

Regulation 1312.1: Complaints Concerning District Employees

Status: DRAFT

Original Adopted Date: 09/20/2001

Complaint Procedures

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

(cf. 1312.2 – Complaints Concerning Instructional Materials)

(cf. 1312.3 – Uniform Complaint Procedures)

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaints regarding district employees at the earliest possible stage. Any person who complains about a district employee shall be encouraged to resolve the matter informally through direct communication with the employee whenever possible; complaints concerning school personnel should be made directly by the complainant to the person against whom the complaint is made. Parents/guardians are encouraged to attempt to orally resolve concerns with the staff member personally.

2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, person involved, the complainant he/she may submit an oral or a written complaint to the employee's immediate supervisor or the principal or other immediate supervisor of the employee. Complaints related to a principal or district administrator shall be initially filed in writing with the Superintendent or designee. If the complainant is unable to prepare the complaint in writing, staff shall provide assistance in the preparation of the complaint.

3. When a written complaint is received, the employee shall be notified in accordance with collective bargaining agreements.

4. 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 a Board member or to the Superintendent shall be initially filed in writing with the Board.

5. A written complaint shall must include: the full name of the employee involved, a brief but specific summary of the complaint and the facts surrounding it, and a description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

a. The 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

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

1. When a written complaint is received, the employee who is the subject of the complaint shall be notified within 5 business days or in accordance with the Collective Bargaining Agreement (CBA).
2. The principal or other immediate supervisor of the employee shall investigate and attempt to resolve the complaint to the satisfaction of the parties involved within 30 business days. A complaint against a school or district administrator shall be investigated by the Superintendent or designee. The investigation may include interviews of the employee, complainant, or witnesses as necessary and/or reviewing any documentation relevant to the complaint.

6. The person responsible for investigating complaints will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days.

3. Both the complainant and employee shall be notified in writing of the final decision regarding the resolution of the complaint.
4. Either the complainant or the employee against whom the complaint was made may appeal the decision. A decision by the principal or immediate supervisor may be appealed to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 10 business days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.

7. The complainant may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days. Complainants 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.

5. 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 be limited to:
 - a. The 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 employee(s) as to the precise nature of the complaint and to allow the parties employee(s) to prepare a defense
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Superintendent or designee, together with the his/her specific finding that the problem has not been resolved and the reasons
6. 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 present all available evidence and allow every opportunity for explaining and clarifying the issue.

11. Before the Board holds a closed session to hear complaints or charges brought against an employee, the employee shall receive written notice of his/her right to have the complaints or charges heard in open session rather than closed session. This notice shall be delivered personally or by mail at least 24 hours before the time of the session, and the employee may request that the complaints or charges be heard in open session. Complaints concerning Board members shall be addressed in open session unless a closed session is warranted pursuant to Education Code 35146 or 48918 or Government Code 54957 or 54957.6. (Government Code 54957)

{cf. 9321 – Closed Session Purposes and Agendas}

{cf. 9323 – Meeting Conduct}

12. Any decision of the Board shall be final.

Complaints Regarding Child Abuse

When a complaint of child abuse is alleged, the district shall provide parents/guardians procedures for filing a child abuse complaint with the appropriate child protective agencies. Upon request, such procedures shall be written in the primary language of the parent/guardian, and the Superintendent or designee shall provide an interpreter if needed. (Education Code 48987)

Providing the above procedures to parents/guardians does not relieve mandated reporters from their duty to report suspected child abuse in accordance with law.

{cf. 5141.4 – Child Abuse Reporting Procedures}

{cf. 4112.6/4212.6/4312.6 – Personnel Files}

{cf. 4144/4244/4344 – Complaints}

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

Management Resources References

	Description
Court Decision	Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719
Website	CSBA District and County Office of Education Legal Services

Cross References

	Description
1100	Communication With The Public
1100-E PDF(1)	Communication With The Public
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E PDF(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4112.6	Personnel Files
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.21	Professional Standards
4119.21-E PDF(1)	Professional Standards - Code Of Ethics
4144	Complaints

Cross References

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4212.6
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4219.1
4219.21
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4312.6
4312.6
4319.1
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