

**Policy 1312.1: Complaints Concerning District Employees**

Status: DRAFT

Original Adopted Date: 09/20/2001

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 Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimum disruption to district operations and the educational program.

Any complaint regarding the Superintendent shall be initially filed in writing with the Board. The Board shall consult with legal counsel or appoint an appropriate agent to conduct the investigation.

The Superintendent or designee shall determine whether a complaint against any other employee 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. Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. 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.

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. Collective Bargaining Agreements (CBA) define the working conditions for our employees and may entitle the employee to meet with the complainant. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

{cf. 1312.2 – Complaints Concerning Instructional Materials}

{cf. 1312.3 – Uniform Complaint Procedures}

{cf. 3515.2 – Disruptions}

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.

**Appeals**

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without hearing the complaint, appoint an appeals committee to advise the Board, or hear the appeal itself.

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests that it be heard in open session. The Board shall review the

original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

The Board's decision shall be final.

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State References

	Description
Ed. Code 33308.1	<a href="#">Guidelines on procedure for filing child abuse complaints</a>
Ed. Code 35146	<a href="#">Closed sessions</a>
Ed. Code 44031	<a href="#">Personnel file contents and inspection</a>
Ed. Code 44811	<a href="#">Disruption of classwork or extracurricular activities</a>
Ed. Code 44932-44949	<a href="#">Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)</a>
Ed. Code 48987	<a href="#">Child abuse guidelines</a>
Gov. Code 54957	<a href="#">Closed session; complaints re employees</a>
Gov. Code 54957.6	<a href="#">Closed sessions regarding employee matters</a>
Pen. Code 11164-11174.3	<a href="#">Child Abuse and Neglect Reporting Act</a>
Pen. Code 273	<a href="#">Cruelty or unjustifiable punishment of child</a>
W&I Code 300	<a href="#">Minors subject to jurisdiction of juvenile court</a>

#### Management Resources References

	Description
Court Decision	<a href="#">Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>

#### Cross References

	Description
1100	<a href="#">Communication With The Public</a>
1100-E PDF(1)	<a href="#">Communication With The Public</a>
1250	<a href="#">Visitors/Outsiders</a>
1250	<a href="#">Visitors/Outsiders</a>
1312.2	<a href="#">Complaints Concerning Instructional Materials</a>
1312.2	<a href="#">Complaints Concerning Instructional Materials</a>
1312.2-E PDF(1)	<a href="#">Complaints Concerning Instructional Materials</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4112.6	<a href="#">Personnel Files</a>
4112.6	<a href="#">Personnel Files</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.1	<a href="#">Civil And Legal Rights</a>

**Cross References**

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