

## COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Board of Trustees 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 minimal disruption to district operations and the educational program.

*(cf. 4119.21/4219.21/4319.21 - Professional Standards)*

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

*(cf. 9323 - Meeting Conduct)*

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.

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 3555 - Nutrition Program Compliance)*

*(cf. 4030 - Nondiscrimination in Employment)*

*(cf. 4144/4244/4344 - Complaints)*

*(cf. 5141.4 - Child Abuse Prevention and Reporting)*

*(cf. 5145.3 - Nondiscrimination/Harassment)*

*(cf. 5145.7 - Sexual Harassment)*

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

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

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. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

**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.

*(cf. 9130 - Board Committees)*

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.

*(cf. 9321 - Closed Session Purposes and Agendas)*

*(cf. 9323 - Meeting Conduct)*

The Board's decision shall be final.

*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

*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

*Legal Reference: continued on next page*

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

*Legal Reference: continued*

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*

COURT DECISIONS

*Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719*

*(6/93 6/94) 5/19*

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

Every effort should be made to resolve 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.

If a complainant is unable or unwilling to resolve the complaint directly with the employee, the complainant may submit a written complaint to 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, administrative staff shall provide assistance in the preparation of the complaint.

A written complaint shall 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.

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 five days or in accordance with the collective bargaining agreement.
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 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 a review any documentation relevant to the complaint.
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 30 days. Either the complainant or the employee may appeal the Superintendent's decision to the Governing Board.

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES** (continued)

5. If the decision is appealed to the Board, the Superintendent or designee shall submit to the Board the following information:
  - 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
  - d. A summary of the action taken by the Superintendent or designee and the reasons that the problem has not been resolved

*(6/94 3/01) 5/19*

**BIGGS UNIFIED SCHOOL DISTRICT  
ACCUSATION AGAINST AN EMPLOYEE**

To: Board of Trustees  
Biggs Unified School District  
300 B Street  
Biggs, California 95917

From: Name(s) \_\_\_\_\_

Address(es) \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_

The complainant is the parent/guardian of \_\_\_\_\_, A student enrolled at \_\_\_\_\_

Name of person(s) against whom accusation is made: \_\_\_\_\_

Site at which employed \_\_\_\_\_

The date of the event or circumstances upon which this complain is based is: \_\_\_\_\_

Nature of you complaint. (This should include a description in your words of your accusation, including all names, dates, and places necessary for a complete understanding of your complaint.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(You may use additional pages to describe your complaint more fully if you desire)

I request that this complaint shall be resolved as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the complaint been discussed with the employee named in this complaint or his/her supervisor? \_\_\_\_\_

Date(s) \_\_\_\_\_

**ACCUSATION AGAINST AN EMPLOYEE (continued)**

What was the result of the discussion? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have been given a copy of Board policy and administrative regulations 1312.1. I have read, and I understand, the provisions of the policy \_\_\_\_\_

I also understand that a copy of this accusation will be given to the person against whom this accusation is being made, and he/she will be given the opportunity to respond in writing to this accusation and that I will receive a copy of such response.

I also understand that if a hearing is held on this accusation by the Board or a committee thereof, such hearing will be held in executive session with the press and public excluded and that I will be informed of the time, date, and place such hearing will be held, unless the employee requests otherwise.

I certify under penalty of perjury that the forgoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, California.

Signature(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Acknowledgment: I hereby acknowledge receipt of a copy of this accusation and I understand my right to file written response hereto, a copy of which will be furnished the complainant(s). I understand my response shall be submitted under penalty of perjury.

Signature(s): \_\_\_\_\_