

RANCHO SANTA FE SCHOOL DISTRICT

Board Policy No. 1003: PROCEDURES FOR COMPLAINTS AGAINST EMPLOYEES

A. District Policy.

It is the policy of the District that parents or guardians of pupils enrolled in the District use the following procedures to present complaints concerning employees of the District. It is the policy of the District that the following procedures shall also be used to respond to and attempt to resolve complaints concerning employees.

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint.

B. District Procedure.

1. Complaint To The Employee.

Parents or guardians should first attempt to discuss and resolve a complaint against an employee with the employee. If there is a legitimate reason that the parent or guardian cannot discuss the complaint with the employee, or if the discussion does not result in a resolution satisfactory to the complainant, the procedures described below shall apply. The complainant may withdraw the complaint either orally or in writing at any time.

2. Complaint To The Immediate Supervisor.

Parents or guardians must attempt to discuss and resolve a complaint about an employee with the employee's immediate supervisor. The immediate supervisor normally should notify the employee of any oral complaint and shall notify the employee of any written complaint as soon as practicable. The immediate supervisor shall immediately inform the Superintendent of the complaint, provide the Superintendent with a copy of the complaint, investigate the complaint in a timely manner, and attempt to resolve the complaint if directed by the Superintendent.

3. Complaint To The Superintendent.

- a. A complaint to the Superintendent concerning an employee of the District shall be submitted in writing. The written complaint shall set forth in detail all of the facts upon which the complaint is based including but not limited to names, dates and other specific details and shall be signed and dated by the complainant. Oral complaints and anonymous complaints shall not be processed pursuant to these

procedures. This does not mean that the District will not investigate an oral complaint if it has an independent interest in the resolution of the reported acts or omissions.

- b. It is strongly recommended that each written complaint be filed as soon as possible and no later than five (5) school days after the date of the incident that resulted in the complaint. Prompt complaints facilitate an appropriate and satisfactory resolution. Although immediate reporting of a complaint is strongly recommended, if necessary, a complaint may be filed later than five (5) days after the date of the incident that resulted in the complaint.
- c. Each written complaint shall be reviewed by the Superintendent. After reviewing the complaint, the Superintendent or designee shall take the following steps:
 - (1) Request that the parent/guardian meet with the Superintendent to discuss the complaint. The Superintendent may request that the pupil of the parent/guardian who filed the complaint be present during part or all of this meeting;
 - (2) Meet with the employee to notify the employee of the complaint and to discuss the complaint with the employee; and
 - (3) Meet with any other person the Superintendent deems appropriate to discuss the complaint.
- d. After reviewing the complaint, meeting with the employee and requesting to and/or meeting with the complainant, the Superintendent or designee may request that the complainant meet with the Superintendent or designee with or without the employee to attempt to resolve the complaint.
- e. After following the procedures set forth in paragraph c and if appropriate, the procedure in paragraph d above, the Superintendent or designee shall forward to the complainant and the employee a recommended resolution to the complaint. The Superintendent or designee shall complete and forward the recommended resolution to the complainant and employee within fifteen (15) school days after the date the complainant filed the written complaint. The Superintendent may extend the fifteen (15) school day period if appropriate or necessary.

4. Complaint To The Board of Trustees.

- a. If the complainant is not satisfied with the response of the Superintendent or designee, the complainant may file the complaint with the Board. A complaint filed with the Board shall be filed no later than ten (10) school days after the date the Superintendent or designee has signed the recommended resolution.

The complainant shall submit to the Board a copy of the written complaint that was submitted to the Superintendent or designee and a copy of the recommended resolution. The complaint to the Board shall be filed with the Superintendent who shall forward the complaint to the Board.

- b. The Board retains sole discretion to decide whether or not to hold a meeting regarding the complaint. If the Board decides to hold a meeting regarding the complaint, such meeting shall be held within thirty (30) school days after the complaint is filed with the Board. The Board may extend the above period if appropriate or necessary.
- c. The Superintendent shall provide the complainant and the employee with notice of no less than five (5) school days of the time, date, and place of any meeting of the Board regarding the complaint. The Board shall request that the complainant and employee attend the meeting.
- d. The meeting shall be held in closed session unless the employee requests in writing at least three (3) school days prior to the date of the meeting that it be held in a public session. The complainant and the employee shall both have an opportunity to attend and to speak at the meeting. The complainant shall have the opportunity to speak first. The Board may question the complainant and the employee. The Board also may request other persons attend and speak during this meeting. The 24 hour notice requirement contained in Government Code section 54957 shall apply. Any action taken by the Board in closed session affecting the employee's employment status shall thereafter be publicly reported in writing or orally as set forth in Government Code section 54957.1. Such report shall note the title of the position and the vote or abstention of every Board member present.
- e. The Board shall prepare a written response to the complaint. The written response shall be forwarded to the complainant and the employee within thirty (30) school days after the conclusion of the meeting before the Board. The Board may extend the above period if appropriate or necessary. The decision of the Board shall be final and binding.

C. Application of Complaint Procedure.

Consistent with the above procedures, the Superintendent or designee shall determine upon receipt whether a complaint is considered a complaint against the District or an individual employee and whether it should be processed according to this or another complaint procedure.

Legal reference: Government Code sections 54957, 54957.1(a)(5)

Date Policy Adopted By The Board: September 6, 1990

Date Policy Revised By The Board: December 9, 2004, March 1, 2012, July 11, 2019