COMPLAINTS CONCERNING DISTRICT EMPLOYEES

The Governing Board recognizes its accountability to the public for the quality of the district's educational program and the performance of district employees. The district shall provide a process by which a complaint submitted by any person regarding an employee can be resolved impartially, expeditiously, and with minimal disruption to district operations and the educational program.

When a concern regarding an employee is presented during a Board meeting or to an individual Board member or employee outside of a Board meeting, the complainant shall be informed of the appropriate complaint procedure.

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.

The Superintendent or designee shall determine whether a complaint against any other employee 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.–Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law and BP 5141.4 - Child Abuse Prevention and Reporting. Any complaint alleging that an employee engaged in unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) in district programs and activities shall be filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures. Any complaint by an employee, job applicant, volunteer, intern, or independent contractor alleging unlawful discrimination or harassment by an employee shall be filed in accordance with AR 4030 - Nondiscrimination in Employment.

Any complaint subject to this policy and the accompanying administrative regulation shall be investigated by the principal, the employee's immediate supervisor, the Superintendent or designee, legal counsel, agent of the Board, and/or other appropriate person who is not the subject of the complaint or subordinate to the employee charged in the complaint. The complainant and the employee shall have an opportunity to present information relevant to the complaint.

A complaint that is filed anonymously may be investigated by the Superintendent or designee depending on the specificity and reliability of the information.

If a complainant requests confidentiality, the Superintendent or designee shall inform the complainant that the request may limit the district's ability to investigate the employee's conduct or take other necessary action. However, the Superintendent or designee shall take all reasonable steps to investigate and resolve the complaint without divulging the complainant's identity.

The Board prohibits retaliation against complainants.

Appeals

If either the complainant or the employee submits an appeal of the Superintendent's decision to the Board, the Board shall determine whether to uphold the Superintendent's decision without hearing the complaint, appoint an appeals committee to advise the Board or hear the appeal itself.

If the Board decides to hear the complaint, the matter shall be addressed in closed session in accordance with Government Code 54957 unless the employee requests that it be heard in open session. The Board shall review the original complaint and additional information provided by the Superintendent or designee regarding the steps taken to resolve the issue.

The Board's decision shall be final.

Legal References:

State	Description
Ed. Code 33308.1	Guidelines on procedure for filing child abuse complaints
Ed. Code 35146	Closed sessions
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44811	Disruption of classwork or extracurricular activities
Ed. Code 44932-44949	Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)
Ed. Code 48987	Child abuse guidelines
Gov. Code 54957	Closed session; complaints re employees
Gov. Code 54957.6	Closed sessions regarding employee matters
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act
Pen. Code 273	Cruelty or unjustifiable punishment of child
W&I Code 300	Minors subject to jurisdiction of juvenile court

Management Resources	Description
Court Decision	Baca v. Moreno Valley Unified School District (1996) 936 F. Supp. 719
1250	Visitors/Outsiders

Policy Adopted: 10/11/99
Policy Amended: 09/20/22

1250	Visitors/Outsiders
1312.2	Complaints Concerning Instructional Materials
1312.2	Complaints Concerning Instructional Materials
1312.2-E PDF(1)	Complaints Concerning Instructional Materials
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E PDF(1)	Uniform Complaint Procedures
1312.3-E PDF(2)	Uniform Complaint Procedures
1313	Civility
3555	Nutrition Program Compliance
3555-E PDF(1)	Nutrition Program Compliance
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4112.6	Personnel Files
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.21-E PDF(1)	Professional Standards
4144	Complaints
4144	Complaints
4212.6	Personnel Files
4218	Dismissal/Suspension/Disciplinary Action

Policy Adopted: 10/11/99
Policy Amended: 09/20/22

4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)
4219.1	Civil And Legal Rights
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.21-E PDF(1)	Professional Standards
4244	Complaints
4244	Complaints
4312.6	Personnel Files
4317.7	Employment Status Reports
4319.1	Civil And Legal Rights
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.21-E PDF(1)	Professional Standards
4344	Complaints
4344	Complaints
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.12	Search And Seizure
5145.12	Search And Seizure
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment

Policy Adopted: 10/11/99
Policy Amended: 09/20/22

5145.9	Hate-Motivated Behavior
6144	Controversial Issues
9000	Role Of The Board
9012	Board Member Electronic Communications
9130	Board Committees
9200	Limits Of Board Member Authority
9321	Closed Session
9321-E PDF(1)	Closed Session
9321-E PDF(2)	Closed Session
9322	Agenda/Meeting Materials
9323	Meeting Conduct

Policy Adopted: 10/11/99
Policy Amended: 09/20/22