

Article **Community Relations**

Number **1312.1**

Title **Complaints Concerning District Employees**

BoardPolicy

Regulation

SubTopic **Public Activities Involving Staff, Students Or School Facilities**

Exhibit

Reference

Management Resources

Legal Reference:

Education Code

35146 Closed sessions

35160.5(a)(3) Requirement of school district policies:
parental complaints re employees

35203 Duty of district attorney to defend in certain cases

35204 Contract with attorney in private practice

Adopted: July 11, 1989

Revised:

CSBA Date:

District Goal:

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PolicyText

The Board of Education places trust in its employees and desires to support their actions in such manner that employees are freed from unwarranted, spiteful or negative criticism and complaints.

The Superintendent shall develop regulations which will permit the public to lodge criticism against staff members, assure a complete hearing, and protect the rights of the staff members and the district.

Verbal complaints against an employee initially made to a Board member or at a Board meeting will be referred back through the channels of ascending authority to the Superintendent for appropriate consideration and action according to administrative regulations.

School employees who are sued as a consequence of performing their assigned duties shall be provided full legal service unless they have violated district policy, regulation or instructions.

When public complaints involve accusations of child abuse the provisions of this policy and regulation shall be implemented only after having completed the child abuse reporting requirements specified in law and BP 5141.6.

(cf. 5141.6 - Child Abuse and Neglect (Reporting Procedures))

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SUBJECT: COMMUNITY RELATIONS - COMPLAINTS CONCERNING SCHOOL PERSONNEL

ISSUED BY: ASSISTANT SUPERINTENDENT PERSONNEL

I. EFFECTIVE DATE: July 11, 1989

II. AUTHORITY:

Board of Education Policy 1312.1

III. PROCEDURES: In order to promote communication that is fair and constructive the following procedures for resolving complaints are provided.

1.a. Complaints concerning district personnel should be made directly by the complainant to the person against whom the complaint is lodged. Complainants are encouraged to attempt to resolve concerns with the staff member directly.

b. If the complainant is reluctant to meet directly with the staff member, or if the complaint is not resolved at this level, the individual may submit the concern in writing to the staff member's immediate supervisor and copy the person against whom the complaint is lodged. The immediate supervisor will attempt to mediate the complaint.

2. A written complaint must include the name of each employee involved and a brief but specific summary of the complaint and the events surrounding it. It must also include a specific description of a prior attempt to discuss the complaint with the employee involved and the failure to resolve the matter.

A meeting or written statement, as outlined in 1.a. and 1.b., should be initiated in a timely manner.

3. The immediate supervisor is responsible for investigating complaints and will attempt to resolve the complaint to the satisfaction of the person(s) involved within ten (10) days. If the complaint is resolved, the supervisor will so advise all concerned parties, including the Superintendent.

4. If the complaint remains unresolved after review by the immediate supervisor, he/she shall refer the written complaint, together with a report and analysis of the situation, to the Superintendent or his/her designee within ten (10) working days. The Superintendent or designee will render a decision within five (5) working days which shall be final. However, the complainant, the employee, or the Superintendent may request a closed hearing before the Board of Education. The Board may confirm the Superintendent's decision, request further review by the administration or conduct the closed hearing. If the employee so requests, an open hearing will be held.

5. If the complaint regards a principal or central office administrator, then the written complaint shall be initially filed with the Superintendent. If the written complaint concerns the Superintendent, it shall be initially filed with the Board.

6. The district administration shall cooperate with the complainant and assist in the preparation of any written complaint so as to quickly meet the requirements of this regulation. Copies of this regulation regarding the submission and

handling of all such complaints shall be made freely available.

Hearing

No hearing, either open or closed, will be held by the Board on any complaint unless the Board has received the Superintendent's written report and voted to hold the hearing concerning the complaint. The Superintendent's report shall contain, but not be limited to:

1. The name of each employee involved.
2. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the employee(s) as to the precise nature of the complaint and to allow the employee(s) to prepare a defense.
3. A copy of the signed original complaint.
4. A summary of the action taken by the Superintendent, with his/her specific finding that disposition of the case at the Superintendent's level has not been possible, and the reasons why.

All parties involved, including the school administration, may be requested to attend such a meeting or a part of such meeting for the purposes of presenting all available evidence, allowing every opportunity for the explanation, and for clarifying the issue.

The decision of the Board following the hearing shall be final.

IV. RELATED FORMS

Complaint Against An Employee

V. APPROVAL

SUPERINTENDENT Gene Tucker

DATE 7/11/89