

ARTICLE 10 - COMPLAINT PROCEDURE & CONFLICT MEDIATION OPTIONS

A. Complaint Procedure

Any verbal and/or written formal complaint regarding an educator made to any member of the Administration by any parent, student, or other person that may influence their evaluation or result in discipline of that educator shall be processed according to the following procedures:

1. All Complaints

~~Aa.~~ The building administrator or Superintendent's designee shall meet with the educator against whom the complaint is filed to inform them of the nature of the complaint (name of complainant, date of complaint, and any written documentation) within seven (7) working days.

~~Bb.~~ The educator shall have the right to have an Association representative in attendance at any meetings or conferences regarding the complaint. If Association representation is not available, the meeting will be postponed until such representation can be arranged.

~~Cc.~~ If the facts ~~of the complaint are in dispute~~ **are disputed** and the matter is not resolved, the educator(s) shall be notified that an investigation by the Superintendent or their designee shall be conducted.

~~Dd.~~ Every effort will be made to complete the investigation in a timely manner, but no longer than thirty (30) working days. ~~Time limits may be extended by mutual consent of the District and the subject of the complaint. Upon completion of the investigation, the educator shall be notified of the disposition of the complaint.~~

i. Final Decision Notification: The educator must be notified of the final decision, including any disciplinary action, within five (5) working days after the investigation concludes.

ii. Time limits may be extended by mutual consent of the District and the ~~subject(s) of the complaint~~ Association.

~~Ee.~~ If the complaint results in disciplinary action, then the employee shall have all rights and provisions as provided under Article 8 Just Cause, including the right to attach any statements or documents they believe to be relevant.

~~Ff.~~ The provisions of this Article shall not apply in situations in which the subject matter of the complaint is also the subject of an investigation by law enforcement or an outside agency.

2. Educator to Educator Complaints and Mediation Option

~~Aa. WSD-The District-~~recognizes that ~~WEA the Association~~ provides conflict mediation services to ~~its membership~~ **members of the bargaining unit**. When an educator complaint is filed with the administrator, the administrator will make

every attempt to notify the Association (building rep or president) in writing within 24 hours.

Bb. The complaint will be held in a 48-hour waiting period, during which time the union rep will inform the employee of the availability of free mediation services **through the Oregon Education Association** which may be accessed to resolve the conflict. The union rep, who has been notified by the administrator, will inform the administrator of the employee's decision, no later than the end of the 48-hour waiting period.

Cc. The requirement to notify an employee of a complaint filed against them within seven (7) working days (see section 1.A above) begins at the conclusion of the 48- hour waiting period.

~~3. The provisions of this Article shall not apply in situations in which the subject matter of the complaint is also the subject of an investigation by law enforcement or an outside agency.~~

3. Exceptions to this Complaint Procedure

a. The provisions of this Article shall not apply in situations in which the subject matter of the complaint is also the subject of an investigation by law enforcement or an outside agency.

4. Confidentiality & Protection Against Retaliation

- a. All complaints and investigations shall remain confidential to the extent permitted by law. The District shall ensure that information regarding the complaint is shared only with individuals directly involved in the investigation and resolution process.
- b. Anonymous complaints will not be used for disciplinary action unless substantiated by independent evidence.
- c. Educators shall not be subject to retaliation for complaints that are unsubstantiated or dismissed. The District will work with the educator to develop a plan to prevent and protect them from retaliation by students, parents, and staff.

5. Documentation and Record-Keeping

- a. If a complaint is unsubstantiated or does not result in disciplinary action, it shall not be placed in the educator's personnel file or supervisor's working file.
- b. Any documentation related to unsubstantiated complaints shall be maintained in a separate administrative file and shall not be used for future evaluations or employment decisions.
- c. If a complaint results in disciplinary action, only relevant and substantiated documents shall be placed in the personnel file, along with any rebuttal statements or additional documents provided by the educator.