

DIXON MONTESSORI CHARTER SCHOOL
Administrative Regulation
AR 4144 4244, 4344
Personnel

Complaints

Pursuant to Education Code 44112- 44113, the charter is prohibited from retaliating against, or otherwise interfering with, an employee for exercising his/her right to file such a complaint.

The procedure specified in this administrative regulation shall be used to investigate and resolve any complaint by an employee alleging misapplication of the charter bylaws, policies, regulations, rules, or procedures or for "whistleblower" complaints by an employee or job applicant regarding an improper charter 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.

Any of the time limits specified in the following procedure may be extended by written agreement between the charter and complainant.

Step 1: Informal Complaint Process

Prior to instituting a formal, written complaint, the employee shall first discuss the issue with his/her supervisor or the Director. Formal complaint procedures shall not be initiated until the employee has first attempted to resolve the complaint informally.

Step 2: Charter Level Formal Complaint Process

If a complaint has not been satisfactorily resolved through the informal process in Step 1, the complainant may file a written complaint with his/her immediate supervisor or Director 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 resolved on the basis of the preceding step.

If the complaint involves the complainant's immediate supervisor or the Director or both, the complainant may file a written complaint with the Board of Directors. The Board will respond within 30 business days as specified in step 4 of this process. 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 10 working days of receiving the complaint, the immediate supervisor or Director 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.

Step 3: Charter Level Appeal

If a complaint has not been satisfactorily resolved at Step 2 and the complainant's supervisor is not

the Director, the complainant may file the written complaint with the Director or designee within five working days of receiving the written response from the immediate supervisor. The complainant shall include all information presented to the immediate supervisor at Step 2.

Within 10 working days of receiving the complaint, the Director or designee shall conduct any necessary investigation, including reviewing the investigation and written response by the immediate supervisor or at Step 2, and shall meet with the complainant to resolve the complaint. Within five working days after the meeting, he/she shall prepare and send a written response to the complainant.

Step 4: Appeal to the Board of Directors (Board)

If a complaint has not been satisfactorily resolved at Step 3, or the complaint involves the Director or their immediate supervisor, or both the complainant may file a written appeal to the Board within five working days of receiving the Director or designee's response. All information presented at Steps 1, 2, and 3 shall be included with the appeal, and the Director or designee shall submit to the Board a written report describing attempts to resolve the complaint and the Director's response.

****Note: Government Code 54957 authorizes the Board to meet in closed session regarding certain personnel matters. However, when the Board is discussing specific "complaints or charges" against an employee, that employee must be given at least 24-hour written notice of the meeting and he/she may request the matter be heard in open session.*

The Board may uphold the findings by the Director or designee without hearing the complaint or the Board may hear the complaint at a regular or special Board meeting. The hearing shall be held in closed session if the complaint relates to matters that may be addressed in closed session in accordance with law.

The Board shall make its decision within 30 working days of the hearing and shall send its decision to all concerned parties. The Board's decision shall be final.

Alternate Procedures

Complaints alleging unlawful discrimination on any basis specified in the charter's nondiscrimination policies, including complaints of sexual harassment, shall be resolved in accordance with the charter's procedure in BP/AR 4030 - Nondiscrimination in Employment.

Complaints regarding unlawful discrimination in charter programs or the charter's failure to comply with state or federal laws regarding educational programs shall be resolved in accordance with BP/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. (Education Code 35186; 5 CCR 4621)