



Employee Complaint Procedures - AR

2.6(c)(4)

Purpose

All certified and non-certified (classified) employees shall have the right to present and resolve complaints relating to certain matters affecting the employment relationship at the lowest organizational level possible. The District encourages all employees to resolve their complaints informally in a spirit of collegiality where possible. This procedure is available where such efforts do not succeed or, where for any other reason, the employee desires to pursue this procedure.

2. Definitions

- a. "Board of Education" shall mean the Board of Education of City Schools of Decatur;
- b. "Superintendent" means the Superintendent of the City Schools of Decatur School System
- c. "Administrator" means the individual at each level designated by the Superintendent to preside over and make decisions with respect to complaints.
 - i. The "Level One Administrator" in most instances will be the immediate supervisor of the complainant;
 - ii. The "Level Two Administrator" in most instances will be the cabinet level administrator for the division or department in which the complainant works;
 - iii. Where circumstances dictate, it is within the discretion of the Superintendent to designate someone other than the immediate supervisor of the complainant to act as the Level One Administrator.
- d. "Complaint" means any claim by a certified or non-certified (classified) employee who is affected in his or her employment relationship by an alleged violation, misinterpretation, or misapplication of statutes, policies, rules, regulations, or written agreements with the District with which he/she is required to comply. The following shall not be subject to complaint pursuant to the provisions of this regulation:
 - i. the performance ratings contained in personnel evaluations and professional development plans pursuant to O.C.G.A. § 20-2-210, with and job performance;
 - ii. the termination, non renewal, demotion, suspension, transfer, or reprimand of any employee pursuant to O.C.G.A. § 20-2-940, et seq;
 - iii. the revocation, suspension, or denial of certification of any employee pursuant to O.C.G.A. § 20-2-984.5, et seq;
 - iv. a matter that has already been presented directly to the Board of Education pursuant to O.C.G.A. § 20-2-1160(a).



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- e. "Complainant" means any certified or non-certified (classified) employee of the Board of Education who pursues a complaint pursuant to this regulation.
- f. A document is "filed" when it is physically received in the Staff Support Department. Forms to be used for filing complaints are available in the staff portal of the District website or through the Staff Support Department (not through email)
- g. "Notice" may be accomplished by certified mail or hand delivery. If the written complaint form does not include an address, "notice" is accomplished by certified mail or delivery via a carrier selected by City Schools of Decatur (FedEx, UPS, or USPS for example) to the complainant's last known address on file with the District. Notice is deemed delivered upon its deposit in the United States mail, or upon delivery to the delivery service, adequately addressed, with adequate postage thereon.

3. Recommendation to Pursue Informal Resolution

Prior to pursuing a complaint under this regulation, the District encourages all employees to resolve their complaints informally in a spirit of collegiality where possible. The formal complaint procedure is available where such efforts do not succeed or, where for any other reason, the employee desires to pursue this formal complaint procedure.

Informal reporting may be accomplished by providing notification to your immediate supervisor or by sending the concern to Staff Support. An email inbox, monitored by the Executive Director of Staff Support, is available for employees to securely report concerns that wish to be examined. Employees may send those concerns to staffconcern@csdecaturnet.net and should include a statement of the concern, specific examples of what is occurring or not occurring, the potential impact on employees if corrective action is not taken. The Executive Director of Staff Support, along with other Principals, Directors, or Executive Directors who need to be involved based on their area of responsibility and expertise, will work with the person reporting the complaint or concern, and with others, to equitably resolve the matter as effectively as possible.

4. Using the Formal Complaint Process

For employees wishing to pursue the formal complaint procedure, the complaint must be in writing and be delivered to the Staff Support Department or the Superintendent's office via U.S. Mail, Federal Express, UPS or other courier, or the complaint may be hand delivered by the complainant. If the complaint is hand delivered, the complainant should ask for and receive a receipt signature from the



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Executive Director of Staff Support, the Superintendent, or the Superintendent's designee. The complaint shall include the following:

- a. The mailing address of the complainant to which notices and all other documents may be delivered.
- b. A reference to or a description of the statute, policy, rule, regulation, or written agreement that is alleged to have been violated, misapplied, or misinterpreted.
- c. A brief statement of the facts on which the complaint is based that explains how such statute, policy, rule, regulation, or written agreement was violated, misapplied, or misinterpreted.
- d. A statement of the relief desired.

5. Level One Hearing

- a. The receiving office shall mark the date of filing on the complaint. The Staff Support Department shall schedule a hearing before an appropriate Level One Administrator to occur within 60 days of the filing of the complaint and shall give written notice to the complainant of the time and place of the hearing. A written notice of the hearing shall be mailed to the complainant's address of record at least ten (10) business days prior to the date of the hearing.
- b. If the employee's complaint alleges that his or her immediate supervisor is the person directly responsible for violating, misinterpreting, or misapplying a statute, policy, rule, or regulation, which resulted in impact to the employee, then the Executive Director of Staff Support shall be the designated Level One Administrator for the Level One hearing. If the Executive Director of Staff Support is the immediate supervisor, the Superintendent or designee shall serve in the capacity of Staff Support described in part (a).
- c. The complainant shall be afforded an opportunity at the hearing to be heard and to present relevant evidence.
- d. The written decision of the Level One Administrator shall be made within ten (10) business days of the hearing date, shall be dated, and shall set forth findings of fact, the decision made, and a brief statement of the reasons for that decision. A copy of the decision shall be mailed to the complainant's address of record.

6. Level Two - Appeal From Level One

- a. A complainant dissatisfied with the decision of the Level One Administrator may appeal that decision to the Level Two Administrator. The appeal must be filed in writing in the same manner as the initial complaint as described in item 4 above. The appeal shall clearly set forth the questions and issues involved and the reasons why the complainant is not satisfied with the Level One Administrator's decision. The receiving office shall mark the date of filing on the complaint. The Staff Support Department shall schedule a hearing



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before an appropriate Level One Administrator to occur within 60 days of the filing of the complaint and shall give written notice to the complainant of the time and place of the hearing. A written notice of the hearing shall be mailed to the complainant's address of record at least ten (10) business days prior to the date of the hearing

- b. The Level Two Administrator shall obtain the documents and evidence introduced at the Level One hearing, as well as a copy of the complaint, and in collaboration with the Executive Director of Staff Support, shall conduct a hearing within thirty (30) business days of the date of the filing of the appeal.
- c. The complainant shall be afforded an opportunity to be heard. The Level 2 hearing shall be confined to the record, evidence, and testimony presented at the Level 1 hearing. No additional evidence or testimony will be considered
- e. The written decision resulting from the Level Two hearing shall be dated, set forth findings of fact, and provide a brief statement of the reasons for that decision. A copy of the decision shall be mailed to the complainant's address of record.

7. Level Three - Appeal to the Superintendent

- a. A complainant dissatisfied with the decision resulting from a Level Two Administrator may appeal that decision to the Superintendent. The appeal must be filed in writing in the same manner as the initial complaint as described in item 4 above. The appeal shall clearly set forth the questions and issues involved and the reasons why the complainant is not satisfied with the Level Two Administrator's decision. The Office of the Superintendent shall stamp the date of filing on the appeal. A Level Three hearing shall be scheduled, and the Superintendent, or Superintendent's designee shall mail a written notice of the hearing to complainant's address of record at least ten (10) business days prior the hearing date.
- b. The Superintendent or designee shall conduct the Level Three hearing within thirty (30) business days of the date of the filing of the appeal.
- c. The Level 3 hearing shall be confined to the record, evidence, and testimony presented at the Level 2 hearing. No additional evidence or testimony will be considered
- d. The written decision of the Superintendent (or designee) shall be dated, set forth findings of fact, and provide a brief statement of the reasons for that decision. A copy of the decision shall be mailed to the complainant's address of record.

8. Level Four - Appeal to the Board of Education

- a. A complainant dissatisfied with the decision resulting from the Superintendent may appeal that decision to the Board of Education. The appeal must be filed in writing with the office of Superintendent in the same manner as the initial complaint as described in item 4 above. The appeal shall clearly set forth the questions and issues involved and the reasons why the complainant is not satisfied with the Superintendent's decision.



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- b. The Office of the Superintendent shall deliver the appeal request to the Chairperson of the Board of Education, along with copies of all available documentation.
- c. The Board of Education shall review the appeal request, including documentation and prior decisions issued in hearings one thru three. Upon review, the Board of Education may either deny hearing the matter or they may confirm their willingness to conduct a hearing. There shall be no appeal from a Board decision to deny hearing the matter.
- d. If the Board agrees to a hearing, the hearing shall be scheduled, and the Superintendent, or his or her designee, shall give written notice to the complainant of the time and place of the hearing.
- e. The Board of Education hearing shall be conducted by the Board of Education or by an impartial hearing officer, at the board chair's discretion, within twenty (30) business days of the date of the filing of the appeal. If an impartial hearing officer presides over the hearing and rules on issues of law, they shall not also participate in the presentation of the case for either the Administrator or the complainant. He or she shall hear the evidence and make written factual findings and recommendations to the Board within five (5) business days of the conclusion of the hearing.
- f. The written decision of the Board of Education shall be made within twenty (20) business days of the date of the hearing, shall be dated, shall set forth findings of fact, the decision made, and a brief statement of the reasons for the decision. A copy of the decision shall be delivered to the complainant in the same manner provided for the giving of notice, within twenty (20) business days after the hearing has been completed. The hearing shall be confined to the record, evidence, and testimony presented at the Level 3 hearing. No additional evidence or testimony will be considered

9. Record

- a. The proceedings at every level shall be accurately documented and all evidence introduced at each level shall be preserved in electronic format to the extent possible. The record of the proceedings and the evidence introduced shall be available at all times to the complainant and the administrators.
- b. Any complaint not processed within the time frames specified by this regulation shall be forwarded to the next level of the proceedings provided for by this regulation, for action in accordance with all provisions herein.

10. Time Limits

The administrator and the Board of Education shall have the authority to maintain order at any hearings provided for under this policy and to limit the time within which the complainant or any other party presenting evidence must be completed. Time limits may be imposed at the outset of the hearing, or at any time during the hearing.



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11. Legal and Other Representation; Legal officer; Collective Bargaining Not Permitted

- a. The complainant and the administration are entitled to the presence of an individual of their choice to assist them in the presentation of the complaint and the administration's response thereto at Level Four. At Levels One, two and three, the presence of any individual other than the complainant, the designated Administrator, and any witnesses that may be called to testify by either of them is specifically prohibited.

b. 12. Costs

Except for the cost of preparing and preserving the record of the proceedings conducted under this policy, which shall be borne by the District, all costs and fees shall be borne by the party incurring them unless otherwise agreed by the parties involved.

13. Reprisals

A complainant shall not be the subject of any reprisal as a result of filing a complaint under this policy. Should any such reprisal occur and be substantiated, appropriate actions will be taken. The District does not tolerate any form of retaliation against employees who have filed a complaint or complaint and/or have participated in any investigation providing factual information.

14. At-will and Contract Employment

The purpose of this complaint process is to facilitate the resolution of certified and non-certified employee complaints. This policy does not grant rights of appeal pursuant to O.C.G.A. §20-2-1160 nor does it grant certified or non-certified employees any procedural or substantive rights. Nothing contained in this policy grants, nor shall be construed as granting, any property right to a certified or non-certified employee and does not alter the employees at-will employment or contract employment status with the District. All certified and non-certified (classified) employees are employed at the will of the Board subject to the terms and conditions of any contract for employment that may have been entered into between the District and the employee.

Questions about this regulation should be directed to the Executive Director of Staff Support.

Related Board Policy: 2.6(C)(3)