

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (Continued)**

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

**A. Purpose and Scope**

To provide guidance and direction for District personnel and the Governing Board regarding formal complaints received from the public.

**B. General**

The Superintendent or designee shall establish procedures which allow members of the public to file formal written complaints regarding certificated, management, or confidential employees of the District.

However, complaints alleging discrimination based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics shall be processed under AR 1312.3 and BP 1312.3 Uniform Complaint Procedures.

**C. Forms**

None

**D. Procedure**

1. Parents or guardians of pupils enrolled in the District may present informal (oral) and/or formal (written) complaints regarding certificated, management, or confidential employees to the District. Parents or guardians should be encouraged to present informal (oral) complaints first with the employee who is the subject of the complaint, or with that employee's immediate supervisor, prior to presenting any formal (written) complaint to the District.
2. Informal (Oral) Complaints:  
No record of any informal (Oral) complaint shall be placed in the personnel file of an employee unless the employee's immediate supervisor or designee conducts an investigation about the complaint. Such investigation may include a conference with the complainant, a District representative, the employee, the employee's representative.

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3. Formal (Written) Complaints:

The District shall forward as soon as practicable to the employee any formal (written) complaint regarding that employee. An employee shall forward as soon as practicable to the immediate supervisor any formal (written) complaint received by the employee regarding that employee. No record of any formal (written) complaint or the complaint itself shall be placed in the personnel file of an employee unless the employee's immediate supervisor, the Associate Superintendent or a designee conducts an investigation about the complaint. Such investigation may include a conference with the complainant, a District representative, the employee, and the employee's representative.

No record of any complaint shall be kept in the employee's personnel file if an investigation by the District shows that the complaint has no merit.

Anonymous complaints shall not be processed pursuant to the provisions of this section.

4. Formal Complaints from the Public Regarding Personnel

a. The following procedure shall apply to complaints regarding the conduct, performance, or statements of a District employee received by any District employee or member of the Board from any member of the public. The following procedure shall apply only to written complaints to which a member of the public wants a response from the District.

b. Upon receipt of any such complaint, the following procedure shall be invoked:

(1) The complainant shall be referred promptly to the Office of the District Superintendent.

(2) The Office of the District Superintendent shall determine the identity of the immediate supervisor of the employee who is the subject of the complaint and shall instruct the complainant to present a summary of the complaint, in writing, to the immediate supervisor, setting forth in detail all of the facts upon which the complaint is based, including names, dates and other specific details. Oral complaints will not be accepted.

(3) The immediate supervisor shall request a conference as soon as reasonably possible to discuss the complaint with the employee, unless the immediate supervisor determines, with the approval of the District Superintendent, that such a conference would not be appropriate under the circumstances.

(4) The immediate supervisor(s) shall also obtain such witness statements, documents, and other information relevant to the complaint as he or she may

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determine to be of assistance in investigating the complaint.

(5) As soon as is reasonably possible, the immediate supervisor shall present a full report regarding the investigation, including copies of statements and other relevant documents, to the District Superintendent or his/her designee.

(6) The District Superintendent, or his/her designee, shall make a determination as to the disposition of the matter, as soon as is reasonably possible.

(7) The complainant shall be informed of the disposition of the matter. Confidential or privileged information shall not be disclosed.

(8) In the event that the complainant is dissatisfied with the District Superintendent's disposition, or in the event that the District Superintendent or the employee in question deems it appropriate under the circumstances, the Board may decide, in its sole discretion, to review the matter. Such review shall be in closed session, to the extent permitted by law. Such review shall not be a formal hearing. The Board shall examine such documents and materials and interview such persons as the Board may deem appropriate, in its sole discretion. The complainant shall be informed of the disposition of the matter. Confidential or privileged information shall not be disclosed.

(9) No employee or member of the Board may discuss or make any statement regarding the complaint, or the investigation or disposition thereof, with any person, except as specifically provided for herein, unless specifically approved in advance by the District Superintendent.

- c. This procedure shall not be applicable to any complaint concerning student discipline, student publications, contract grievances, or matters for which an alternative administrative remedy is available within the District.

**E. Reports Required**

Investigation Report regarding complainants' allegations

**F. Record Retention**

Personnel File

**G. Responsible Administrative Unit**

Human Resources

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**H. Approved By**

Associate Superintendent for Human Resources