# ARTICLE XVIII

# COMPLAINT PROCEDURE FOR THE PUBLIC

A. Students, parents or citizens may present informal ~~(oral)~~ and/or formal ~~(written)~~ complaints regarding unit members to the District. Students, parents or citizens should be encouraged to present informal ~~(oral)~~ complaints first with the unit member who is the subject of the complaint, or with that unit member's immediate supervisor, prior to presenting any formal ~~(written)~~ complaint to the District.

B. Informal ~~(oral)~~ Complaints: No record of any informal ~~(oral)~~ complaint shall be placed in the personnel file of a unit member unless:

1. The unit member's immediate supervisor or a designee conducts an investigation about the complaint. Such an investigation may include a conference with the complainant, a District representative, the unit member, and the unit member's representative. In addition, the unit member may request a separate conference with the investigator.

2. If there is no evidence to substantiate the complaint, no record of the complaint shall be placed in the personnel file, and no future reference shall be made in the personnel file to the unsubstantiated complaint.

C. Formal ~~(written)~~ Complaints: The District shall forward within ten (10) workdays to the unit member any formal ~~(written)~~ complaint submitted by the public regarding that unit member. No record of any formal complaint or the complaint itself shall be placed in the personnel file of a unit member unless:

1. The unit member's immediate supervisor or a designee conducts an investigation about the complaint. Such investigation may include a conference with the complainant, a District representative, the unit member, and the unit member's representative. In addition, the unit member may request a separate conference with the investigator.

2. If there is no evidence to substantiate the complaint, no record of the complaint shall be placed in the personnel file, and no future reference shall be made in the personnel file to the unsubstantiated complaint.

D. No record of any complaint shall be kept if any investigation by the District shows that the complaint has no merit, or the District believes that no record shall be maintained. This stipulation shall not preclude the District from maintaining records of complaint investigations for purposes of compliance with state and federal laws as it specifically relates to Education Code 253, which requires the District to make records of complaints of sexual harassment available to the state for review.

E. ~~Anonymous complaints (either oral or written) shall not be processed pursuant to the provisions of this article.~~