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OAKLAND UNIFIED
SCHOOL DISTRICT

Community Schools, Thriving Students

Memo

To Finance and Human Resources Committee of Board of Education

From Brigitte Marshall, Assistant Superintendent of Human Resources
Jacqueline Minor, General Counsel

Safety Committee Board Meeting Date October 17, 2011

Subject Amendment to Board Policy BP 4144

Action Requested Approval of updates to the Oakland Unified School District Board Policy BP 4144 Complaints

Background The District maintains certain board policies to inform its employees and the public of its commitment to an equal employment opportunity workplace. Periodically, modifications to policies are recommended to align with changes in law or recommended best practices. In addition, the Strategic Plan passed by the Board emphasizes the development and maintenance of equitable systems within the District to help achieve the goals of the Strategic Plan, including safe, healthy and supportive schools and high quality and effective instruction. As a result, the proposed modifications to the board policies reflect the District's high standards toward anti-discrimination and re-emphasize to employees the District's standards and complaint procedures.

Discussion In order to ensure that our policies are current, it is important for us to review and update our policies. The proposed changes are based upon the California Association of Schools Board's recommended model. The modifications have been reviewed and vetted by the General Counsel.

The changes to the policy are shown on the attachment. The proposed deletions are indicated with **blue strikeouts**. The recommended **additions are shown in red**.

Recommendation Approval of modifications to the Oakland Unified School District Board Policy BP 4144 Complaints

Fiscal Impact Funding resource: no direct funding implications

Attachments

- Amendment to Board Policy BP 4144 Complaints

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP -4144,~~4244~~,~~4344~~

Personnel

-Complaints

The Governing Board recognizes the need ~~for providing employees with a complaint process.~~

to establish a process to allow employees and job applicants to have their concerns heard in an expeditious and unbiased manner. The Board expects that employees ~~and supervisors~~ will make every effort to resolve ~~employee~~ complaints and disagreements informally before ~~resorting to filing a formal complaint procedures.~~

~~The Superintendent or designee shall establish complaint procedures which allow employees to appeal to the Board.~~

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 1312.4 - Williams Uniform Complaint Procedures)

(cf. 4031 - Complaints Concerning Discrimination in Employment)

(cf. 4119.11/~~4219.11~~/~~4319.11~~ - Sexual Harassment)

The Board prohibits retaliation against complainants. The Superintendent or designee may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint or to take subsequent action.

(cf. ~~4141/4241—Collective Bargaining Agreement~~4119.1 - Civil and Legal Rights)

(cf. 4119.23 - Unauthorized Release of Confidential/Privileged Information)

Complaints filed by employees will be processed and investigated in accordance with applicable collective bargaining agreements, or AR 1312.3, except Williams Complaints which will be processed in accordance with AR 1312.4 and Complaints concerning discrimination in employment, including sexual harassment, which will be processed in accordance with AR 4031.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

35186 Williams uniform complaint procedures

44110-44114 Reporting by school employees of improper governmental activity

GOVERNMENT CODE

3543 Public school employees' rights

3543.1 Rights of employee organizations

~~53296 Definitions~~

~~53297 Filing complaint~~

~~53298 Reprisals~~

~~53298.5 Violations; punishment~~53296-53299 Disclosure of confidential information; whistleblower

54957 Closed session; personnel matters

LABOR CODE

1102.5-1106 Whistleblower protections

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in district programs and activities

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

7/14/04; 10/26/11A

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 4144

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