

## **COMMUNITY RELATIONS**

### **Complaints Concerning Personnel**

The Chief Human Resources Officer shall determine whether a complaint should be considered a complaint against the San Joaquin County Office of Education (SJCOE) and/or an individual employee and whether it should be resolved by the process for complaints concerning personnel and/or other SJCOE procedures. Complaints against SJCOE and/or an individual employee that allege discrimination, harassment, intimidation, bullying, or retaliation, and/or which allege that SJCOE has violated federal or state laws or regulations governing education programs will not be processed under this procedure. Such complaints will be processed under the 1312.3 – Uniform Complaint Procedure or 5145.7 – Sexual Harassment or AR 4031 – Complaints Concerning Discrimination in Employment.

In order to promote fair and constructive communication, the following procedures shall govern the resolution of complaints. Every effort should be made to resolve a complaint at the earliest possible stage.

1. Complaints concerning SJCOE personnel should be made directly by the complainant to the person against whom the complaint is lodged. If the complainant is uncomfortable doing so the complaint should be made directly to the Chief Human Resources Officer. Parents/guardians/citizens are encouraged to communicate directly with the staff member in order to resolve concerns.
2. If the complaint is not resolved informally, the complainant may submit a written complaint to the Chief Human Resources Officer. Complaints related to the Chief Human Resources Officer shall be initially filed in writing with the Superintendent. Complaints related to the Superintendent shall be initially filed in writing with the San Joaquin County Board of Education.

A form (E 1312.1) will be provided for the complainant's convenience. If the complainant is unable to prepare the complaint in writing, staff shall help him/her do so.

3. When a written complaint is received, the employee against whom the complaint is made shall be notified within five calendar days or in accordance with collective bargaining agreements.
4. A written complaint must include:
  - a. The name of each employee involved.
  - b. A brief, but specific, summary of the complaint and the facts surrounding it.
  - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.

5. The Chief Human Resources Officer may designate an individual to investigate a complaint who will attempt to resolve the complaint to the satisfaction of the person(s) involved within 30 days, unless the complainant agrees in writing to an extension of time. If the complaint is resolved, the designated investigator will so advise all concerned parties, including the Chief Human Resources Officer.
6. Parties should consider and accept the designated investigator's decision as final. However, the complainant, the employee complained against, or the investigator may ask to address the Chief Human Resources Officer regarding the complaint.
7. If the Chief Human Resources Officer cannot resolve the complaint, it may be heard by the Superintendent. No party to a complaint may address the Superintendent unless the Superintendent has received the written report concerning the complaint from the Chief Human Resources Officer. The report shall contain, but is not limited to:
  - a. The name of each employee involved.
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient enough to inform the Superintendent 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 Chief Human Resources Officer with his/her specific finding that disposition of the case at that level has not been possible and the reasons why.

Refusal by SJCOE to provide the investigator with access to records and/or other information related to the allegations in the complaint, to fail or refuse to cooperate in the investigation, or to engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, to fail or refuse to cooperate in the investigation, or to engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

The decision of the Superintendent shall be final as to remedies provided by SJCOE.

## **NOTIFICATIONS**

The Chief Human Resources Officer shall meet the notification requirements of the Code of Regulations, Title 5, Section 4622, including the annual dissemination of SJCOE complaint procedures and information about available appeals, civil law remedies, and conditions under which a complaint may be taken directly to the California Department of Education.

The Chief Human Resources Officer shall ensure that complainants understand that they may pursue other remedies, including actions before civil court or other public agencies. Remedies may include court orders, preliminary injunctions, and/or restraining orders.

The above notification shall state that complainants may seek help from agencies such as legal assistance agencies, local mediation centers, or from private attorneys.

*cf:* 1312.3 Uniform Complaint Procedures  
4031 Complaints Concerning Discrimination in Employment  
4144 Grievances  
5145.3 Nondiscrimination/Harassment  
5145.7 Sexual Harassment

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