

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

BP 1312.1

The Governing Board accepts responsibility for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against District employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

The Board prohibits retaliation against complainants. The Superintendent or designee, at his/her discretion, may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The District will not investigate anonymous complaints unless it so desires.

Legal Reference:

Education Code

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

Government Code

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

Penal Code

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

Welfare and Institutions Code

300 Minors subject to jurisdiction of juvenile court

Management Resources:

CDE Legal Advisories

0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at school site (LO:4-93)

First Reading: 10/10/07

Governing Board Adoption: 11/14/07

(Former BP 1312.3, 1320 and 4378)

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

AR 1312.1(a)

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the District and/or an individual employee, and whether it should be resolved by the District's process for complaints concerning personnel and/or other District procedures.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against District employees:

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.
2. 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 or the principal.
3. All complaints related to District personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five (5) days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. the full name of each employee involved;
 - b. a brief but specific summary of the complaint and the facts surrounding it; and
 - c. a specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within thirty (30) days.
7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within thirty (30) days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
 - a. the full name of each employee involved;
 - b. a brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response;
 - c. a copy of the signed original complaint; and
 - d. a summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.

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AR 1312.1(b)

9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.
12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a District employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

(11/07)

(Former AR 1312.3, 1320 and 1478)