TENTATIVE AGREEMENT
Between The
NEVADA JOINT UNION HIGH SCHOOL DISTRICT
And The
NEVADA JOINT UNION HIGH SCHOOL TEACHERS ASSOCIATION
February 26, 2020

The following is a tentative agreement between the Nevada Joint Union High School District ("District") and the Nevada Joint Union High School District Teachers Association ("Association") resolving the parties recent negotiations regarding contract language pertaining to Article XVII Public Complaints Against Teachers.

The District and the Association agree to amend the following contract Article as follows:

ARTICLE XVII
PUBLIC COMPLAINTS AGAINST TEACHERS UNIT MEMBERS

17 Upon receiving any written or oral complaint, the administration will have five (5) school days to investigate the validity of the complaint and to report the complaint to the unit member. If the matter is not reported to the employee within five (5) school days of the administration receiving the complaint, no further action will be taken on the complaint.

17.1 The following procedure will apply with regard to anonymous complaints received against bargaining unit members:

17.1.1 Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor, the principal, or District administration.

17.1.2 The District will investigate anonymous complaints lodged against bargaining unit members when such complaints involve alleged sexual harassment, gender inequality, hostile environment, unprofessional conduct, a serious breach in the responsibility to ensure student safety. Nothing herein shall alter the District's legal responsibilities to report suspected child abuse.

17.1.3 Before commencing an investigation regarding such an anonymous complaint, the District shall meet with the bargaining unit member (in person or by phone) to notify them and provide them with a copy of the complaint if the anonymous complaint is written. Complaint has been provided in writing. Should subsequent complaints be received regarding the same matter notification will be provided to the unit member in
writing within five (5) school days. The unit member shall be granted an opportunity to rebut the complaint, either verbally in the meeting, with the District, in writing or both. The bargaining unit member shall be entitled to have a representative of their choice present at any meeting with the District regarding the anonymous complaint.

17.1.4 In the event the complaint is not resolved following the District's meeting with the bargaining unit member, the District will notify the unit member of who they initially intend to interview as a part of the investigation, and shall ask the bargaining unit member to identify those individuals that the member would like the District to interview. The District will interview any of the identified individuals who can be located and who consent to be interviewed. The District will also interview any individuals who may support the District's efforts to come to a conclusion surrounding the validity of the complaint. Interviews shall only include individuals who have direct knowledge of or involvement in events leading to the complaint.

17.1.4 If, following the interviews of the unit member's witnesses, the District finds it necessary to continue the investigation by interviewing students, the District agrees that the students to be interviewed will be selected using a random method that the bargaining unit member is free to observe.

17.1.5 Should the District choose to hire bargaining unit-member request that an outside investigator to conduct the student investigative interviews, the selection of the outside investigator shall be made by the District. The Association shall be provided with the outside investigator's curriculum vitae professional qualifications and shall have the right to approve or reject the District's selection. The Association shall have the right to reject up to two (2) District proposed investigators based on valid rationale. Objections shall be provided within two (2) business days. The District shall follow this same procedure until the parties agree on a neutral investigator.

17.1.6 Upon conclusion of an investigation of a complaint against a unit member, the unit member shall be notified of the findings in writing. Unit members shall have the opportunity to attach a written response to the findings of the investigation.

After the District has notified the unit member of the complaint and given him/her an opportunity to respond, the District may interview adults, other than those identified by the bargaining unit member, who may have information relevant to the complaint and who consent to be interviewed.

In the event (that as a result of the District's investigation), the bargaining unit member is exonerated, the District and the Association agree that the letter advising the bargaining unit member of the District's conclusions shall be maintained in a special file at the District Office. Should a new complaint be lodged against the same bargaining unit member in the future, whether anonymous or otherwise, the Association, the unit member, and the District shall be entitled to obtain a copy of the District's prior letter of exoration.

17.2 The following procedure will apply with regard to non-anonymous complaints received against bargaining unit members.
17.2.1 Should the administrator or the employee believe that the allegations in the complaint be sufficiently serious to warrant a meeting, the administrator shall schedule a meeting with the complainant and the employee.

17.2.2 If the matter is not resolved at the meeting to the satisfaction of the complainant, in order to take further action, he/she shall be required to put the complaint into writing and submit it to the District with a copy to the employee.

17.2.3 The employee may prepare a written response to such complaint. The response shall be attached to the written complaint, to be placed into the employee's personnel file.

Brett W. McFadden
Superintendent, NJUHSD
Date: 2/26/20

Jessica Lee
President, NJUHSTA
Date: 2/20/2020