

## **AR 1312.1 Complaints Concerning District Employees**

The Superintendent or designee shall determine whether a complaint 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.

Complaints that allege a violation of law as defined in the District's Uniform Complaint Procedure (BP 1312.3) will be addressed under that procedure. This regulation governs only complaints concerning employees that are not subject to the Uniform Complaint Procedure.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

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.

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

1. The desire of the Board of Trustees is, insofar as possible, to rectify any concerns, complaints, or misunderstandings between the public and the school district by direct discussions of an informal type among the interested parties. Only when such informal meetings fail to resolve the differences shall more formal procedures be employed in order to respond to and resolve the complaints.
2. The first step in resolving a complaint or concern should be to address it directly with the employee(s) involved. If a complainant is unable or unwilling, for good reason, to resolve the complaint directly with the employee, he/she may submit a written complaint to the employee's immediate supervisor or the principal.

The following steps of the complaint process are reserved for complaints after informal discussions have failed to resolve the problem.

3. All complaints related to district personnel other than principals, assistant principals or district office administrators, which have not been resolved informally, shall be submitted in writing to the principal or immediate supervisor. Complaints related to a principal, assistant principal or district office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board. If the complainant is unable to prepare the complaint in writing, administrative staff shall assist the complainant in submitting the complaint.
4. When a written complaint is received, the employee shall be notified within ten (10) school days or in accordance with collective bargaining agreements.
5. If the complainant refuses without good reason to meet with the employee and/or the employee's supervisor, the district may determine, in the discretion of the Superintendent or designee, not to take any additional action to investigate the complaint pursuant to this procedure.
6. Written complaints may be filed using *Exhibit 1312.1 Form for Complaints Concerning District Employees*, or a form of the complainant's choosing, that provides substantially the same information. A written complaint shall include:
  - a. The full name of each employee involved, if known;

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- b. The date(s) the complaint was discussed with the employee and/or the employee's supervisor, or an explanation of why such a discussion was not held;
  - c. A brief but specific summary of the complaint and the facts surrounding it;
  - d. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter;
  - e. The desired remedy or action to resolve the complaint; and
  - f. The signature of the complainant. Anonymous complaints will not be processed through this procedure.
7. The district shall notify the complainant in writing that the complaint was received, provide a copy of this regulation and a general description of the next steps in the complaint process.
8. If the complainant has not met with the employee and/or the employee's supervisor, or provided an acceptable reason for not doing so, the complaint may, at the discretion of the Superintendent or designee, be returned to the complainant, referring the complainant back to the appropriate step in this regulation.
9. The complainant is expected to cooperate in the district's investigation of the complaint. A complainant's refusal to reasonably cooperate in the investigation or in attempts to resolve the complaint may result in the closure of the complaint without further action.
10. Staff responsible for investigating written complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Lack of resolution within 30 days shall have no effect on further investigation or efforts to resolve the matter.
11. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days. Lack of resolution within 30 days shall have no effect on further investigation or efforts to resolve the matter.
12. Parties 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.
13. 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 limited to:
  - 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; and

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- d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons.
- 14. The Board may uphold the Superintendent's decision without hearing the complaint.
- 15. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issues. If the party who requested to address the Board does not attend the meeting after receiving notice of the date and time of the meeting, the Board may decide not to hear the matter.
- 16. A closed session may be held to hear the complaint in accordance with law. Statements by the parties to the Board shall be subject to time limits as determined by the Board.
- 17. The parties will be advised in writing of the Board's decision to uphold, modify, or reject the Superintendent's decision. The decision of the Board shall be final.
- 18. Personnel actions, if any, taken as a result of a complaint will remain confidential. If the complaint is determined to have merit, the complainant may be advised that the complaint has been addressed but will not be informed of specific personnel actions taken against any employee.

**Board Approved:**

January 23, 2020

December 9, 2010

March 25, 2004

Effective Date: July 1, 2004