

FIT Academy

103 COMPLAINTS – STUDENTS, EMPLOYEES, PARENTS, OTHER PERSONS

I. PURPOSE

FIT Academy (FIT) takes seriously all concerns or complaints by students, employees, parents or other persons. If a specific complaint procedure is provided within any other policy of FIT, the specific procedure shall be followed in reference to such a complaint. If a specific complaint procedure is not provided, the purpose of this policy is to provide a procedure that may be used.

II. GENERAL STATEMENT OF POLICY

Students, parents, employees or other persons, may report concerns or complaints to FIT. While written reports are encouraged, a complaint may be made orally. Any FIT employee receiving a complaint shall advise a supervisor of the receipt of the complaint. The supervisor shall make an initial determination as to the seriousness of the complaint and whether the matter should be referred to the superintendent or FIT Board of Directors (BOD). Under normal circumstances, it is recommended that complaints be reported and addressed using the normal chain of command as outlined in section III below. However, a person may file a complaint at any level of FIT; i.e., employee, teacher, Dean of Students, Superintendent, or BOD. The receiving party may conduct a review or investigation of the complaint, assign this responsibility to a delegated supervisor, or in the case of the superintendent or BOD, assign the complaint to an independent third party for the purpose of an external investigation.

III. COMPLAINT PROCESS

- A.** Definition: A complaint is defined as a report made with the intent of initiating a formal investigation. This policy does not apply to inquiries, reporting of concerns, or communications that do not meet the definition of a complaint. If the receiving party is uncertain of the intent of the report, they may ask the reporting party whether they wish to file a complaint as defined herein.
- B.** Routine complaints about a teacher or other employee should first be directed to that teacher or employee or to the employee's immediate supervisor.
- C.** If the complaint is against an employee relating to child abuse, discrimination, racial, religious, or sexual harassment, or other activities involving an intimidating atmosphere, the complaint should be directed to the employee's supervisor or other official as designated in the appropriate FIT policy governing that kind of complaint. In the absence of a designated person the Human Rights Officer (the Superintendent) or in a case where the complaint involves this individual, the complaint should be reported to the BOD

Chair. If the complaint involves the BOD chair, the complaint should be reported to another member of the BOD.

- D. Unresolved or continuing complaints or problems not successfully resolved following the chain of command concerning broader issues at FIT should be directed to the Superintendent's office. If the complaint remains unresolved, the issue should be brought to the attention of the BOD through its Chair or other officer. Board officers receiving a complaint shall notify the Board Chair and Superintendent of the complaint, unless either is the subject of the complaint.
- E. Depending upon the nature and seriousness of the complaint, the Superintendent shall determine the nature and scope of the investigation or follow up procedures. If the complaint involves serious allegations, the matter shall promptly be referred to the BOD Chair who shall determine whether an internal or external investigation should be conducted. In either case, the Superintendent shall determine the nature and scope of the investigation and designate the person responsible for the investigation or follow up relating to the complaint.
- F. The designated investigator shall ascertain details concerning the complaint and respond promptly to the Superintendent concerning the status or outcome of the matter.
- G. The Superintendent or board chair shall respond in writing to the complaining party concerning the outcome of the investigation or follow up, including any appropriate action or corrective measure that was taken. The BOD may be copied on the correspondence and consulted in advance of the written response when appropriate. The BOD Chair or BOD shall be notified of the outcome of investigations in which they have been involved. The response to the complaining party shall be consistent with the rights of others pursuant to the applicable provisions of Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act) or other law.
- H. If a complaint involves the Superintendent, the BOD Chair shall take the lead and follow the general guidance outlined in previous paragraphs including directing investigations and reporting final disposition to the complaining party. If the complaint involves the BOD Chair, the board member receiving the report shall take the lead in directing the investigation in following requirements of conducting an investigation as outlined herein.

IV. COMPLAINTS BROUGHT DIRECTLY TO THE BOARD OF DIRECTORS

Interested parties may decide to bring complaints directly to the BOD. The preferred method of communication is a written complaint addressed to the BOD. However, each regular BOD meeting provides the opportunity for anyone to speak. If a complaint is lodged using the BOD's open forum, the following guidelines are provided.

- A. Any person wishing to address the BOD must sign up to speak before the meeting is scheduled to begin.

- B. Each person will be granted two (2) minutes to address the BOD with the total time for all parties to speak not to exceed 20 minutes. A majority of the BOD may modify these times.
- C. BOD members will listen attentively to comments and may or may not choose to respond.
- D. Any BOD member may ask the Superintendent to clarify an item or may ask clarifying questions of the speaker.
- E. BOD members will not respond or enter into discussion with the speaker or the audience during the meeting.
- F. BOD members may hear comments from interested parties, but may not engage in discussion on any topic that is not on the legally posted agenda, except as authorized by law.
- G. For their own legal protection, and to preserve the legal rights of staff or students, presentations to the BOD must not include complaints/comments about: 1) individual employees, 2) officials of the school, or 3) individual students within the school.
- H. When participating in open forum, professional conduct is expected from all present at the meeting.
- I. The BOD Chair will provide a written response to the person addressing the BOD within five business days of the meeting. The response will include any actions taken or anticipated. If the matter is not resolved within five business days, monthly updates will be provided until the BOD considers the matter resolved.

Legal References: Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)

Cross References: FIT Policy 206 (Public Participation in School Board Meetings/Complaints about Persons at School Board Meetings and Data Privacy Considerations), Proposed in January, 2020
FIT Policy 430 (Discipline, Suspension, and Dismissal of School District Employees)
FIT Policy 413 (Harassment and Violence)
FIT Policy 514 (Bullying Prohibition)