

The Board of Trustees recognizes that all District employees, including the Superintendent, must abide by all applicable state and federal laws and regulations. The Board is responsible for providing a means by which the public can hold employees accountable for their actions. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

The purpose of this policy is to establish systematic and transparent procedures to investigate and resolve all complaints alleging misconduct by District employees. Further, this policy seeks to ensure that any complaints alleging misconduct by the Superintendent is thoroughly and fairly investigated, resolved, and that all results and subsequent actions are reported to the Board.

The Superintendent or designee shall develop regulations which permit the public to submit complaints against district employees in an appropriate way. These regulations shall protect the rights of involved parties. The Board may serve as an appeals body if the complaint is not resolved.

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. The district will not investigate anonymous complaints unless it so desires.

Legal Reference:

EDUCATION CODE

33308.1	Guidelines on procedure for filing child abuse complaints
35146	Closed Sessions
44031	Personnel file contents and inspection
44811	Disruption of public school activities
44932-44949	Resignation, dismissal and leaves of absence (rights of employee; procedures to follow)
48987	Child abuse guidelines

GOVERNMENT CODE

54957	Closed session; complaints re: employees
54957.6	Closed session; salaries or fringe benefits

PENAL CODE

273	Cruelty or unjustifiable punishment of child
11164-	Child Abuse and Neglect Reporting Act
11174.3	

WELFARE AND INSTITUTIONS CODE

300 Minors subject to jurisdiction of juvenile court

Adopted: August 19, 2015

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.

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

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel, other than the site principal, shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrators shall be initially filed in writing with the Superintendent or designee. The Board will be informed within a reasonable period of time of any complaint filed against a principal or central office administrator.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. Complainant's name and contact information;
 - b. Date filed;
 - c. Date of occurrence or discovery of alleged misconduct;
 - d. The full name of each employee involved;
 - e. A specific summary of the complaint and the facts surrounding the complaint;
 - f. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter;
 - g. Description of desired remedy; and
 - h. Signature.
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. 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 person involved within 30 days of receiving the appeal. 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.

8. 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 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

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

9. The Board may uphold the Superintendent's decision without hearing the complaint.

10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.

11. A closed session may be held to hear the complaint in accordance with law.

12. The decision of the Board shall be final.

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.

Complaints Concerning District Superintendent:

The Board designates Assistant Superintendent of Human Resources as the Complaint Officer responsible for the receiving of all complaints related to the Superintendent. The Complaint Officer shall ensure District compliance with the law and compliance with this policy. The Complaint Officer shall inform the Board of the receipt of a complaint against the Superintendent within twenty four (24) hours. The Superintendent shall not be advised of the complaint by the Complaint Officer so as not to compromise the investigation. The Board President and Clerk of the Board shall advise the Superintendent of the complaint and that an investigation will occur. The Board, in closed session, shall determine the appropriate response to the complaint which may include addressing the complaint with the Superintendent or determining who will further investigate the complaint on behalf of the Board. The

Board may direct the Complaint Officer, another District administrator, or an outside person, entity, or firm to investigate the complaint and report to the Board.

The Board may meet with the person assigned to investigate the complaint to provide direction regarding the investigation. The Board shall ensure that the person charged with investigating the complaint is knowledgeable about the laws and programs for which he or she is investigating. The person charged with investigating the complaint may have access to legal counsel as determined by the Board.

Only the person or entity designated by the Board may investigate and resolve complaints alleging misconduct by the Superintendent. The Board and its individual members do not have the authority to do so. If approached directly with a complaint about the Superintendent, Board members should refer the complainant to the Complaint Officer to ensure that the complaint will receive proper consideration.

The person or entity responsible for investigating a complaint against the Superintendent shall use the following procedures:

1. The complaint should be initiated promptly after a complainant knew, or should have known, of the alleged misconduct by the Superintendent. A complaint alleging something that occurred more than 6 months earlier may not be considered.
2. The complaint shall be in writing and contain the following information:
 - a. Complainant's name and contact information;
 - b. Date filed;
 - c. Date of occurrence or discovery of alleged misconduct;
 - d. A brief but specific summary of the complaint and the facts surrounding the complaint;
 - e. A statement of whether the Complainant attempted to resolve the issue with the Superintendent.
 - f. Description of desired remedy;
 - g. Signature; and
 - h. Any supporting documents that the Complainant wishes to attach to the Complaint.
3. The person or entity investigating the complaint shall use best efforts to investigate and resolve the complaint within 30 days of the Board's direction to investigate the complaint. However, every effort should be made to resolve a complaint at the earliest possible stage. A reasonable extension to complete the investigation may be provided if the investigator informs the Compliance Officer and complainant of the need for an extension and provides a reasonable estimate of when the investigation will be completed.
4. The Compliance Officer shall maintain a thorough record of each complaint and all subsequent related actions.

5. The confidentiality of the parties involved in the integrity of the process shall be protected. As appropriate, the person or entity charged with investigating the complaint should keep the identity of a complainant confidential to the extent investigation of the complaint is not obstructed. An anonymous complaint will be investigated when determined to be reasonably credible.
6. The person or entity investigating the complaint shall provide confidential written findings regarding the allegations in the complaint to the Board in closed session. The Board will determine further action, if any. The Board may direct the person or entity investigating the complaint to provide a response to the complainant.
7. If the complainant is dissatisfied with the response, the complainant may file an appeal in writing to the Board within 10 business days following receipt of the response. The Board may uphold the decision without hearing the complaint or provide the complainant an opportunity to address the Board in closed session. The decision of the Board shall be final.
8. The Board prohibits any form of retaliation against any complainant and Complaint Officer in the complaint process. Participation in the complaint process shall not in any way affect the status, employment, or work assignment of the complainant.

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