



Administrative Regulation 1601 PUBLIC COMPLAINTS – RESPONSE AND RESOLUTION PROCESS

Responsible Office: Office of the General Counsel

PURPOSE

This administrative regulation shall set forth the procedures for the prompt and equitable response to inquiries and complaints from the public, not to include allegations of bullying, harassment or discrimination of students or staff under applicable laws¹; for encouraging the informal resolution of such complaints whenever possible; and, for the review and/or appeal of administrative decisions involving such complaints in the Washoe County School District (“District”).

REGULATION

1. General
 - a. The District encourages the response to inquiries and complaints from the public to occur at the school or lowest possible administrative level and by an informal process of cooperative agreement among affected parties. Formal steps for resolving complaints should only be used after informal approaches have been unsuccessful in resolving the complaint.
2. Applicability
 - a. There may be instances when an individual’s concern would be better handled using a different resolution process. In those instances, the complaining party (“complainant”) will be notified by staff in a reasonable amount of time regarding the resolution process. Examples include, but are not limited to:
 - i. Student complaints related to bullying, harassment, or discrimination;
 - ii. Decisions regarding extracurricular or co-curricular activities;
 - iii. Staff complaints related to an intimidating or hostile work environment;
 - iv. FERPA appeals of a student’s educational record; and/or

¹ For the purposes of this administrative regulation, the word “bullying” encompasses bullying, cyber-bullying, harassment, sexual harassment, discrimination and/or retaliation.

- v. Individuals with Disabilities Education Act (IDEA) complaints.
3. The District has several avenues of support to assist in processing inquiries and complaints, provide general information, and bring affected parties together.
- a. The Office of the Deputy Superintendent
 - i. The Office of the Chief Ombudsman and Strategies Officer handles student behavior issues and has oversight of:
 - 1. Student Placements and Behavioral Hearings
 - 2. Department of Equity & Diversity
 - 3. Department of Multi-Tiered Systems of Support / Social Emotional Learning
 - ii. The Office of School Leadership and the Area Superintendents directly supervise the schools and school principals.
 - iii. The Office of Student Services has oversight over:
 - 1. Special Education
 - 2. Section 504 (ADA Title II, Section 504 Coordinator)
 - 3. Department of School Counseling
 - iv. The Office of Academics oversees the areas of curriculum and instruction.
 - b. The Office of the Chief of Staff including:
 - i. Department of Board Services
 - ii. Constituent Services
 - c. The Office of the General Counsel including:
 - i. Department of Labor Relations
 - ii. Department of Civil Rights Compliance
 - d. The Office of Operations including:
 - i. Department of Transportation
 - ii. Department of Nutrition Services

iii. Department of Facilities Management

4. Informal Complaints

- a. The informal complaint resolution process is designed to allow a student, parent/guardian or other member of the community to address and resolve issues at the school level with the principal or designated school site administrator in a timely manner.
- b. The informal complaint resolution process may occur as a telephone conference, written communication or face-to-face conference between the principal or designated school site administrator and the student, parent/guardian, or other member of the community.
- c. If a complainant is unable to resolve their complaint at the school level, they may contact the Chief Ombudsman's Office for assistance with the informal resolution of a complaint. The Chief Ombudsman's Office does not handle staff on staff complaints.
- d. In the event the issue(s) is not resolved to the satisfaction of the student, parent/guardian, or member of the community or if the principal or Chief Ombudsman believes the issue may require intervention at the District administration level, the complainant may take the concern to the Formal Complaint Resolution process.

5. Filing a Formal Complaint:

- a. If the complainant is dissatisfied with the recommended resolution and/or actions taken by the principal, supervisor or Chief Ombudsman, he/she may submit a formal written complaint.
- b. The Formal Complaint Resolution Process shall be initiated upon District receipt of the written complaint form and any attached documentation (Administrative Form 1602, Public Complaint Form).
 - i. If the complainant requires assistance in completing this form due to a disability or a language barrier that would hinder his/her ability to complete the complaint form, the District shall provide such assistance.
- c. The formal written complaint must be filed within 30 days² of the date the complainant first knew, or should have known, of the decision or action

² Unless otherwise specified, a reference to a time period refers to calendar days.

giving rise to the complaint or from the date the informal resolution process ends.

- d. Complaints should be filed with the lowest level administrator who has the authority to remedy the alleged problem and was not involved in the attempted informal resolution of the problem.
 - e. 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.
 - i. In most circumstances, students and parents/guardians shall file complaints with the applicable Area Superintendent of the Office of School Leadership. However, a formal complaint shall not be accepted by the Area Superintendent until remedies have been sought with the school principal, as appropriate.
 - f. Once a complaint has been received by the first level administrator who is not involved in the incident, a confidential (to the extent possible) and expeditious investigation shall begin.
6. Complaint Review and Investigation Process.
- a. Upon receiving a complaint, the administrator shall:
 - i. Acknowledge receipt of the complaint in writing within three (3) working days to the complainant.
 - ii. Gather information from the complainant, if necessary, within fifteen (15) working days after receipt of the written complaint. The administrator may hold a conference with the Complainant if the administrator determines it is necessary. The administrator may set reasonable time limits for the conference.
 - iii. Provide the Complainant a written response within twenty (20) working days following receipt of the Complaint.
 - 1. The written response shall either constitute a final resolution of the complaint or an update to the investigatory process.
 - 2. In reaching a decision, the administrator may consider information provided by the complainant and any other relevant documents or information the administrator believes will help resolve the complaint.

- b. If the complaint involves a District employee, the employee in question and his/her supervisor will receive a copy of the written response sent to the complainant, and the supervisor will keep a copy of the complaint and the response on file in his/her office for a minimum of one (1) year.

7. Appeals

- a. Any complainant or subject of the investigation that is dissatisfied with the resolution of a formal complaint may appeal that decision in writing within 10 days of notification of the resolution addressed to the Superintendent. The Superintendent or his/her designee will assign the matter to a reviewing officer. The appeal must be based on one or more of the following grounds:
 - i. Procedural error that significantly affected the outcome of the investigation (i.e. insufficient evidence to support findings, substantiated bias, material deviation from established procedures).
 - ii. To consider new evidence which was unknown or unavailable during the original investigation and that could substantially impact the original findings or sanction. The appeal must include a summary of new evidence, why it was unavailable at the time of the investigation and its potential impact.
- b. The reviewing officer shall send an acknowledgement of receipt of appeal to the appealing party within three (3) business days of receipt of the appeal.
- c. Before considering the appeal, the reviewing officer will determine whether the appeal is timely and raises one or more of the permissible grounds for appeal listed above.
 - i. If the written appeal is not timely or does not raise one or more of the permissible grounds for appeal, the reviewing officer will notify the appealing party in writing, within three (3) business days that the appeal is denied and the basis for the denial. This notification will be provided at the same time as the acknowledgement of receipt, above.
- d. A decision on an appeal will be based on the following:
 - i. Unless there is a request to consider new evidence as grounds for an appeal, the reviewing officer will limit his/her review to the investigation record and process.

- ii. The reviewing officer will decide whether to grant or deny the appeal based on the specific grounds for appeal.
- iii. The reviewing officer may also remand the matter back to the original investigator to consider new evidence.
- e. The reviewing officer shall review the file and respond to the appealing party in writing within fifteen (15) working days. At the discretion of the reviewing officer, the reviewing officer may schedule a conference with the complainant as part of the file review.
- f. The reviewing officer shall provide copies of his/her response to the complainant, to the principal/supervisor, and to an employee if an employee is the subject of the complaint.

8. Complaints Against the Superintendent

- a. Individuals with complaints about actions of the Superintendent should submit those concerns to the Superintendent, in writing, in an attempt to resolve the complaint. The Superintendent shall determine if the matter warrants a conference with the complainant.
- b. If the complaint is not resolved informally, the complainant may file a formal complaint with the President of the Board of Trustees as follows:
 - i. The complaint shall be in writing and signed by the individual or individuals registering the complaint.
 - ii. The President of the Board of Trustees shall designate an investigator into the matter who shall follow the Formal Complaint Resolution process, Filing a Formal Complaint, described above.
 - iii. The final resolution and disposition of the complaint shall be communicated in writing by the President of the Board of Trustees. A copy of the resolution letter shall be provided to the complainant and the Superintendent.

9. Additional Information

- a. Confidentiality – All complaints will be confidential to the extent possible and in compliance with all state and federal laws. Disciplinary action taken by the District against any individual is confidential and shall not be disclosed to the complainant.

- b. Appropriate administrative action will be taken when there is a violation of a Board policy, administrative regulation, standard District practice, or administrative directive.
- c. False Accusations – A student or staff member who knowingly files a false or fabricated accusation may be held responsible for their actions, and may be subject to disciplinary action. All individuals should exercise discretion in discussing matters that may prove to be potentially libelous or slanderous in nature.
- d. Time Limits – All time limits, as outlined in this administrative regulation, shall be strictly followed unless modified by mutual written consent between the District and the complainant.
- e. If the same or a similar problem occurs, or additional relevant information is presented, the resolution process may proceed from the point at which the original complaint was resolved.
- f. Costs Incurred – Each party shall pay his/her own costs incurred in the course of the complaint.
- g. The Superintendent/designee may investigate any matter brought to his/her attention at any level during the process.
- h. A complainant may withdraw a complaint at any time.
- i. Representative
 - i. A student may be represented by a parent/guardian at any level of the formal or informal complaint resolution process.
 - ii. A representative may be designated by the complainant through written notice to the District at any level of this process. If the representative is designated with fewer than three days' notice to the District before a scheduled conference, the District may reschedule the conference to a later date.
 - iii. The District may be represented by counsel at any level of the process.
- j. Consolidating Complaints
 - i. Complaints arising out of an event or a series of related events should, if possible, be addressed in one complaint and at the lowest supervisory level possible.

- k. Disciplinary proceedings
 - i. Disciplinary action, if any, is a matter between the employee and the supervising administrator and will not be made public.
 - ii. Complaints expressed by the community shall be kept in confidence and the names of students and parents and/or guardians and the circumstances of the complaint shall not be discussed with individuals not directly involved in the complaint.
 - l. Retaliation
 - i. Under no circumstances may an employee take any retaliatory actions or reprisals against a student or single out or ridicule a student because a public complaint has been filed. An employee shall not discuss a public complaint with any student unless done so as part of the investigation in the presence of the appropriate administrator, and with the consent or accompaniment of the student's parent and/or guardian.
 - ii. If the inappropriate employee behavior described above occurs, appropriate disciplinary action will be taken.
10. Nothing in this regulation shall preempt any rights or procedures available to an employee pursuant to any relevant collective bargaining agreement or statute covering the employee.
11. This regulation is not intended to constitute a grievance procedure for employees or employee associations.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This policy reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 1600, Public Complaint Resolution Procedures, and Complaint Form
 - b. Board Policy 9201, Bullying, Harassment and Discrimination Prohibited
2. This policy complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
 - a. Chapter 241, Meetings of State and Local Agencies
 - i. NRS 241.030, Exceptions to requirement for open and public meetings; waiver of closure of meeting by certain persons.

- b. Chapter 392, Pupils
- 3. This policy complies with federal laws and regulations, to include:
 - a. Title VI of the Civil Rights Act of 1964
 - b. Section 504 of the Rehabilitation Act of 1973
 - c. Americans with Disabilities Act, as Amended

REVISION HISTORY

Date	Revision	Modification
12/3/1966	1.0	Adopted
1/14/1992	2.0	Revised
6/28/1994	3.0	Revised
9/9/1997	4.0	Revised
6/26/2007	5.0	Revised
9/4/2008	A (6.0)	Revised: Converted to CSI Procedure
10/01/2011	B (6.1)	Revised: changes to titles
4/21/2015	7.0	Converted to Administrative Regulation and revised
7/01/2015	8.0	Revised to add clarity to informal process, extend time limits
11/13/2015	9.0	Revised to remove accusations of staff or student bullying or discrimination; number change from 1312.