the complaint. The Superintendent may conduct any additional investigation he or she deems necessary. The Superintendent will offer a proposed resolution, in writing, within two (2) calendar weeks after receiving the complaint under Section 3.02.
- 4.02 If the complainant does not accept the Superintendent's proposed resolution, the complainant may ask the Board of Trustees to consider the complaint by submitting a written request to the Superintendent to place the matter on the Board agenda. The request shall include a copy of the complaint, a copy of the Superintendent's proposed resolution, and the complainant's written statement of the remedy sought.

### 5.0 Governing Board Action

- 5.01 The Superintendent will schedule the appeal for a regularly scheduled Board meeting and will provide the Board with copies of the complainant's hearing request and with any additional materials required to explain the Superintendent's

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proposed resolution or rejection of the complainant's proposed remedy. The Superintendent shall provide the complainant with copies of these additional materials.

5.02 The Board of Trustees shall decide, on the basis of the written materials, what corrective action, if any, the district will take to resolve the complaint. The Board of Trustees shall not discipline employees but may direct the Superintendent to initiate appropriate procedures if the Board of Trustees believes that disciplinary action against an employee may be warranted.

5.03 The Board of Trustee's decision shall be final.

**6.0 General Requirements**

6.01 Confidentiality. The district shall conduct discrimination complaints and investigations in a manner that protects the privacy of the parties and witnesses and the confidentiality of complaints, allegations, and facts.

6.02 Retaliation. The district will take necessary steps to protect complainants from retaliation. If the complainant is a student's parent or guardian, the district will take necessary steps to protect the student from retaliation.

Approved: May 20, 1997