

Definitions

Days

For purposes of this policy, “days” shall mean District business days unless otherwise noted in this policy. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business ~~calendar~~ day is “day one.”

Superintendent

For the purposes of this policy, “Superintendent” shall mean the Superintendent or designee.

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process.

1. Complaints concerning instructional resources shall be filed in accordance with the EF series.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with the CKE series.

Refusal of Entry to or Ejection from District Property

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Guiding Principles

Informal Process

The Board encourages the public to discuss concerns and complaints with the appropriate administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Formal Process

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

An individual may initiate the formal process described below by timely filing a written complaint form. [See GF(EXHIBIT)]

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board

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policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

**Freedom From
Retaliation**

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received on or before the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling
Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. The grievant is expected to participate in each phase of the complaint process. If the grievant is unable to attend a conference, they must seek prior written approval from the hearing officer to allow a representative to appear at the conference in their place or to seek a postponement of the hearing. Failure to obtain prior written approval shall result in dismissal of the dispute.

Withdrawal

A grievant may withdraw a dispute at any time. Once withdrawn, a dispute may not be reopened.

Unless modified by written mutual consent, a dispute shall be deemed withdrawn if a grievant fails to pursue the dispute or otherwise is deemed to be unreasonably protracting the process, including failure to attend a scheduled Level One or Level Two conference or Level Three hearing. Once withdrawn, a dispute cannot be reopened.

It is expected that a grievant will participate in each phase of the dispute resolution process. Therefore, if the grievant is unable to attend any phase of the dispute resolution process, the grievant must provide written notification of the grievant's intent not to attend the conference or hearing. In the case of a Level One or Level Two conference, such notice shall be given to the hearing officer and the District's representative at least 48 hours prior to the start of the conference. In the case of a Level Three hearing, such notice shall be given to the Board President and the District's representative at least 48 hours prior to the start of the hearing.

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Response	At Levels One and Two, “response” shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered or sent by U.S. Mail to the individual’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Representative	“Representative” shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not bring separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.
Complaint and Appeal Forms	Complaints and appeals under this policy shall be submitted in writing on a form provided by the District. Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing .

Level One

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. If the grievant is represented by an attorney, the Level One hearing officer shall initiate the scheduling process within ten days of the date of receipt of the dispute resolution form in accordance with the calculation of time frames as set forth above. The duty to initiate scheduling of the Level One conference, for purposes of following prescribed timelines, is fulfilled by the District's Office of Legal Services contacting the grievant's attorney, offering available dates and times for the hearing that shall occur at a mutually agreed-upon time, with mutual effort to convene the conference within a prescribed time frame. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, they may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

~~After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.~~

~~The Level One record shall include:~~

- ~~1. The original complaint form and any attachments.~~
- ~~2. All other documents submitted by the individual at Level One.~~
- ~~3. The written response issued at Level One and any attachments.~~
- ~~4. All other documents relied upon by the Level One administrator in reaching the Level One decision.~~

~~The Superintendent or designee shall initiate the Level Two hearing scheduling process by contacting both parties within ten days after the appeal notice is filed to determine availability and a mutually agreed upon date and time for the hearing. The timelines at Level Two shall run from the date the appeal request is received by the Superintendent or designee. The Superintendent or designee, in consultation with the Superintendent's appropriate direct report, shall identify the Level Two hearing officer, who may or may not be a current District employee. The Level Two hearing officer shall initiate the conference scheduling process within ten days of the date of receipt of the dispute resolution form in accordance with the calculation of time frames as set forth above. The Level Two hearing officer shall have satisfied their duty to schedule the Level Two conference, for purposes of following prescribed timelines, by contacting or having the appropriate Employee Relations personnel contact the grievant or their representative, offering available dates and times for the hearing that shall occur at a mutually agreed-upon time, with mutual effort to convene the conference within a prescribed time frame. If the grievant's representative is an attorney, the Level Two hearing officer's duty shall be satisfied, for purposes of following prescribed timelines, by the assigned District attorney contacting the employee's attorney, offering available dates and times for the hearing that shall occur at a mutually agreed-upon time.~~

The conference shall be limited to the issues raised in the GF Dispute Resolution form and documents presented at the Level One

conference. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The conference is not an evidentiary or due process hearing. There shall be no cross-examination of witnesses. The individual shall be allotted a specific amount of time to present their concerns. The individual may also present witnesses and may submit any available documentation. The administration shall be allotted the same amount of time to present its position and shall be allowed to present witnesses and submit any documentation on the issues addressed at the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the Superintendent or designee's receipt of the court reporter's transcript of the Level Two hearing, unless otherwise mutually agreed upon between the parties and the hearing officer. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint. In the event the Level Two hearing officer's decision is adverse to the administration, the administration may appeal the decision to Level Three.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

The grievant is expected to participate in each phase of the dispute resolution process. Therefore, if the grievant fails to attend a conference or hearing, the District will deem the failure to appear a withdrawal of the grievance.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, they may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Board shall not conduct a Level Three hearing until after a Level Two hearing has been convened, and a transcript of the hearing is available for the Board's review.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or their representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Effective Date

~~This policy shall be effective as of the adoption date, December 10, 2021.~~