

Public Complaints Policy

A person who resides in the district service area, or a staff member may petition the district with a complaint. A complainant will be referred through the proper administrative process for resolution of a complaint before investigation or action by the Board. An exception will be a complaint against the Library Director or one that involves Board actions or Board operations.

The complaint procedure is available on the district's website and from any district library branch.

The Board advises that there are processes available for resolving complaints, including but not limited to complaints in one or more of the following areas:

1. Services and operations (employee performance);
2. Collection materials;
3. Policies;
4. Retaliation against an individual who in good faith reported information that the individual believes is evidence of a violation of state or federal law, rule or regulation.

The complainant must follow the process as outlined in the district's **Public Complaint Procedure**.

The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.

Any complaint about district personnel other than the Library Director will be investigated by the administration before consideration and action by the Board. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.

Complaints against district employees, volunteers, or agents should be filed with the Library Director.

Complaints against the Library Director should be referred to the Board chair on behalf of the Board.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board will follow the process as outlined in the **Public Complaints - Library Board Referral Guide**.

Complaints against the Board chair should be referred directly to the district counsel on behalf of the Board.

A complainant must file a complaint within the later of either time limit set below:

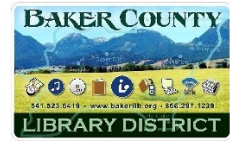
- Within one year after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident.

The Library Director will administer the complaint process, as appropriate.

If any complaint alleges a retaliation as a whistleblower, and the complaint is not resolved through the complaint process, the complainant, if a person who resides in the district, may appeal the district's final decision to the Oregon Bureau of Labor and Industries (BOLI).

END OF POLICY

Public Complaint Form



REVIEW AND CHECK APPLICABLE BOXES:		
<input type="checkbox"/> I have reviewed and understand the Public Complaints Procedure .		
<input type="checkbox"/> I understand that while investigations are confidential, complainant information may be released at the discretion of the agency.	<input type="checkbox"/> I will testify at a hearing	
<input type="checkbox"/> I understand my complaint and information may be shared with the accused individual(s).	Other Agencies Notified (check below)	
<input type="checkbox"/> I understand anonymous complaints obstruct the investigative process.	<input type="checkbox"/> Police <input type="checkbox"/> BOLI (Labor) <input type="checkbox"/> DHS	<input type="checkbox"/> City Manager <input type="checkbox"/> County Commissioner(s) <input type="checkbox"/> Other (specify):
<input type="checkbox"/> I have attempted to resolve my complaint at the local level (district administration), and per the Public Complaint Procedure, I am including documentation with this form as verification of my efforts to resolve my complaint at the local level (district administration).*		

Complaint Against

(Attach additional pages and support materials as necessary; three additional pages maximum. The assigned investigator may contact you directly for additional support material or information.)

LOCATION where incident occurred		DATE of INCIDENT	
DISTRICT EMPLOYEE OR REPRESENTATIVE <small>(a separate form must be completed for each individual.)</small>	First Name (if known)	Last Name (if known)	
CITY where incident occurred	STATE	ZIP CODE	
DESCRIPTION OF EMPLOYEE OR AGENT (if name not known)			

Person Filing Complaint

First Name _____ Middle Name _____ Last Name _____ DATE _____

Please enter the Nature / Description of the complaint on the next page

MAILING ADDRESS			
CITY		STATE	ZIP
HOME PHONE	WORK PHONE	CELL PHONE	

EMAIL ADDRESS _____

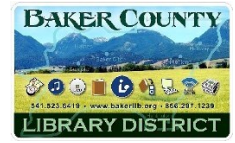
WHAT OUTCOME DO YOU ANTICIPATE AS A RESULT OF FILING THIS REPORT?

I certify that, to the best of my knowledge and understanding, the information on or relating to this form is true and correct.
If you are submitting this form electronically, please enter your full legal name in the Signature box below. If you have printed the form and are mailing it to BCLD, please sign in the Signature box below.

_____ Signature	_____ Date
--------------------	---------------

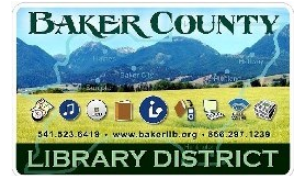
*BCLD may require verification from public complainants demonstrating that attempts were made to resolve the complaint through the complaint process. Additionally, the BCLD Director has the authority to delay an investigation by the Library Board until such time that sufficient verification is provided by the public complainant.

Public Complaint Form



Please enter the Nature / Description of the complaint

(Attach additional pages and support materials as necessary; three additional pages maximum. The assigned Library Board investigator may contact you directly for additional support material or information.)



Public Complaints Procedure

STANDARD COMPLAINT WORKFLOW

Step One – Complaint to employee

Any member of the public who wishes to express a concern should discuss the matter with the district employee involved. The employee shall report the complaint to their supervisor and respond to complainant within five working days. A written report, and/or copy of the correspondence, or shall be shared with the employee supervisor.

Step Two – Complaint to Supervisor

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed complaint with the library district clearly stating the nature of the complaint and a suggested remedy. **(A form is available, but not required.)** The employee's supervisor shall evaluate the evidence and render a decision within 10 working days after receiving the complaint.

Step Three – Complaint to Library Director

If Step 2 does not resolve the complaint, within 10 working days of the written response from the supervisor, the complainant, if they wish to pursue the action, shall file a signed, written complaint with the Library Director or designee clearly stating the nature of the complaint and a suggested remedy. **(A form is available, but not required.)**

The Library Director or designee shall investigate the complaint, confer with the complainant and the parties involved and prepare a report of the findings and the conclusion within 10 working days after receiving the written complaint.

Step Four – Appeal of Decision to Library Board

Any complaint about district personnel other than the Library Director will be investigated by the administration before consideration and action by the Board.

If the complainant is dissatisfied with the Library Director's or designee's findings and conclusion, the complainant may appeal the decision to the Board within five working days of receiving the Library Director's decision **(A form is available, and is required.)** The Board may hold a hearing to review the findings and conclusion of the Library Director, to hear the complainant and to take such other evidence as it deems appropriate. All parties involved, including the district administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

If the Board chooses not to hear the complaint, the Library Director's decision is final.

The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.

The complainant shall be informed in writing or in electronic form of the Board's decision within 20 working days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be final.

The timelines may be extended upon written agreement between the district and the complainant.

Public Complaints Procedure

COMPLAINT PROCEDURE BY CLAIM FOCUS

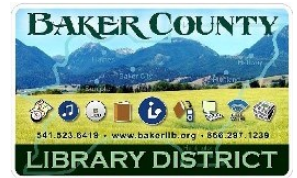
Complaints against any district employee, volunteer, or other agent should be filed in written, signed format (**A form is available, but not required**). A Managing Librarian or Library Director will attempt to resolve the complaint. If the complaint remains unresolved within 10 working days of receipt by the library managerial staff, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. The Board may use executive session if the subject matter qualifies under Oregon law. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Library Director should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting (**A form is available, and is required**). If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action, if any, is warranted. The Board may use executive session if the subject matter qualifies under Oregon law. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board (**A form is available, and is required**). The Board chair shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

Complaints against the Board chair may be referred directly to the district counsel on behalf of the Board (**A form is available, and is required**). The district counsel shall present the complaint to the Board in a Board meeting. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board shall decide, within 20 days, in open session what action, if any, is warranted. A final written decision regarding the complaint shall be issued by the Board within 10 days. The written decision of the Board will address each allegation in the complaint and reasons for the district's decision.

	Form Required
Employee, volunteer, or other agent	NO
Library Director	YES
Board	YES
Board chair	YES



Public Complaints Library Board Referral Guide

As governing body of Baker County Library District, the Library Board has statutory authority to formulate policies, employ all necessary agents and assistants, and perform any and all acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

While the Library Director is empowered with full executive and administrative authority to manage daily operations for the District, the Library Board has established this policy as due process for the hearing of public complaints about its employees and agents. The procedures described are established to provide a safeguard of accountability to the public, indicating the district's commitment to quality public service through expectations of a high standard of conduct and professionalism.

The Library Board accepts reports of misconduct from patrons (members of the public) in accord with the **Public Complaints Procedure**. The Board does not control employment actions made by the district's chief administrator, the Library Director. You may be able to best resolve your complaint by contacting the Library Director.

Complaints referred to the Board include:

- Appeal of decision by Library Director on complaint against any district employee, volunteer or other agent
- Complaint against Library Director
- Complaint against Board as a whole or any individual member

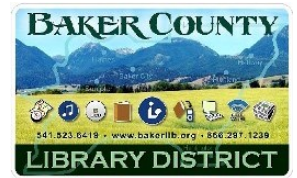
For appeals and all complaints referred to the Board, patron are required to submit documentation which verifies that the patron has previously made attempts to resolve the complaint through the complaint Public Complaints Procedure of the district. The Library Director, investigating Board member, or designee may contact patrons who submit complaints without the required verification. The Director or authorized investigator has the authority to delay any Board agency investigation until such time that sufficient verification has been provided by the patron.

Anonymous patron complaints which are determined by the Library Director or appointee to meet criteria shall not result in the execution of a Library Board investigation. Anonymous complaints which do not result in the execution of a Library investigation shall be recorded (to whatever extent possible) for the purposes of public record and all submitted documentation being electronically scanned and stored for records purposes.

The following criteria have been established for use in all considerations of patron complaints against BCLD staff:

- Board may prioritize the investigation of patron complaints which explicitly allege a District staff is directly responsible for the **physical harming** of a patron(s). For the purposes of this criteria, "physical harm" includes, but is not limited to, physical contact with a patron which results in injury to the patron's body, and/or any physical contact with a patron which can be reasonably characterized as sexual in nature.

Note – The BCLD Board is not a primary report agency for instances of physical or sexual abuse. Mandatory reporters, or patrons with direct knowledge of the physical or sexual abuse of a minor, are to report such activity to law enforcement, or to the [Oregon Department of Human Services \(DHS\)](#) prior to filing a complaint with the Library Board.



Public Complaints Library Board Referral Guide

The Library Board is only authorized to take action against the chief administrator, the Library Director.

The Board is not empowered to change an employee status or to force the Director to take certain employment-related disciplinary action against a district employee.

The Board requires the Library Director to report serious misconduct to the Board in a timely manner.

Prior to submitting a report to the Library Board, complainants should check with the Library Director regarding whether they have already reported similar misconduct to the Board.

For complaint appeal decisions, Board discipline authority is limited to the following areas:

- **Findings of gross neglect of duty** requires: “**Serious** and **material** inattention to or breach of professional responsibilities.” If the conduct is not serious and material, it does not require reporting.
- **Findings of gross unfitness** requires: “Conduct which renders an employee **unqualified** to perform his or her professional responsibilities.” If the conduct does not reach this standard, it does not require reporting.

IMPORTANT INFORMATION - PLEASE REVIEW

- Complaints to the Board are only accepted in writing on the official **BCLD Public Complaint form**, and each section of the complaint form should be completed as fully as possible. Please limit your initial complaint to not more than three additional pages following completion of the complaint form. If you have other evidence you would like to submit, indicate this on the additional page. The investigator may contact you regarding this additional information.
- Patron complaints received by the District which fail to comply with the Public Complaint Guide and Public Complaint Procedure requirements may be returned to the patron via the patron's mailing address as provided on the submitted complaint form. If this occurs, the returned complaint will be accompanied by a letter of explanation from the District encouraging the patron to resubmit the complaint at a time when verification that the complaint previously completed a local-resolution complaint resolution process can also be provided to the District by the patron. Patrons should provide written correspondence from the district which documents the completion of a local-level complaint resolution process.
- First-hand information is the best evidence. Second-hand information is very difficult to verify or prove. Whenever possible, provide first-hand accounts, with names and contact information of witnesses.
- The Board may rely on the person filing a complaint to testify in any administrative hearings proceeding, as required.

Anonymous complaints truly obstruct the investigative and disciplinary process. Witnesses and the ability to verify misconduct are important factors when proving any employee misconduct. Anonymous complaints limit the investigator's ability to research the actual misconduct since the investigator(s) cannot speak with the complainant or the potential victim.

Investigations are confidential, but the subject of a complaint may be notified of the allegation(s), the complaining party's identity, and may be provided copies of the complaint and any attachments as part of the employee's or agent's due process rights.

The Library Director, investigating Board Member, or designee may attach additional narrative and support materials, if necessary.