

COMMUNITY RELATIONS

COMPLAINTS CONCERNING DISTRICT EMPLOYEES

Every effort shall be made to resolve complaints against employees at the earliest level. For this reason, it is suggested the person making the complaint should first discuss the complaint with the employee and the employee's immediate supervisor with the objective of resolving the matter through an informal conference. In the event the complaint is not resolved in this manner, or if the Complainant chooses to file a formal complaint, the complaint shall be submitted in writing, using the District's Formal Complaint Form, to the Assistant Superintendent, Human Resources, who shall process the complaint in the following manner:

Level I

The Assistant Superintendent of Human Resources shall forward the Formal Complaint to the Principal unless the complaint is against a Principal, in which case it shall be forwarded to the Director of Elementary or Secondary Education, as appropriate. The person to whom the complaint is submitted will conduct a thorough, objective investigation of the allegations in the complaint. The investigation will include interviews with the Complainant, the accused employee and other relevant witnesses, as well as other fact gathering as needed. Within twenty (20) days (i.e., defined as workdays and hereafter referred to as days) of receipt of the complaint, the investigator shall complete the investigation. The investigator's written decision advising the Complainant of the decision, any action taken, and if appropriate, the right to appeal this decision to the next level shall be postmarked within the 20-day timeline. The 20-day timeline may be extended by the mutual agreement of the parties involved.

Level II

If the complaint is not resolved at Level I, the person making the complaint may appeal to the Assistant Superintendent, Human Resources within ten (10) days of the decision rendered at Level I. The Complainant's appeal shall be based on new and/or relevant information not previously provided by the Complainant in the Level I investigation. The Assistant Superintendent, Human Resources shall review the findings rendered at Level I and conduct further investigation of any new or relevant information not previously provided. The Assistant Superintendent, Human Resources shall complete this review and/or investigation within twenty (20) days of receipt of the appeal. The written decision advising the Complainant of the decision, any action taken and, if appropriate, the right to appeal this decision to the next level shall be postmarked within the 20-day timeline. The 20-day timeline may be extended by the mutual agreement of the parties involved.

Level III

If the complaint is not resolved at Level II, the person making the complaint may appeal in writing to the Board of Education within ten (10) days of the decision at Level II. The Board of Education, at its discretion, may meet with the Complainant and the employee in closed session of the Board for the purpose of resolving the complaint. This meeting shall be held at the next regularly scheduled meeting of the Board for which the matter can be properly agendaized following issuance of the Level II decision (generally ten (10) days). All parties involved, including the school and District administration, may attend the meeting for the purpose of presenting relevant facts, explanations and issues. The Board may decide not to hear the appeal, in which case the decision of the Assistant Superintendent, Human Resources shall be the District's final written decision.

No appeal hearing shall be held by the Board on a complaint without the Board first having received from the Superintendent a written report concerning the complaint. The report shall include, but is not limited to, the following:

1. The name of the Complainant and each employee involved.
2. A copy of the signed, Formal Complaint Form.
3. A summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee as to the precise nature of the complaint and to allow the employee to prepare a defense.
4. A summary of the action previously taken in an effort to resolve the complaint.

Within twenty (20) days of the appeal hearing, or the decision of the Board not to hear the appeal, the Assistant Superintendent, Human Resources shall send written notification to the Complainant of the Board's decision. Such written notification shall include the rationale for the decision, any action taken and notice of the Complainant's right to appeal the decision to the California Department of Education, and the procedures for initiating such an appeal. The written notice shall also indicate that the Complainant has the right to file a claim with the Office of Civil Rights or the Equal Employment Opportunity Commission, and the procedures for initiating such an appeal.

General Provisions:

1. Whenever a complaint is made directly to the Board of Education as a whole or to an individual member of the Board, the complaint shall be referred to the Superintendent who will direct the Assistant Superintendent, Human Resources to initiate the complaint process at Level I.
2. In the event a Formal Complaint is filed, the employee involved in the complaint shall be given a copy of the completed Formal Complaint Form within five (5) days of receipt of the Formal Complaint and shall be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them.

3. The Board of Education shall annually review District policies and regulations regarding complaints against employees.
4. Complaints received at the conclusion of the school year making it impossible to complete the investigation within the 20-day timeline, will normally be investigated in the following school year because teachers are not on duty. Complaints held over in this manner shall be investigated in accord with the timelines provided in this document beginning the first day of school for teachers.
5. Copies of the procedures for filing a Complaint Against an Employee are available through the Human Resources Department.

6. Complaints Involving Child Abuse:

The parent/guardian of a student has the right to file a complaint against a school district employee or other person that they reasonably suspect has engaged in abuse of a child. Such complaints should be filed in accordance with the procedures of this Administrative Regulation. In accordance with Board Policy 4112.9, an employee who has knowledge of, observes, or reasonably suspects a child is the victim of child abuse shall report the incident to a local child protective agency immediately (i.e., police or sheriff's department, county probation or county welfare department). The parent or guardian should also file a verbal or written complaint with a local child protective agency. If the child is disabled and enrolled in Special Education, a separate complaint should also be filed with the California Department of Education. The local child protective agency and/or the California Department of Education will investigate the complaint. The District shall also undertake an investigation in accordance with this complaint procedure. If the complaint is substantiated, a copy of the investigation report will be forwarded to the Board of Education.

7. Complaints Involving Sexual Harassment:

Complaints of sexual harassment against an employee may be presented orally or in writing to the Assistant Superintendent, Human Resources who shall investigate the complaint in accordance with AR 4119.11/ 4219.11/ 4319.11. Such a complaint review process shall begin at Level II.

8. Student Complaints Against an Employee:

A Formal Complaint made against an employee by a student shall be investigated by the Principal at Level I. The decision of the Principal shall be the final decision.

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