

CVUSD COMPLAINT PROCESSES AND PROCEDURES

COMPLAINT TYPE:	Uniform Complaint	Employee to Supervisor Employee to Employee (Unprofessional Conduct)	Discrimination In Employment Procedures	Grievance Procedures Violation of CBA
NATURE OF COMPLAINT	<p>Complaints Alleging:</p> <ul style="list-style-type: none"> • Discrimination, harassment, intimidation and/or bullying based on actual or perceived categories in Penal Code 422.5 and Ed. Code 220 <ul style="list-style-type: none"> ○ Employee to Student ○ Student to Student ○ Third Party to Student • Programs that use categorical funds, unauthorized charging of pupil fees for educational activities, failure to comply with requirements regarding LCAP, School Safety Plans, retaliation against a complainant alleging discrimination 	<p>Complaints alleging:</p> <ul style="list-style-type: none"> • Misapplication of the district's policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper district activity including, but not limited to, an allegation of gross mismanagement, a significant waste of funds, an abuse of authority, or a specific danger to public health or safety, basic unprofessional conduct <ul style="list-style-type: none"> ○ Employee to employee ○ Employee to supervisor 	<p>Complaints alleging unlawful discrimination in employment on any of the following basis:</p> <ul style="list-style-type: none"> • Actual or perceived race, color, national origin, ancestry, religion, age, marital status, pregnancy, physical or mental disability, medical condition, veteran status, gender, sex, or sexual orientation at any district site and/or activity. <ul style="list-style-type: none"> ○ Job applicant to hiring supervisor/Personnel Services ○ Employee to hiring supervisor/Personnel Services 	<p>Complaints alleging violations of employment procedures stipulated in the collective bargaining agreement covering the employee's employment with the District constitute a GRIEVANCE, and may include:</p> <ul style="list-style-type: none"> • Working conditions or other subjects of negotiation, such as position transfers, leaves, wage and hour provisions, etc. <ul style="list-style-type: none"> ○ Bargaining unit member to Supervisor
RESOLUTION SUBJECT TO:	Board Policy 1312.3	Board Administrative Regulation – 4144, 4244, 4344	Board Administrative Regulation - 4031	CSEA CBA - Article 20, UACT CBA Article 17, CVPPA CBA – Article 17
PROCEDURE:	<p>Step 1: Filing a written complaint with the District's Uniform Complaint (UC) Officer within six months of the alleged violation</p> <p>Step 2: Within ten calendar days, the compliance officer shall provide the complainant an opportunity to present the complaint and any evidence</p> <p>Step 3: The UC Officer or assigned personnel will have sixty days to investigate and send written decision to complainant</p> <ul style="list-style-type: none"> • Superintendent can extend to 90 days • Must follow rules for written decision 	<p>Step 1: Level 1 – Request/Participate in Informal Complaint Process with Immediate Supervisor or Department/Site Administrator Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the principal of the school where the alleged act took place. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.</p> <p>Step 2: Level 2 - Formal Written Complaint Submitted to Immediate Supervisor If a complaint has not been satisfactorily resolved through the informal process in Step 1, the</p>	<p>Step 1: Level 1 - Informal Complaint Process with Immediate Supervisor or Department/Site Administrator The complainant shall first meet informally with his/her supervisor or the administrator of the school where the alleged discriminatory act occurred. A complaint regarding discrimination away from the school site should be discussed informally with the complainant's supervisor. If the complainant's concerns are not clear or cannot be resolved through informal discussion, the supervisor or other administrator shall prepare, within 10 working days, a written summary of his/her meeting(s) with the complainant.</p>	<p>Step 1: Informal Level – Informal Conference w/ Immediate Supervisor Please refer to the timelines and procedures listed in the respective collective bargaining agreement.</p> <p>Step 2: Level 1 – Written Grievance to Immediate Supervisor Please refer to the timelines and procedures listed in the respective collective bargaining agreement.</p> <p>Step 3: Level 2 - Second Level Supervisor or the appropriate Assistant Superintendent, or Director</p>

Unlawful discrimination is defined as, the taking of an adverse action against an individual because of his/her status in a protected classification. The most common protected classifications under state law are: race, national origin, gender, sexual orientation, age, religion.

Hostile work environment is defined as, unwelcome sexual conduct that either unreasonably interferes with an individual's job performance or creates a hostile intimidating or offensive work environment based on a protected class.

Harassment is defined as, actual discrimination based on a protected class or sexual harassment.

Sexual harassment is defined as, a job benefit contingent on acceptance of a sexual advance or rejection of a sexual advance results in the loss of a job benefit.

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	<ul style="list-style-type: none"> ○ Finding of fact based on the evidence gathered ○ Conclusion of Law ○ Rational for disposition ○ Corrective action, if warranted (in pupil fee complaints, a remedy that comports with education section 49013 (d) and section 4600(u) <p>Step 4: Complainant can appeal to CDE within 15 days</p> <ul style="list-style-type: none"> ○ Notice of complainant's right to appeal the District decision to CDE ○ Procedures to be followed for initiating an appeal to the CDE 	<p>complainant may file a written complaint with his/her immediate supervisor or principal within 60 days of the act or event which is the subject of the complaint. If an employee fails to file a written complaint within 60 days, the complaint shall be considered settled on the basis of the answer given at the preceding step.</p> <p>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.</p> <p>Within 10 working days of receiving the complaint, the immediate supervisor or principal/department head shall conduct any necessary investigation and meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.</p> <p>Step 3: Level 3- Written Appeal to Assistant Superintendent, Personnel Services (Superintendent's Designee)</p> <p>File a written complaint within five working days of receiving the written response from the immediate supervisor or the principal. The complainant shall include all information presented to the immediate supervisor or principal at Step 2.</p> <p>Within 10 working days of receiving the complaint, the Superintendent or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or principal at Step 2, and shall meet with the complainant in an effort to resolve the complaint. Within five working days after the meeting, he/she</p>	<p>Step 2: Level 2 - Second Level Supervisor or the appropriate Assistant Superintendent, or Director</p> <p>If a complaint cannot be resolved to the satisfaction of the complainant at Level I, he/she may submit a formal written complaint to the within 10 working days of his/her attempt to resolve the complaint informally.</p> <p>The written complaint shall include the following:</p> <ol style="list-style-type: none"> 1. The complainant's name, address and telephone number 2. The name and work location of the district staff member who committed the alleged violation 3. A description of the alleged discriminatory act(s) or omission(s) 4. The discriminatory basis alleged 5. A specific description of the time, place, nature, participants in and witnesses to the alleged violation 6. Other pertinent information which may assist in investigating and resolving the complaint 7. The complainant's signature or that of his/her representative <p>Step 3: Level 3 – Written Appeal to Assistant Superintendent, Personnel Services (Superintendent's Designee)</p> <p>Present the complaint and response documents from previous levels within 10 working days of having received a written response from Level II designee. The Superintendent or designee shall respond to the complaint in writing within 10 working days.</p> <p>If the Superintendent or designee finds it necessary to conduct further investigation, he/she may designate up to 10 additional working days for such investigation and shall respond to the complaint in writing within 10 working days of completing the investigation.</p>	<p>Please refer to the timelines listed in your specific collective bargaining agreement.</p> <p>Step 4: Level 3- Assistant Superintendent, Personnel Services (Superintendent's Designee)</p> <p>Please refer to the timelines and procedures listed in the respective collective bargaining agreement.</p> <p>Step 5: Level 4 - Arbitration</p> <p>Please refer to the timelines and procedures listed in the respective collective bargaining agreement.</p>
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		<p>shall prepare and send a written response to the complainant.</p> <p>Step 4: Level 4 – Written Appeal to the Governing Board If a complaint has not been satisfactorily resolved at Step 3, the complainant may file a written appeal to the Board within five working days of receiving the Superintendent or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Superintendent or designee shall submit to the Board a written report describing attempts to resolve the complaint and the district's response.</p>	<p>Step 4: Level 4 – Written Appeal to the Board of Education If the matter is not resolved at Level III, either party may file a written appeal to the Board within 10 working days after receiving the Level III response. The Superintendent or designee shall provide the Board with all information presented at previous levels.</p> <p>The Board shall grant the hearing request for the next regular Board meeting for which the matter can be placed on the agenda. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 working days.</p>	
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