
CLOVIS UNIFIED SCHOOL DISTRICT

COMMUNITY RELATIONS COMPLAINTS REGARDING DISTRICT EMPLOYEES

The process stated in this administrative regulation shall be followed by complainants when filing complaints regarding District employees and by the District in processing and resolving such complaints.

The process stated in this administrative regulation does not apply to:

1. Any complaint alleging that a District employee engaged in unlawful discrimination, harassment, intimidation or bullying in District programs or activities. Such a complaint shall be addressed in accordance with Board Policy and Administrative Regulation No. 1312.3 – Uniform Complaint Procedures.
2. Any complaint alleging that a District employee engaged in discrimination on the basis of sex in the District's education program or activities pursuant to Title IX of the Education Amendments of 1972 and its implementing regulations, 34 CFR Part 106. Such a complaint shall be addressed through the District's Title IX complaint procedures adopted pursuant to 34 CFR 106.44 and 106.45.
3. Any complaint alleging that a District employee engaged in discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the District. Such a complaint shall be addressed in accordance with Board Policy and Administrative Regulation No. 4030 – Nondiscrimination in Employment.

A. LEVEL 1 INFORMAL COMPLAINT AND RESOLUTION PROCESS

Every effort will be made to resolve complaints regarding District employees at the earliest possible stage. Any person who has a complaint about a District employee shall first submit a Level 1 informal complaint by communicating the complaint with the District employee (if the person is comfortable to do so) or with the employee's supervisor and/or the site/department administrator and attempting to resolve the concerns informally. The communication may be through a written communication such as a letter or email, or completion of a Level 1 Informal Complaint Form (Exhibit No. 1312.1(1A)). The complainant may write a letter or email of informal complaint or submit a Level 1 Informal Complaint Form with attachment(s) as necessary. The complainant may request assistance from District staff when filing the informal complaint, if needed.

To allow the District to resolve an informal complaint regarding any District employee at the earliest opportunity, a complainant shall file the informal complaint within 30 days of the occurrence of the alleged conduct that is the subject of the informal complaint.

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When an informal complaint is received by the District, the District employee who received the informal complaint or another designated District employee shall contact the complainant to review the informal complaint, gather additional evidence, and discuss, as appropriate, an informal resolution of the complaint. The purpose of the informal complaint and resolution process is to allow the involved parties to resolve the alleged conduct through a consultation process rather than the formal complaint process in Section B below. If a resolution is reached informally, the District shall notify the complainant of the resolution.

B. LEVEL 2 FORMAL COMPLAINT PROCESS

1. Formal Complaint

If a Level 1 informal complaint is not resolved, or is only partially resolved, through an informal resolution pursuant to Section A above, the complainant may file a Level 2 formal complaint as to the unresolved alleged conduct of a District employee. If the complainant wishes to file a Level 2 formal complaint, such formal complaint shall be filed within 45 days of the alleged conduct that is the subject of the Level 2 formal complaint, subject to an extension by the District to reflect the time spent in the informal resolution process relating to the Level 1 informal complaint. The Level 2 formal complaint shall be filed with the appropriate assistant superintendent or designee.

The formal complaint may be submitted using the Level 2 Formal Complaint Form (Exhibit No. 1312.1(1B)) and shall follow the process set forth in the Complaint Process Flow Chart (Section D below). The complainant shall type or print, sign, and date the Level 2 Formal Complaint Form. The complainant is not limited to only the Level 2 Formal Complaint Form. The complainant may write a letter or email of formal complaint, or submit the Level 2 Complaint Form with attachment(s) as necessary. The complainant may request assistance from District staff when filing the formal complaint, if needed. If necessary, a meeting will be scheduled to discuss the formal complaint with the complainant.

At any time after the filing of a Level 2 formal complaint, the complainant may agree to the use of the informal resolution process stated in Section A to resolve the formal complaint. If an informal resolution is reached as to one or more alleged conduct set forth in the formal complaint, the District shall notify the complainant of the resolution. The agreed-upon informal resolution shall be in lieu of an investigation and response by the District as to the allegations covered by the informal resolution.

2. Investigation and Response

- a. When a Level 2 formal complaint is filed and an informal resolution is not agreed upon, a thorough and objective investigation will be conducted. The investigation may be assigned to a District staff or an outside investigator. An outside investigator or investigators may be engaged by the Superintendent or designee depending on the nature and scope of the

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allegations. The term investigator includes a neutral fact finder or other professional knowledgeable about the law and program(s) that he/she is assigned to investigate.

- b. The investigator(s) shall consult with all individuals reasonably believed to have relevant information, including the complainant and any witnesses to the alleged conduct that the investigator(s) reasonably believes may exist.
- c. When determining whether the alleged conduct constitutes a violation, the investigator(s) shall consider the totality of the circumstances and whether the preponderance of the evidence supports or does not support the allegation(s) of the formal complaint.
- d. The investigator(s) or appropriate assistant superintendent or designee shall respond in writing to a Level 2 formal complaint filed by a complainant within 60 days from the date of the District's receipt of the formal complaint. The 60 days shall not include any period during which the complainant is participating in an informal resolution to attempt to resolve the allegations of the formal complaint.

2. Appeal

If a Level 2 formal complaint is not resolved to the complainant's satisfaction, the complainant may submit an appeal to the Associate Superintendent of School Leadership or designee within 30 days of the date of the District's response to the formal complaint using the Appeal Form (Exhibit No. 1312.1(2)). A copy of the completed Level 2 formal complaint and the District's response shall be submitted with the Appeal Form.

The Associate Superintendent of School Leadership or designee shall respond in writing to the complainant within 30 days from the date of the District's receipt of the appeal. The District's response shall be written in English and in the language of the complainant whenever feasible or as required by law.

D. COMPLAINT PROCESS FLOW CHART

LEVEL	PRESENTS COMPLAINT TO	TYPE OF COMPLAINT	NUMBER OF DAYS TO FILE	NUMBER OF DAYS TO RESPOND
1. INFORMAL	Employee, Employee's Supervisor, or Site/Dept. Administrator	Level 1 Informal Complaint	Within 30 Days of Alleged Conduct	N/A
2. FORMAL	Appropriate Assist. Supt. or Designee	Level 2 Formal Complaint	Within 45 Days of Alleged Conduct	60 Days From Date of District's Receipt of Level 2 Formal Complaint

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LEVEL	PRESENTS COMPLAINT TO	TYPE OF COMPLAINT	NUMBER OF DAYS TO FILE	NUMBER OF DAYS TO RESPOND
3. APPEAL	Associate Supt. of School Leadership or Designee	Appeal	Within 30 Days of Date of District's Response To Level 2 Formal Complaint	30 Days From Date of District's Receipt of Appeal

Adopted: 01/07/1989

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02/22/2008, 01/25/2012, 05/10/2022 (AR 9207 renumbered as AR 1312.1),
09/26/2024

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