

PROCEDURES FOR PROCESSING COMPLAINTS



CONCERNING THE REGIONAL OFFICE OF EDUCATION #9 (Champaign-Ford Counties)

To ensure that there is a procedure whereby all persons who have complaints concerning the Regional Office of Education will receive prompt and careful attention, and to ensure that the person(s) against whom the complaint is directed is given adequate protection, and to ensure that the complaints are processed as expeditiously as possible, the following procedures are prescribed for use by persons who wish to make complaints. When ROE personnel receive complaints which cannot be resolved with reasonable dispatch by the person who receives the complaint (or by someone to whom the complainant can be referred), the person who originates the complaint shall be given a copy of this form and an explanation of how to complete it on the inside and file it with the Regional Superintendent.

July, 2001
Policy #500.17F1

**REGIONAL OFFICE OF EDUCATION #9
Champaign-Ford Counties**

PROCEDURES FOR PROCESSING COMPLAINTS

To ensure that there is a procedure whereby all persons who have complaints concerning the Regional Office of Education's employees receive prompt and careful attention, and to ensure that the person(s) against whom the complaint is directed receive procedural due process and protection from frivolous, vexatious, or needlessly repetitive complaints, and to ensure that the complaints are processed as expeditiously as possible, the following procedures are prescribed for use by persons who wish to file complaints.

Filing Timeline: All complaints must be filed within 180 days of the occurrence of the problem or issue.

ROE Discretion: The Regional Office of Education reserves discretion to refuse to process complaints, which are untimely, or in the sole opinion of the Regional Superintendent, are frivolous, vexatious, or repetitive.

Complaint Filing: It is the ROE's intention that charges against its employees will be dealt with directly by the person(s) involved (parents, students, staff, administrators, school district personnel, community members, etc.) at the level closest to the complaint. It is preferable that all complaints shall be made in writing on the appropriate form (enclosed). No anonymous complaints will be filed or receive attention unless the complainant is willing to be a part of the complaint process and be identified to the respondent. The Regional Superintendent or his/her designee receiving the complaint should document oral complaints on the ROE's complaint form.

Complaint Processing (Step #1):

1. The Regional Superintendent or his/her designee receiving the complaint shall make an initial determination within ten (10) workdays as to whether the complaint requires further processing. If the Regional Superintendent determines that the complaint is untimely, frivolous, vexatious, or repetitive, he/she may decline to process it. No department head or other ROE administrator may decline to process a complaint without the approval of the Regional Superintendent. The Regional Superintendent in his/her sole discretion shall make a final determination within five (5) workdays as to whether the complaint shall be processed. The complainant shall be informed, by the Regional Superintendent, of the decision not to process his/her complaint.
2. If the Regional Superintendent is the subject of the complaint, the complaint should be directed to the President of the County Board.
3. All complaints directed toward an employee of the ROE shall be referred to the involved employee unless the complainant refuses to meet initially with the employee. Where the ROE decides to process the complaint, complaints directed toward an employee of the ROE shall be referred to the involved employee, unless, in the sole discretion of the Regional Superintendent such a meeting would be inappropriate.
4. The ROE may refuse to further process a complaint where the complainant refuses to meet with the involved employee unless, in the sole discretion of the Regional Superintendent, the complainant is deemed to have good cause for such refusal.
5. Complaints brought to the attention of the Regional Superintendent shall immediately be referred to the affected employee's department head or administrator. The department head or administrator shall immediately inform the concerned employee of the complaint.
6. Other than a decision not to process a complaint because it is untimely, frivolous, vexatious, or repetitive; no administrative action shall be taken until a conference between the complainant and employee has been attempted or determined to be inappropriate.

Complaint Processing (Step #2):

1. If the complaint is not resolved at the complainant-employee conference level, the following action(s) should take place.
 - A. A conference between the department head/supervising administrator, the complainant, and the employee shall take place within ten (10) workdays after the initial conference. Within three (3) workdays after the conference, the department head/administrator will respond to the complaint via a letter (reporting the findings/conclusions) to the complainant with a carbon copy to the employee.
 - B. If the complainant feels the department head/administrator has not resolved his/her complaint, the complainant may request a hearing within ten (10) workdays with the Regional Superintendent or his/her designee. The Regional Superintendent may designate an ROE employee or outside individual to serve as a hearing officer when in his/her opinion such action is necessary to maintain objectivity.
 - C. Within ten (10) workdays after receipt of the request for a second level hearing, the Regional Superintendent or hearing officer shall convene a second level hearing.
 - D. Within five (5) workdays after the second level hearing, the Regional Superintendent or hearing officer shall submit to the complainant a written statement of his/her findings and conclusions, regarding the complaint. Should the complainant feel the hearing officer has not resolved his/her complaint, the complainant may request a review of the complaint and findings to date by the Regional Superintendent within ten (10) workdays of receipt of the second level findings by the hearing officer. (Note: If the Regional Superintendent serves as the hearing officer for the second level hearing, his/her findings regarding the complaint shall be deemed final and no review or further appeal of the complaint will be processed.)

Complaint Processing (Step #3):

1. If the hearing officer's findings of the complaint is appealed to the Regional Superintendent, the Regional Superintendent shall review the findings and other pertinent data and shall determine either to uphold the findings or to hold a review hearing within ten (10) work days after receipt of the request and shall promptly inform the complainant of his/her determination.
 - A. If the Regional Superintendent decides to hold a review hearing, he/she may specify the evidence or witnesses to be heard at such a review hearing.
 - B. The Regional Superintendent shall endeavor to give the complainant a written decision of the findings and conclusions within ten (10) workdays after conducting the review hearing.
 - C. Any decision reached by the Regional Superintendent shall be final and non-appealable.

Employee Rights:

No materials related to the complaint shall be placed into an employee's personnel file unless a copy is provided to the employee. The employee shall be given the opportunity to attach a written response to any complaint placed in his/her personnel file within five (5) workdays of the date a complaint is placed in the file. The employee or staff member has the right to representation (legal or other) throughout the entire complaint process at all levels

**REGIONAL OFFICE OF EDUCATION #9
Champaign-Ford Counties**

**GUIDELINES FOR CONDUCTING HEARINGS
CONCERNING COMPLAINTS
AGAINST
THE REGIONAL OFFICE OF EDUCATION**

The Regional Superintendent or his/her designee may use the following procedural guidelines as appropriate when conducting hearings of complaints against the Regional Office of Education or ROE employees.

**Outline of Procedures
For
Conducting Hearings**

1. Opening of the Hearing
2. Introduction of all persons present
3. Brief opening statement by complainant
4. Brief opening statement by respondent
5. Complainant presents position and testimony of witness(es)
6. Respondent cross-examines complainant and witness(es) (If desired, cross-examination may occur following each witness' testimony.)
7. Questions by hearing officer
8. Respondent presents position and testimony of witness(es)
9. Complainant cross-examines respondent and witness(es) (If desired, cross-examination may occur following each witness' testimony.)
10. Questions by hearing officer
11. Complainant summarizes
12. Respondent summarizes
13. Closing remarks by hearing officer

These procedures, while providing some semblance of order to the hearing, are to be informal and are not intended to be governed by any rules of law or judicial procedure. They may be varied and modified as appropriate in the sole discretion of the hearing officer. The underlying intent is that a forum for hearing complaints be provided wherein each party is afforded a fair and just opportunity to be heard.

The hearing officer shall have the discretion to limit statements by and/or examination of parties and witnesses if in his/her judgment such limitation is required to maintain order and to allow the proceedings to flow in an expeditious fashion. Such discretion shall not be exercised in an arbitrary or capricious manner.

Both the complainant and the respondent shall be permitted to appear with a representative at hearings. Such persons should be identified prior to the hearing.

Approved: 07/01/01